CHAPTER 8.03
CIVIL AVIATION ACT
and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

CIVIL AVIATION ACT
 Act 6 of 2004 … in force 14th July 2004
 Amended by: Act 9 of 2007

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CIVIL AVIATION (SECURITY) REGULATIONS – Section 50 236
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CIVIL AVIATION (FLIGHT SAFETY) REGULATIONS – Section 50 282
S.R.O. 6/2014
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CHAPTER 8.03
CIVIL AVIATION ACT

AN ACT TO PROVIDE FOR THE REGULATION, OPERATION AND CONTROL OF CIVIL AVIATION IN SAINT CHRISTOPHER AND NEVIS.

PART I
PRELIMINARY

Short title.
1. This Act may be cited as the Civil Aviation Act.

Interpretation.
2. (1) In this Act, unless the context otherwise requires—
“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such person have disembarked, in which—
(a) a person suffers a fatal or serious injury as a result of—
(i) being in or upon the aircraft;
(ii) being in direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
(iii) direct exposure to jet blast,
except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crews; or
(b) the aircraft sustains damage or structural failure which—
(i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
(ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or
(c) the aircraft is missing or is completely inaccessible;
“accredited representative” means a person designated by a State, on the basis of his or her qualification, for the purpose of participating in an aircraft accident investigation conducted by another State;
“aerodrome” means an area of land, water or other supporting surface used, designed, prepared, equipped or set apart for use or designated either in whole or in part for the arrival, departure and surface movement of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;
“aeronautical product” includes any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed on an aircraft;

“Agreement” means the agreement establishing the Eastern Caribbean Civil Aviation Authority;

“aircraft” means any machine that is capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth’s surface of air expelled from the machine, and includes a rocket or such machine to travel into outer space;

“air operator” means any person who has been issued a civil aviation document authorising the use of aircraft for air transport, aerial work or flight training operations;

“air operator certificate (AOC)” means a certificate authorising an operator to carry out specified commercial air transport operations;

“airport” means an aerodrome that has been certificated as an airport pursuant to regulations made under this Act;

“authorised search” means a search carried out in such manner and under such circumstances as may be prescribed by regulations made under the authority of this Act;

“Annexes to the Chicago Convention” means the documents issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation;

“Authority” means the Eastern Caribbean Civil Aviation Authority established by Article 3 of the Agreement;

“aviation occurrence” means an event with an effect on aviation safety which may include any accident or incident;

“aviation security officer” means a member of the Royal Saint Christopher and Nevis Police Force, a Customs Officer or an Immigration Officer who has received the necessary training in aviation security and has been assigned airport duties or a person who has received training pursuant to Regulations made under this Act and appointed aviation security officer by the Minister;

(Amended by Act 9 of 2007)

“Chicago Convention” means the International Civil Aviation Convention signed at Chicago on 7th December 1994 and the protocols amending the Convention;

“citizen of Saint Christopher and Nevis” means—

(a) an individual who is a citizen of Saint Christopher and Nevis;

(b) a partnership of which each member is a citizen of Saint Christopher and Nevis;

(c) a corporation or association established under the laws of Saint Christopher and Nevis in which majority of the shares are held by citizens of Saint Christopher and Nevis;

“civil aircraft” means any aircraft other than a state or public aircraft;

“civil aviation document” means any licence, permit, accreditation, certificate or other document issued by the Director General under this Act with respect to any person or in respect of any aeronautical product, aerodrome, facility or service;
“commercial air service” means any use of aircraft for hire or reward;

“communication record” means the whole or any part of any record, recording, copy, transcript or substantial summary of any type of communications respecting air traffic control or related matters that take place between any of the following persons, namely, air traffic controllers, crew members, airport vehicle operators, flight service station specialists and persons who relay messages respecting air traffic control or related matters;

“controlled item” means an item designated as dangerous to aviation security and set out in the ICAO Security Manual Appendix 35 (Doc. 8973);

(Amended by Act 9 of 2007)

“court” means the Eastern Caribbean Supreme Court;

“dangerous goods” mean articles or substances which are capable of posing risks to health, safety, property or the environment and which “are shown in the list of dangerous goods in the ICAO (Doc. 9284) or which are classified according to ICAO instructions;

(Amended by Act 9 of 2007)

“Director General” means the Director General of Civil Aviation appointed under Article 10 of the Agreement;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight;

“general aviation operation” means all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration or hire;

“goods” mean anything that may be taken or placed on board an aircraft as personal belonging, baggage, cargo, or mail;

“hire or reward” means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft, either scheduled or non-scheduled;

“ICAO” means the International Civil Aviation Organisation;

“ICAO Conventions” mean the Chicago Convention 1944, the Tokyo Convention 1963, the Montreal Convention 1971, and any enactment giving effect to the said Conventions;

“Implementing Standards” mean mandatory standards prescribed by the Director General for compliance with the Regulations;

“inspector” means a person appointed by the Director General under section 12 for the purposes of administering this Act and any regulations made under the Act;

“incident” means—

(a) any occurrence, other than an incident, associated with the operation of an aircraft, which affects or could affect aviation safety; or

(b) any situation or condition that the Minister has reasonable grounds to believe could, if left unattended, contribute to an accident or incident described in paragraph (a);

“investigator” means a person assigned, due to his or her qualification and expertise, to conduct aircraft occurrence investigations;
“investigator-in-charge” means an investigator charged, on the basis of his or her qualifications, with the responsibility for the organisation and control of an aircraft occurrence investigation;

“Member State” has the same meaning assigned to it under the Treaty establishing the Organisation of Eastern Caribbean States (OECS) signed at Basseterre on 18th June 1981 or under the Revised Treaty of Chaguaramas establishing the Caribbean Community (CARICOM), including the CARICOM Single Market and Economy signed at Nassau, The Bahamas, on 5th July, 2001;

“Minister” means the Minister responsible for Civil Aviation;

“pilot-in-command” means, the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;

“public aircraft” means an aircraft used exclusively in the service of any government of any political jurisdiction of that government, but does not include any government owned aircraft engaged in operations which meet the definition of commercial air services;

“screening” means the control, identification, observation, inspection or search of persons and goods to prevent access to security restricted areas and air transport in contravention of this Act or any regulations made under the Act;

“search” means a search carried out under this Act for the purpose of aviation security in such a manner and such circumstances as may be prescribed by regulations;

(Definition of “Security officer” deleted by Act 9 of 2007)

“Security restricted area” means any area of an airport, or navigation facility or an area of such facility when the facility is not located at an airport, where in addition to access control other security controls are applied to ensure security of Civil Aviation;

(Amended by Act 9 of 2007)

“State aircraft” means any aircraft used exclusively in military, state or government service;

“Saint Christopher and Nevis aircraft” means an aircraft registered in Saint Christopher and Nevis.

Application of Act.

3. (1) This Act shall apply to all—

(a) persons;

(b) aeronautical products and other related things in Saint Christopher and Nevis;

(c) aircraft registered or operated under the authority of a civil aviation document, and passengers and crew members on such aircraft when operated outside Saint Christopher and Nevis.

(2) Notwithstanding subsection (1), sections 36, 37, 38, 39, and 40 shall not apply—

(a) to a member of the Saint Christopher and Nevis Royal Defence Force acting in that capacity;
(b) to any other person in relation to a civil aviation document issued in respect of a military aircraft, military aerodrome or military facility; and

(c) to operations of state or public aircraft.

(3) The term “aircraft”, when used in this Act or in Regulations issued under this Act, shall refer to civil aircraft only, and will not include state or public aircraft.

(4) Every person exercising the privileges accorded by a civil law document in a foreign state and every Saint Christopher and Nevis aircraft operated in foreign state shall comply with or be operated in accordance with the applicable civil aviation laws of that state.

(5) Nothing in this Act, shall be construed as requiring a person or aircraft to contravene or be operated in contravention of a law of a foreign state that applies to or in respect of the person or aircraft.

(6) A person who commits an act or omission outside Saint Christopher and Nevis which, if committed in Saint Christopher and Nevis, would be a contravention of a provision under this Act shall be deemed to have committed a contravention of the provision under this Act and may be proceeded against and punished in the place where the person is found as if the contravention had been committed in that place.

PART II
RESPONSIBILITIES OF THE MINISTER

Functions of the Minister.

4. The Minister shall be responsible for the development and the supervisions of all matters connected with civil aviation and, in the discharge of those responsibilities, the Minister may—

(a) promote civil aviation by such means as the Minister considers appropriate;

(b) construct, maintain and operate aerodromes and establish and provide other facilities and services relating to civil aviation;

(c) establish and provide facilities and services for the collection, publication or dissemination of information relating to civil aviation and enter into arrangements with any person or branch of government for the collection, publication and dissemination of that information;

(d) undertake, and cooperate with persons undertaking such projects, technical research, study or investigation, as in the opinion of the Minister will promote the development of civil aviation;

(e) cooperate with officers of the Government and assist them in providing any services under their jurisdiction that may require any aerial work and collaborate with officers employed in aviation services of the Government in such extension of their work as the development of civil aviation may require;

(f) take such action as may be necessary to secure by international regulation or otherwise the rights of the Government in international air traffic and the carrying out of obligations under any international convention, any annex thereto, relating to air navigation and air
transport to which Saint Christopher and Nevis is a party and the
recognition and implementation of standards and recommended
practices particularly as issued by the international Civil Aviation
Organisation;

(g) cooperate with officers of the Government on all matters relating to
customs, immigration, aviation security, defence, or any other matters
as appropriate;

(h) cooperate or enter into administrative arrangements with civil aviation
authorities of other governments or foreign states with respect to any
matter relating to civil aviation;

(i) cause an investigation, examination and report on the operation and
development of commercial air services in, to or from Saint
Christopher and Nevis;

(j) provide assistance to persons, governments and organisations in
relation to matters pertaining to civil aviation;

(k) for the purposes of protecting passengers, crew members, aircraft, air
navigation facilities, aerodromes and other aviation facilities, prevent
unlawful interference with civil aviation and ensure that appropriate
action is taken where that interference occurs or is likely to occur;

(l) for the purposes of providing aviation weather services that will ensure
the safety, regularity and efficiency of aircraft operation, enter into
arrangements with any branch of the Government of Saint Christopher
and Nevis that is capable of and responsible for providing those
services or, where those arrangements cannot be made, enter into
arrangements with any person or organisation with respect to the
provision of those services in such form and manner and at such
places as the Minister considers necessary; and

(m) undertake such other activities in relation to civil aviation as the
Minister considers appropriate.

Minister may enter into agreements.

5. For the purpose of discharging his or her functions under this Act, the Minister
may, subject to the provisions of this Act and any regulations made under the Act, do
anything and enter into any transaction which, in the opinion of the Minister, is
necessary to ensure the performance of his or her functions under this Act.

Aerodromes and airports.

6. (1) The Minister may—

(a) establish and maintain aerodromes;

(b) provide and maintain, in connection with aerodromes so established,
roads, approaches, apparatus, equipments and buildings and other
accommodations;

(c) provide and maintain facilities and equipment for the purpose of
promoting the safety of air navigation, including but without prejudice
to the generality of the foregoing, visual and non-visual navigation
aids, visual and non-visual approach and landing aids, communications services;
(d) alter, abolish, remove or add to any aerodrome, road, approach, apparatus, equipment, building, accommodation or facilities established or provided by him or her;

(e) vary the character of any facilities provided by him or her for the purpose of promoting the safety of air navigation, or of the signals or assistance given in that respect;

(f) determine the conditions of use of any aerodrome established by him or her and determine whether any such aerodrome shall be open to the public use; and

(g) determine the conditions of use of any facilities or equipment provided by him or her for the purpose of promoting the safety of air navigation.

(2) For the avoidance of doubt, it is hereby declared that the following purposes are public purposes within the meaning of section 8 of the Constitution of Saint Christopher and Nevis, that is to say—

(a) the purposes specified in paragraphs (a), (b), (c) and (d) of subsection (1); and

(b) the purpose of securing land in the vicinity of the site of an aerodrome which the Minister has established or acquired or is about to establish or acquire.

Ministerial Orders and directions.

7. (1) The Minister may, by Order, declare that any area of land specified in the Order shall be subject to the control of the Development Control and Planning Board established under section 6 of the Development Control and Planning Act, Cap. 20.07.

(2) Where an Order made under subsection (1) is in force the Minister may, notwithstanding the provisions of any other law, give directions—

(a) preventing lands adjacent to or in the vicinity of an airport or an airport site from being used or developed in a manner that is, in the opinion of the Minister, incompatible with the operation of an airport or the safe operation of an airport or an aircraft;

(b) preventing lands adjacent to or in the vicinity of facilities used to provide services relating to air navigation or being used or developed in a manner that would, in the opinion of the Minister, cause interference with signals or communications to and from aircraft or to and from those facilities;

(c) restricting the height of buildings or structures or requiring the total or partial demolition of any building or structure within the Order;

(d) restricting the height of trees and other vegetation upon any land within the area, or requiring any tree or other vegetation upon any such land to be cut down or reduced in heights;

(e) closing any private right of way over land within the area;

(f) restricting the installation of cables, mains, pipes, wires or other apparatus over, on or under any land within the area;

(g) for extinguishing, at the expiration of such period as may be specified by the directions, any subsisting right or installing or maintaining any
such apparatus as aforesaid over, on or under any land within the area; and

(h) requiring that, before the expiration of such period as may be specified in the directions, any such apparatus shall be removed from the land within area.

(3) An Order made under this section may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the Order, including in particular, provisions for empowering any person authorised in that behalf by the Minister to remove, pull down, or alter, so as to bring into conformity with the requirements of any direction given under the Order, any building, structure, tree, vegetation or apparatus which contravene those requirements.

(4) Where the Minister makes or has under consideration the making of an Order under this section in respect of any land, any person authorised in that behalf in writing by the Minister may at all reasonable times, on producing if so required evidence of his authority, enter upon any of the land in order to make any survey which the Minister requires to be made for the purposes of any steps to be taken in consequence of the Order or, as the case may be, for the purposes of determining whether the Order should be made.

(5) The Minister shall give notice of any direction given in pursuance of this section by publishing the direction in the Gazette and by taking reasonable steps to ensure that a copy of the direction is served on every owner, lessee or occupier of any land, buildings or apparatus affected by the direction and upon any local authority in whose area the subject matter of the direction is situate.

PART II
FUNCTIONS AND PURPOSES OF THE AUTHORITY

Eastern Caribbean Civil Aviation Authority.

8. The Authority shall be a legal body vested with all the powers and characteristics of a body corporate, having perpetual succession and a common seal with capacity to hold and dispose of property and to sue and be sued in its corporate name.

Funding of the Authority.

9. The Authority shall be funded in accordance with Article 17 of the Agreement and by the receipt of fees and other charges for the performance of its functions or the provision of services under this Act.

Appointment of Director General of Civil Aviation.

10. (1) The Director General shall be appointed in accordance with Article 10 of the Agreement.

(2) Without prejudice to subsection (3), the Minister may give to the Director General such directions of a general character as to the performance of his or her functions as the Minister may think appropriate.
(3) The Minister may give the Director General directions to do a particular thing or refrain from doing a particular thing if the Minister considers it appropriate to give such directions—

(a) in the interests of national security; and

(b) in connection with any matter appearing to him to affect the relations of Saint Christopher and Nevis with another country or territory.

(4) The person appointed pursuant to Article 10 of the Agreement shall—

(a) be deemed to be the Director General for Saint Christopher and Nevis and shall exercise the functions and powers set in this Act; and

(b) subject to any general or special directions given by the Minister, exercise any functions or powers delegated by the Minister in the same manner and with the same effect as if those powers had been conferred on that person by this Act.

(5) Where the Director General purports to act pursuant to any delegation under this section, the Director General shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(6) The Director General shall have and may exercise such functions and powers as may be conferred or imposed on him by regulations made under this Act, and without limiting such functions and powers as may be delegated to him or her by the Minister under subsection (4) shall—

(a) exercise control over entry to the civil aviation system through the granting of civil aviation documents under this Act or any regulation made pursuant to this Act;

(b) take such action as may be appropriate in the public interest to enforce the provisions of this Act, including the carrying out or requiring of inspections and audits;

(c) be responsible for the provision of safety services including—

(i) registration and certification of aircraft;

(ii) control over the airworthiness of aircraft;

(iii) licensing and certification of personnel who perform duties related to aviation;

(iv) prescribing civil aviation safety and security implementing standards;

(v) establishing commercial air service standards and administering the certification of air transport, aerial work, and flight training units; and

(vi) certification of airports and airport services;

(d) subject to section 31, conduct, co-ordinate, and assist in aviation occurrence investigations and inquiries;

(e) take measures for the prevention of aircraft accidents and incidents;

(f) where delegated by the Minister, collect any fees or charges payable to the Minister under the authority of this Act or regulations made under the Act; and
(g) advise the Minister with respect to regulations to be made pursuant to section 50.

**Director General may issue directives.**

11. (1) Without limiting section 10(4), where the Director General believes, on reasonable grounds, that safety is being or is likely to be compromised, the Director General may, by publication in the *Gazette*, issue directives in respect of the safety of aircraft, persons or property carried therein, or the safety, efficiency or regularity of air navigation.

(2) A directive issued pursuant to subsection (1) shall have the effect of a regulation made under this Act and shall be in such form as the Minister specifies by regulation.

**Director General may appoint a person to be an inspector.**

12. The Director General may appoint, any person to be an Inspector for the purposes of administering and enforcing the provisions of this Act or any regulations made under this Act.

**The Director General may delegate functions.**

13. (1) Subject to subsection (2), the Director General may, by notice, delegate any of his or her functions to a person appointed pursuant to section 12 as an Inspector or to any employee of the Authority on such conditions as he or she may specify in the notice.

(2) The Director General shall not delegate a function under Part VIII of this Act.

**Employment of officers and other staff.**

14. The Board of Directors of the Authority may appoint such officers, consultants and employees as may be necessary for the proper administration of this Act.

**PART IV**

**licensing of air transport operations**

**Establishment of Air Transport Licensing Board.**

15. (1) There shall be established, in accordance with the provisions of the Schedule, an Air Transport Licensing Board (in this Part referred to as “the Board”) with the general duty to deal with applications for air transport licences or permits in accordance with the regulations made by the Minister under section 52, and to approve the tariffs to be charged for the transportation by air of passengers and cargo, and in the performance of its functions the Board shall have regard to the coordination and development of air services generally with the object of ensuring the most efficient service to the public.

(2) The Minister may appoint such persons as the Minister thinks suitable, having regard to their qualifications and expertise, to be members of the Board.
Matters to be considered by the Board in approving licences.

16. The Board, in considering applications for air transport licences or permits, shall have regard to any regulation made pursuant to section 52 and to the following matters—

(a) the existence of other air services in the area through which the proposed services are to be operated;

(b) the existing or potential need or demand for any services proposed;

(c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;

(d) the period for which air transport services have been operated by the applicant or by other operators;

(e) the extent to which it is probable that the applicant will be able to provide satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;

(f) the financial resources of the applicant and any capital or other expenditure reasonably incurred, or any financial commitment or commercial agreement reasonably entered into in connection with the operation of aircraft or air transport services by any person (including the applicant) who is the holder of any air services licence or permit already granted;

(g) the type of aircraft to be used;

(h) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of persons employed by him or her; and

(i) any objections or representations duly made in accordance with the Act:

Provided that the Board shall not be required to consider any objection or representation which in its opinion is frivolous or vexatious.

Minister to consult with the Board.

17. The Minister and the Board shall, from time to time, consult together with regard to relations with other countries or territories affecting the exercise of its functions, and if in the case of an application for an air transport service licence or permit, the Minister is of the opinion that any air transport service proposed would involve negotiations with the government of some other country or territory of rights which it would be inexpedient for the time being to seek, the Minister may suspend consideration of that application so far as it relates to that service.

Minister to approve licences and permits.

18. Unless otherwise approved by the Minister, the Board shall refuse to grant an air transport service licence or permit to any person who is not either—

(a) a citizen of Saint Christopher and Nevis or a Member State; or

(b) a body incorporated in Saint Christopher and Nevis or a Member State, being a body which in the opinion of the Board is substantially
controlled by persons who are citizens of Saint Christopher and Nevis or a Member State.

Granting of licences to designated airlines.

19. Where negotiations are concluded between Saint Christopher and Nevis and the government of another country for an air services agreement, the Board, in considering an application by a designated airline of that country under that agreement for an air transport licence or permit, shall in particular, have regard to whether that airline is fit, willing and able to operate the proposed service and shall not, except in so far as the Minister may otherwise direct, have regard to any of the matters mentioned in sections 16 and 17.

Board may delegate powers.

20. The Board may, with the approval of the Minister, delegate any of its functions to any member or officer of the Board or any public officer.

Restriction on disclosure of information.

21. No information with respect to any particular undertaking which has been obtained by virtue of regulations made under section 52 shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of the regulations.

Disclosure restriction not to apply to judicial proceedings.

22. Nothing in section 21 shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of that section or of regulations made under section 52 or for the purposes of any report of such proceedings, but save as aforesaid that section shall, in relation to any legal proceedings (including arbitrations) preclude any person who is in possession of any information obtained by virtue of such regulations from disclosing, and from being required by any court or arbitrator to disclose, that information without the consent of the person carrying on the undertaking to which the information relates.

PART V

SECURITY

Security.

23. (1) This Part applies to the protection against acts of violence—

(a) of aircraft, and of persons or property on board aircraft;

(b) of airports, and of such persons or property at any time present in any part of an airport or (in the case of property) for part of an airport or is at any time whether permanently or temporarily in any part of the airport; and

(c) of air navigation installations that do not form part of an airport.

(2) In this Part—

“acts of unlawful interference” means acts or attempted acts, which jeopardize the safety of civil aviation and air transport;
“in flight” means any period from the moment when all aircraft external doors are closed following embarkation until the moment when the doors are open for disembarkation and, in the case of a forced landing due to unlawful interference with the flight, any period until competent authorities take over responsibility for the aircraft and for persons and property on board the aircraft.

**Security programmes.**

24. (1) For the proper administration of security matters relating to civil aviation, the following classified security programmes may be applied—

(a) the National Civil Aviation Security Programme;

(b) the Robert Llewellyn Bradshaw International Airport Security Programme;

(c) the Vance Amory International Airport Security Programme;

(d) the National Civil Aviation Security Training Programme;

(e) the National Quality Assurance Programme;

(f) the National Inspection and Surveys Programme.

(2) The classified security programmes referred to in subsection (1) shall not, in the interest of National Security, be published or open to public inspection.

**Security restricted area.**

25. (1) The Minister may, for security reasons, designate any part of an airport or any air navigation installation or any part of such installation when not part of an airport, to be a security restricted area for the purposes of this Act and regulations made under the Act.

(2) The Minister may delegate his or her powers referred to in subsection (1) to any person who manages an airport or to any person in legal custody and control of any air navigation facility.

(3) Every person in a security restricted area shall, on the request of an aviation security officer, state his or her name and address, and produce satisfactory evidence of its correctness, and the purpose of his or her presence in the area and his or her authority to enter the area.

(4) An aviation security officer may order any person who has failed to comply with a request made under subsection (3) of this section to leave the security restricted area and the person shall comply with the order.

(5) An aviation security officer and any person he or she calls to his or her assistance may use such force as may be reasonably necessary to remove from any security restricted area any person who fails or refuses forthwith to leave the security restricted area after having been ordered to do so in accordance with the provisions of subsection (4) of this section.

(6) A person who contravenes subsections (3) and (4) commits an offence punishable on summary conviction.

(Originally section 24. Subsection (6) inserted by Act 9 of 2007)
Screening of persons and property.

26. (1) An aviation security officer, or an employee or agent of an air operator authorised by the air operator for the purpose of aviation security, may, with the consent of any person intending to board any aircraft for a flight, carry out security screening of the person and his or her baggage before such person enters a security restricted area or boards any aircraft for the purpose of being carried by air.

(2) An employee or agent of the air operator authorised by the air operator for the purpose of aviation security, or any aviation security officer, may examine any cargo before the cargo is accepted for transport by air, or is loaded on to any aircraft for the purpose of being carried by air.

(3) Where, under subsection (1), a person refuses consent to aviation security screening of himself or herself or his or her baggage and an aviation security officer has reasonable grounds to suspect that an aviation security offence in relation to an aircraft on which that person is to be carried has been, is being, or is likely to be, committed, whether by that person or by any other person, the aviation security officer may notify a member of the Police Force on duty who may, without warrant, search the person who refuses to allow himself or herself or his or her baggage to be screened.

(4) The refusal of any person to allow himself or herself or his or her baggage to be screened under this section shall not of itself constitute grounds for suspecting that an offence relating to aircraft has been, is being, or is likely to be, committed.

(5) An aviation security officer who exercises the power of screening conferred by subsection (1) shall be identifiable by wearing the appropriate uniform, or if he or she is not in uniform he or she shall produce to the person being screened evidence that he or she is a security officer.

(6) Nothing found in the course of aviation security screening or examination made under subsection (1) or (2) is admissible as evidence in any criminal proceedings against the person who, or whose baggage, has been screened, or, as the case may be, the consignor of any cargo that has been examined, other than proceedings in respect of a security offence, or proceedings in respect of any indictable offence.

(Originally section 25. Amended by Act 9 of 2007)

Powers of arrest.

27. (1) An aviation security officer or a member of the Police Force may, without a warrant, arrest a person within an airport or on board an aircraft—

(a) who commits an aviation security offence and, after being warned that he or she may be arrested, persists in its commission; or

(b) who refuses to leave an aircraft, an aviation security restricted area of the airport or navigation facility after being requested by a security officer to do so; or

(c) if the aviation security officer or police officer has reasonable grounds to believe that the person—

   (i) has committed an aviation security offence and the person cannot establish his or her name and address; or

   (ii) is in the act of committing an aviation security offence;

   (iii) is planning to commit an aviation security offence.

(Originally section 26) (Sub-paragraph (iii) inserted by Act 9 of 2007)
(2) A person who, when called upon to do so by a member of the Police Force, assists the police officer in arresting any person committing a security aviation offence shall not be liable to be used in any civil proceedings.

Authorised persons.

28. (1) A person who is authorised by the Minister shall have power, on production of his or her credentials, to inspect, for the purposes of this Part—

(a) any aircraft registered or operating in Saint Christopher and Nevis;
(b) any part of an airport including any security restricted area;
(c) any air navigation installation;
(d) any off-airport warehouse for aircraft operators or their agents;
(e) any aircraft catering service premises on or off airport; and
(f) premises of tenants supplying goods situated within the security restricted area.

(Paragraphs (d), (e)& (f) inserted by Act 9 of 2007)

(2) A person who is authorised to inspect an aircraft or any part of an airport or air navigation installation shall have power—

(a) to seize any property found by him or her in the aircraft, airport or navigation facility that may be a threat to aviation security (but not the aircraft itself or any apparatus or equipment installed in it) and to subject that property to tests; and
(b) to require the operator of the aircraft or the person performing the functions of manager of the airport, to furnish him or her with such information and documents, as the authorised person may consider necessary.

(3) The powers conferred by subsection (1) do not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land that does not form part of an airport or navigation facility.

(Originally section 27)

PART VI
MEDICAL AND OPTOMETRIC INFORMATION

Medical examiners to provide medical information.

29. (1) Where a medical practitioner, who has not been appointed a civil aviation medical examiner believes on reasonable grounds that a patient is a holder of a civil aviation document that imposes standards of medical fitness, he or she shall, if in his or her opinion the patient has a medical condition that is likely to constitute a hazard to aviation safety, pass all medical information in relation to the patient, whatever the source, to Director General.

(2) The Director General may require a holder of a civil aviation document to undergo a specified medical examination at any time and under conditions he or she determines to be appropriate to establishing medical fitness in the interest of aviation safety.
(3) The holder of a civil aviation document that imposes standards of medical fitness shall, prior to any medical examination of his or her person by a medical practitioner, advise the medical practitioner that he or she is the holder of such a document.

(4) The Director General may make such use of any information provided pursuant to subsection (1) as he or she considers necessary in the interest of aviation safety.

(5) No legal, disciplinary or other proceedings shall lie against a medical practitioner for anything done by him or her in good faith in compliance with the provisions of this section.

(6) Notwithstanding subsection (3), information provided pursuant to subsection (1) is privileged and no person shall be required to disclose it or give evidence relating to it in any legal, disciplinary or other proceedings and the information so provided shall not be used in any such proceedings.

(7) The holder of a civil aviation document that imposes standards of medical or optometric fitness shall be deemed, for the purposes of this section, to have consented to the giving of information to a designated medical officer under subsection (1) in the circumstances referred to in that subsection.

(Originally section 28)

PART VII

ACCIDENT INVESTIGATION

Investigations.

30. (1) An investigation of the probable cause of any aviation occurrence shall be conducted in accordance with the provisions of this Part.

(2) Findings which result from an investigation of an aviation occurrence shall have the sole purpose of promoting aviation safety.

(3) Nothing in this Act prevents the Royal Saint Christopher and Nevis Police Force or any other body from investigating an aviation occurrence for any purpose other than aviation safety.

(Originally section 29)

Establishment of Commission of Inquiry.

31. (1) The Minister may, by instrument, establish a Commission of inquiry to inquire into the circumstances of any occurrence involving an aircraft that, in his or her opinion, endangered the safety of persons, and may designate the persons who are to be members of the Commission.

(2) Where the Minister establishes a Commission of inquiry, pursuant to subsection (1), the Commission shall assume sole responsibility for the investigation of an aviation occurrence with respect to which such Commission is established and shall determine the probable cause of the occurrence.

(3) At the conclusion of its investigation the Commission of inquiry shall submit, within such time as the Minister may specify, a written report to the Minister detailing—

(a) the proceedings of the Commission;
(b) the findings of the Commission investigating into the occurrence; and
(c) the reasons leading to the conclusions arrived at by the Commission.

(4) The Commission of inquiry shall have all the power under the Commission of Inquiry Act as to—
(a) the regulation of its proceedings;
(b) the summoning and examination of witnesses; and
(c) the production of documents.

(5) The instrument establishing the Commission under subsection (1)—
(a) shall specify the terms of reference of the inquiry to be undertaken by the Commission;
(b) shall provide for the tenure and remuneration of its members; and
(c) may direct that the proceedings of the Commission be closed to the public.

(6) The Minister may appoint such persons as the Minister thinks suitable, having regard to their qualifications and expertise, to be members of the Commission of inquiry.

(7) Every witness who attends and gives evidence before the Commission of Inquiry is entitled to be paid reasonable travel and living expenses incurred.

(Originally section 30)

Authority to appoint Investigator-in-charge.

32. (1) Where the Minister determines that it is necessary to investigate an aviation occurrence, he or she shall appoint an investigator-in-charge who shall have the duties set out in subsection (2).

(2) Subject to subsection (3), an investigator-in-charge shall have the authority to direct the conduct of the investigation in respect of the aviation occurrence to which his or her appointment relates.

(3) The investigator-in-charge shall report to—
(a) the Commission of Inquiry charged with the inquiry into the aviation occurrence; or
(b) where no such Commission is established, the Director General.

(4) Where the Commission of Inquiry is established subsequent to the appointment of an investigator-in-charge, in relation to the same aviation occurrence, the Minister, may—
(a) confirm the appointment of the investigator-in-charge; or
(b) revoke the appointment of the Investigator-in-charge and appoint another person to be the investigator-in-charge.

(Originally section 31)

Powers of investigation.

33. (1) The investigator-in-charge has exclusive authority to direct the conduct of investigations in relation to aviation occurrences but the authority of the investigator-in-charge under this subsection shall be exercised in accordance with any regulations made pursuant to this Part.
(2) Subject to the provisions of any law and subsection (3), an accredited representative shall have the rights and privileges set out in ICAO Annex 13 (Aircraft Accident Investigation).

(3) An accredited representative, and any other person involved in the aviation occurrence investigation shall be subject to the direction of the investigator-in-charge.

(4) An investigator-in-charge may, for the purposes of preserving and protecting any thing involved or likely to have been involved in an aviation occurrence, whether or not the thing has been seized under this section, prohibit or limit access to the area immediately surrounding the place at which the thing is located for such period as is necessary for the purposes of the investigation of the aviation occurrence.

(5) No person shall knowingly enter an area in contravention of a prohibition or limitation of access pursuant to subsection (4).

(6) Where an investigator is assigned to investigate an occurrence and that person is not an employee of the Authority that person shall be paid remuneration subject to such terms and conditions as the Minister may determine.

(Originally section 32)

Recordings.

34. (1) Any on-board recording that relates to an aviation occurrence being investigated under this Act shall be released to an investigator who requests it for the purposes of the investigation.

(2) An investigator-in-charge may make such use of any on-board recording obtained under this Act as he or she considers necessary in the interests of aviation safety, but, unless requested by a coroner, or ordered by the court, shall not knowingly communicate or permit to be communicated to anyone any portion of the recording which is unrelated to the causes or contributing factors of the aviation occurrence under investigation or to the identification of safety deficiencies.

(3) An on-board recording may not be used in any legal or disciplinary proceedings against any of the following persons—

(a) air traffic controllers;
(b) crew members;
(c) airport vehicle operators;
(d) flight service station specialists; and
(e) persons who relay messages respecting air traffic control or related matters.

(4) A communication record obtained during an investigation under this Part shall not be used against any person referred to in subsection (3) in any criminal proceedings or, subject to any applicable collective agreement, in any disciplinary proceedings.

(Originally section 33)

Investigator as witness.

35. Except for proceedings before and investigations by a coroner, an investigator is not competent or compellable to appear as a witness in any proceedings unless the court or other person or body before whom the proceedings are conducted so orders for special causes.

(Originally section 34)
PART VIII
ENFORCEMENT

Application.
36. In sections 37, 38, 39, and 41 “civil aviation document” includes any document containing any privilege accorded by a civil aviation document.

(Originally section 35)

Grounds of suspension etc. of civil aviation document.
37. In addition to any ground for suspension, cancellation or refusal of renewal referred to in sections 38, 39, 40, and 41, the Director General may suspend, cancel or refuse to renew a civil aviation document in such circumstances and on such grounds as the Minister may by regulations prescribe.

(Originally section 36)

Refusal to issue a civil aviation document in public interest.
38. (1) The Director General may refuse to issue a civil aviation document, where he or she is of the opinion that the public interest and, in particular, the record in relation to aviation of the applicant or of any principal of the applicant, warrant such refusal.

(2) Where the Director General refuses to issue a civil aviation document pursuant to subsection (1), he or she shall, by personal service or by registered mail, send to the last known address of the applicant a notice of his or her decision to refuse to issue the documents and provide the reasons of his or her decision on the matter.

(Originally section 37)

Suspension etc. of a civil aviation document for contravention.
39. (1) The Director General may—

(a) suspend or cancel a civil aviation document on the grounds that the holder of the civil aviation document has contravened any provision of this Act;

(b) suspend a civil aviation document on the grounds that an immediate threat to aviation safety exists, or likely to occur as a result of an act or thing having been or proposed to be done under the authority of the document;

(c) suspend or cancel a civil aviation document on the grounds that the holder of the document is incompetent or ceases to have the qualification necessary for the issue of a civil aviation document or failed to comply with the conditions for the issue of a civil aviation document;

(d) suspend, cancel or refuse to renew a civil aviation document on medical grounds.

(2) Where the Director General decides to suspend or cancel a civil aviation document pursuant to subsection (1)(a), the Director General shall, by personal service or by registered mail, send to the last known address of the holder of the civil aviation document, notice of his or her decision and of the effective date of the suspension or cancellation, but no such suspension or cancellation shall take effect
earlier than the date that is thirty days after the notice under this subsection is served or sent.

(3) Where the Director General decides to suspend a civil aviation document pursuant to subsection (1)(b), the Director General shall forthwith, by personal service or by registered mail, send to the last known address of the holder of the civil aviation document in respect of whom the suspension affects, a notice of his or her decision.

(4) A notice under subsection (2) or (3) shall be in such form as the Minister may, by regulations, prescribe and shall, in addition to any other information that may be so prescribed—

(a) in the case of a suspension or cancellation under subsection (1)(a), indicate the provisions of this Act or of the regulation made under this Act that the Director General believes has been contravened;

(b) in the case of a suspension under subsection (1)(b), indicate the immediate threat to aviation safety that the Director General believes exists, or is likely to occur as a result of an act or thing having been, or proposed to be done under the authority of the civil aviation document concerned, and the nature of that act or thing;

(c) in the case of subsection (1)(c) and (d), indicate, as the case requires—

(i) the nature of the incompetence of the holder of the civil aviation document which the Director General believes exists, the qualifications necessary for the issuance of the document which the Director General believes the holder of the document or the aircraft, airport or facility in respect of which the document was issued ceases to have or the conditions subject to which the document was issued that the Director General believes are no longer being met or complied with; or

(ii) the medical grounds on which the decision of the Director General is based; and

(d) state the date, being thirty days after the notice is served or sent, on or before which and the address at which a request for a review of the decision of the Director General is to be filed in the event the holder of the civil aviation document wishes to have the decision reviewed.

(5) The Minister may appoint a person, other than the Director General, to conduct a review of a decision to suspend or cancel a civil aviation document under subsection (1).

(6) Where the holder of a civil aviation document who is affected by a decision of the Director General pursuant to subsection (1) wishes to have the decision reviewed, he or she shall, on or before the date prescribed under subsection (4) and specified in the notice, by writing, file with the Minister at the address set out in the notice a request for a review of the decision.

(7) A request for a review of the decision of the Director General under subsection (6) does not operate as a stay of the suspension or cancellation of the civil aviation document to which the decision relates.

(8) Where a request for a review is filed with the Minister a person appointed by the Minister under subsection (5) for the purpose may, subject to subsection (9), and on application in writing by the holder of the civil aviation document affected by the decision of the Director General, and after considering such representations that
may be made to him or her by the holder of the civil aviation document and the Director General, direct that the suspension or cancellation of a civil aviation document pursuant to subsection (1)(a) be stayed until the review of the decision of the Director General is concluded.

(9) On receipt of a request filed in accordance with subsection (6), the Minister shall—

(a) within fifteen days of the receipt of the request for review of suspension; and

(b) within seven days of the request for review of cancellation or refusal to renew a civil aviation document,

appoint a time and place for the review of the decision referred to in the request and in writing notify the Director General and the person who filed the request of the time and place so appointed.

(10) At the time and place appointed under subsection (9) for the review of the decision, the person appointed by the Minister to conduct the review of the decision shall provide the Director General and the holder of the civil aviation document affected by the decision with a full opportunity consistent with procedural fairness and natural justice to present evidence and make representations in relation to the review of the suspension, cancellation or refusal to renew the civil aviation document.

(11) On a review of a decision of the Director General to suspend or cancel a civil aviation document or refusal to renew a civil aviation document, the person appointed by the Minister to conduct the review may determine the matter by—

(a) confirming the suspension or cancellation or refusal to renew a civil aviation document or substituting his or her decision for the decision of the Director General; or

(b) in a case of a decision to suspend under paragraph (b) of subsection (1), requesting the Director General to reconsider whether the immediate threat to aviation safety referred to in subsection (1)(b) that occasioned the suspension continues to exist or likely to occur.

(12) On receipt of a request under subsection (8), the Director General shall forthwith reconsider the matter and give a notice of his or her decision to the holder of the civil aviation document, who made the request and the person appointed by the Minister to conduct the review.

(13) On a review of a decision of the Director General to refuse to renew a civil aviation document on medical grounds, the burden of establishing that the Director General’s decision in the matter is unjustified is on the person requesting the review.

(14) On a review of a decision of the Director General to suspend, cancel or refuse to renew a civil aviation document, the person appointed by the Minister to conduct the review may determine the matter by confirming the suspension, cancellation or refusal to renew or by referring the matter back to the Director General for reconsideration.

(15) Where a matter of the suspension or cancellation of, or refusal to renew, a civil aviation document is referred back to the Director General for reconsideration under subsection (14), the Director General shall forthwith reconsider the matter and give a notice of his or her decision to the holder of civil aviation document who made the request and the person appointed by the Minister to conduct the review.

(16) The Minister may apply the provisions of this Part for a further review of a decision of the Director General.

(Originally section 38)
Right of appeal.

40. (1) Any person affected by the determination of the Director General or the person appointed by the Minister to conduct a review under this Part may, within ten days after the determination, appeal against the determination to the Eastern Caribbean Supreme Court.

(2) An appeal to the court shall be on the merits based on the record of the proceedings from whose determination the appeal is taken but the court shall allow oral argument and, if it deems it necessary for the purposes of the appeal, shall hear evidence not previously available.

(3) The Eastern Caribbean Supreme Court may dispose of an appeal from the determination of the Director General or of a person appointed by the Minister to conduct a review by—

(a) allowing the appeal, substituting its decision for the determination appealed against; or

(b) dismissing it.

Prohibitions, offences and punishments.

41. (1) No person shall—

(a) wilfully destroy any document requirement under this Act to be kept;

(b) make or cause to be made any false entry in a record required under this Act to be kept with intent to mislead or wilfully omit to make any entry in any such record;

(c) except as authorised under this Act, wilfully operate or otherwise deal with an aircraft that has been detained under this Act;

(d) operate any aircraft in such a negligent or reckless manner as to endanger or to be likely to endanger the safety of persons or property;

(e) endanger the safety of an aircraft by interference with its navigation equipment, safety equipment or with aerodrome safety services facilities;

(f) operate as a crew member of an aircraft while under the influence of alcohol or a prohibited substance to such an extent so as to impair his or her ability to carry out his assigned duties;

(g) purport to issue any aviation document for the purposes of this Act or any regulations made under the Act when he or she is not authorised to do so;

(h) unlawfully interfere with any aircraft, aerodrome or facilities provided for air navigation purposes;

(i) construct or otherwise erect a building or structure that may interfere with safe navigation in contravention of any order or direction given by the Minister under the authority of this Act;

(j) without lawful authority or excuse take or attempt to take on board any aircraft—

(i) a firearm;

(ii) any explosive or incendiary device; or
(iii) any other dangerous or offensive weapon, device or thing that could reasonably be used to interfere with the operation of an aircraft or pose a danger to persons on board an aircraft;

(k) wilfully do any act or thing in respect of which a civil aviation document or a licence or permit issued pursuant to Part IV of this Act, is required except under and in accordance with the required documents;

(l) wilfully do any act or thing in respect of which a civil aviation document or a licence or permit issued pursuant to Part IV of this Act is required where—
   (i) the document that has been issued in respect of that act or thing is suspended; or
   (ii) an order referred to in section 42 prohibits the person from doing that act or thing;

(m) knowingly make any false statement for the purpose of obtaining a civil aviation document or any privilege accorded thereby;

(n) wilfully obstruct any person who is performing duties under this Act;

(o) knowingly make any entry in a load sheet which is incorrect or omits any particulars which ought to be entered;

(p) refuse to provide information required of him under section 24(3).

(2) A person who—

(a) contravenes paragraphs (a) to (j) of subsection (1) commits an indictable offence;

(b) contravenes paragraphs (k) to (p) of subsection (1) commits an offence punishable on summary conviction.

(3) Except as otherwise provided by this Act, every person who contravenes a provision of this Act or any regulation, order, or directive made under this Act commits an offence punishable on summary conviction.

(4) An individual who is convicted of a summary offence under this Act is liable to a fine not exceeding ten thousand dollars and, in the case of an offence referred to in subsection (1), to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(5) No proceedings by way of summary conviction under this Act may be instituted after twenty-four months from the time when the subject-matter of the proceedings arose.

(6) A corporation that is convicted of a summary offence under this Act shall be liable to a fine not exceeding fifty thousand dollars.

(7) Where an offence against this Act or any regulation, order, or directive made pursuant to this Act has been committed by a body corporate, every person, who at the time of the commission of the offence was a Director, or responsible Manager, or other similar officer of the body corporate, or was purporting to act in any such capacity, is deemed to have committed an offence unless he or she proves that the offence was committed without his or her consent or connivance, and that he or she exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised having regard to the nature of his or her functions in that capacity.
(8) Where a person is convicted of a second or subsequent offence under this Act, the fine shall not be less than ten thousand dollars.

(9) Where an offence under this Act is committed or continued on more than one flight or segment of a flight, it may be deemed to be a separate offence for each flight or segment of a flight on which the offence is committed or continued.

(Originally section 40)

Court may order forfeiture.

42. (1) Where a person is convicted on indictment of an offence referred to in section 41(1)(k) or (l) in relation to the operation of a commercial air service, the court may, in addition to any other punishment it may impose, order that any aircraft used in the commercial air service be forfeited and, on the making of such an order, the aircraft is forfeited to the Crown.

(2) Any person, other than a person convicted of an offence under subsection (1), who claims an interest in an aircraft forfeited under that subsection may, within sixty days after the forfeiture, apply to a Judge in Chambers of the High Court for an order under subsection (3).

(3) Where, on the hearing of an application, the judge is satisfied that the person—

(a) is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to the offence with the person convicted thereof; and

(b) exercised reasonable care to satisfy himself or herself that the aircraft concerned was not likely to be used in contravention of the provision,

the person is entitled to an order by the judge in respect of the applicant’s interest in the application.

(4) The Minister shall, on application made to him by any person who has obtained an order under subsection (3)—

(a) direct that the aircraft to which the interest of the person relates be returned to him or her; or

(b) direct that an amount equal to the value of the interest of the person, as declared in the order, be paid to such person.

(5) Where no application is made under this section for an order in relation to an interest in a forfeited aircraft or an application is made and the judge or, on appeal, the court refuses to make an order referred to in subsection (3), the aircraft shall be disposed of in such manner as the Minister may direct.

(Originally section 41)

Prohibition by Court.

43. The court may, in addition to any other punishment it may impose on any person convicted of an offence under this Act, make an order—

(a) prohibiting the person from doing any act or thing authorised by any civil aviation document held by him or her at all times while the document is in force or for such period or at such times and places as may be specified in the order; or
(b) prohibiting the person from operating an aircraft or providing services essential to the operation of an aircraft for such period or at such times and places as may be specified in the order.

(Originally section 42)

Failure to pay prescribed penalty.

44. Where a person is issued a prescribed penalty notice pursuant to section 52 and fails to pay the amount specified in the notice that person commits a summary offence.

(Originally section 43)

Procedure of appeal.

45. A person convicted of an offence under section 43 may appeal against the conviction to the High Court.

(Originally section 44)

Persons liable to be proceeded against.

46. (1) The registered owner of an aircraft, operator of an aircraft, or the pilot in command of an aircraft may be proceeded against in respect of an offence under this Act in relation to the aircraft for which another person is subject to be proceeded against unless, at the time of the offence, the aircraft was in the possession of a person, other than the owner, without the owner’s consent and, if convicted of the offence is liable to the penalty provided as punishment in respect of the offence.

(2) The operator of an aerodrome or other aviation facility may be proceeded against in respect of an offence under this Act in relation to the aerodrome or facility for which another person is subject to be proceeded against, unless the offence was committed without the consent of the operator of the aerodrome or aviation facility and, if convicted, is liable to the penalty provided as punishment in respect of the offence.

(3) No person shall be convicted of an offence under this Act or of any regulation made under this Act if the person exercised all due care and diligence to prevent the contravention.

(4) The certificate or report of a medical practitioner relating to the presence or concentration of alcohol in the blood, or any substance prohibited by regulations made under this Act, is admissible in evidence in proceedings taken against a person under this Act.

(Originally section 45)

Powers of entry etc.

47. (1) Subject to subsection (3), an Inspector appointed pursuant to section 12 or any person to whom certain functions are delegated in accordance with the provisions of section 14 shall have access, at all reasonable times—

(a) to inspect the aerodrome, or any aircraft, or civil aviation document, or aviation facility located on an aerodrome, or detain any aircraft;

(b) to any aircraft, whether or not in flight, or facility relating to civil aviation, or any premises used for the design, manufacture, distribution, maintenance or installation of aeronautical products for the purposes of making inspections relating to the enforcement of this Act;
(c) to any place where an aircraft has landed including point of origin of any product of goods being, or to be shipped by air, for the purposes of an investigation of matters concerning aviation safety.

(2) An inspector or a person to whom certain functions are delegated in accordance with the provisions of section 14 may, in carrying out his functions, do the following—

(a) seize anything found in any place referred to in subsection (1)(a) or (1)(b) which the inspector or authorised person believes, on reasonable grounds, will afford evidence with respect to an offence committed under this Act; and

(b) detain any aircraft where an inspector or authorised person has reasonable grounds to believe that such aircraft is likely to be operated in an unsafe manner and shall take reasonable steps to ensure its continued detention.

(3) Where any place referred to in subsection (1) or (5) is a dwelling-house, an inspector or authorised person may not enter that dwelling-house without the consent of the occupant, except under the authority of a warrant issued under subsection (4).

(4) Where a magistrate is satisfied, by information on oath—

(a) that entry to a dwelling-house is necessary for the purpose of performing any function of the Inspector or authorised person; and

(b) that entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry into the dwelling-house will be refused,

the Magistrate may issue a warrant authorising the Inspector or authorised person, or a police officer to enter the dwelling-house, subject to such conditions as may be specified in the warrant.

(5) In executing a warrant granted under subsection (4), the Inspector or authorised person shall not use force unless he or she is accompanied by a police officer and the use of force has been specifically authorised in the warrant.

(Originally section 46)

Proof of documents.

48. (1) In any action or proceeding under this Act, any document certified by the Director General, to be a true copy of a document made, given or issued under this Act shall, without proof of the signature or of the official character of the person appearing to have signed the document be evidence—

(a) of the original document of which it purports to be a copy;

(b) that the original document was made, given or issued by the Director General or deposited with the person named in the document and was made, given, issued or deposited at the time stated in the certified copy, if a time is stated in the document; and

(c) that the original document was signed, certified, attested or executed by the persons and in the manner shown in the certified copy.

(2) In any action or proceeding under this Act, any certificate signed by the Director General, stating that a civil aviation document, authorisation or exemption under this Act—
(a) has or has not been issued to or in respect of any person named in the certificate or in respect of any aircraft, aerodrome or other aviation facility identified in the certificate; or

(b) having been issued to or in respect of any person named in the certificate or in respect of any aircraft, aerodrome or other aviation facility identified in the certificate, has expired, or has been cancelled or suspended as of a date stated in the certificate, and stating, in the case of a suspension, the period of the suspension,

shall be evidence of the facts stated in the certificate, without proof of the signature, or of the official character, of the person appearing to have signed the certificate and without further proof of the certificate.

(Originally section 47)

Document entries as proof.

49. In any action or proceeding under this Act, an entry in any record required under this Act to be kept is, in the absence of evidence to the contrary, proof of the matters stated in the record as against the person who made the entry or was required to keep the record or, where the record was kept in respect of an aeronautical product, aerodrome or other aviation facility, against the owner or operator of the product, aerodrome or facility.

(Originally section 48)

PART IX
GENERAL PROVISIONS

Regulations respecting civil aviation.

50. (1) The Minister may make regulations respecting all aspects of civil aviation including regulation of air navigation for carrying out the Chicago Convention, any Annex to the Convention relating to the international standards and recommended practices (being an Annex adopted in accordance with the Convention) and, any amendment of the Convention or such Annex made in accordance with the Convention.

(2) Without prejudice to the generality of the foregoing, the Minister may make regulations—

(a) relating to the licensing of flight crew members, air traffic controllers, operators of equipment and other persons used to provide services relating to civil aviation, including medical requirement;

(b) relating to the licensing of persons engaged in the design, manufacture, distribution, maintenance, approval, certification or installation of aeronautical products or equipment used to provide services relating to civil aviation;

(c) relating to the design, manufacture, distribution, maintenance, approval, installation, inspection, registration, identification and certification of aeronautical products and the design, installation, inspection, maintenance, approval and certification of equipment and
facilities, including telecommunication and air navigation equipment and facilities, used to provide services relating to civil aviation;

(d) relating to the approval of flight training equipment and aviation training facilities;

(e) concerning the access to and activities carried out at aerodromes;

(f) relating to the location, inspection, certification, registration, licensing and operating of aerodromes and the noise from aerodromes including the noise from aircrafts;

(g) relating to the certification of air operators, including foreign operators;

(h) relating to the control and conditions under which aircrafts may be used or operated, or under which any act may be performed in or from aircrafts;

(i) relating to the control and conditions under which passengers or personal belongings, baggage, mail, goods or cargo of any kind may be transported by aircraft and for ensuring the safe transport of dangerous goods;

(j) prescribing the landing areas for aircrafts and the conditions to which such aircraft are subject;

(k) relating to the classification, control, and prohibition of use of airspace, aerial routes and aerodromes;

(l) relating to the provision of aviation weather services by persons other than the Government;

(m) concerning aviation safety and security, for the purpose of safeguarding civil aviation operations against acts of unlawful interference where such operations are connected to the safety and security of passengers, crew, ground personnel and the general public, including the use and operation of any item and equipment likely to be hazardous to aviation safety;

(n) requiring the preservation, protection, removal and testing of aircraft or any part of an aircraft, involved in an accident;

(o) concerning the seizing, protection and preservation of records pertaining to an aircraft involved in an accident including records pertaining to its flight, and for ensuring the protection and preservation of aircraft accident sites;

(p) concerning the disposition of personal belongings, baggage, goods, hazardous or dangerous items, goods and chemicals, carried in or attached to an aircraft involved in an accident;

(q) concerning the investigation of any aviation occurrence involving an aircraft, including the taking of statements and for the promotion of aircraft accident prevention measures;

(r) concerning the keeping and preservation of records and documents relating to aerodromes, activities with respect to civil aviation, persons who hold civil aviation documents and aeronautical products, equipment and facilities used to provide services relating to civil aviation;
(s) relating to the handling, marking, storage and delivery of fuel, lubricants and chemicals used during or in connection with the operation of aircrafts;

(t) concerning the operation of any person conducting maintenance activity for and on aircrafts used for commercial air services;

(u) concerning the restriction of obstacles to air navigation, including the construction of roads and the erection and marking of any building or other structure that may interfere with air navigation within the vicinity of an airport;

(v) prescribing the hours of work of crew members and maintenance personnel in respect of any aircraft used for commercial purposes, and the minimum amount of liability insurance required of owners and operators of aircrafts;

(w) prescribing the medical requirements to be met and the medical testing to be undertaken by persons in safety sensitive positions relating to civil aviation, including alcohol and drug testing;

(x) concerning matters related to National Emergencies;

(y) prescribing the forms to be issued and used in accordance with the provisions of the Act; and

(z) prescribing the matters in respect of which fees are to be paid, the amount of the fees and the persons by whom the fees are to be paid, and authorising the refund of fees in such circumstances as may be prescribed.

(Originally section 49)

Regulations imposing charges.

51. (1) The Minister may make regulations imposing, with respect to aircrafts in flight in or at any aerodrome in Saint Christopher and Nevis, charges—

(a) for the availability during flights of any facility or service provided by or on behalf of the Minister for or in respect of any aircraft, whether or not, the facility or service is provided during flight, the flight originates or terminates in Saint Christopher and Nevis or any portion of the flight is over Saint Christopher and Nevis;

(b) in respect of an application for a civil aviation document, or the issue, renewal, amendment or endorsement of any such document issued or to be issued under this Act whether or not the document is issued, renewed, amended or endorsed.

(2) Any regulation made under subsection (1) may—

(a) prescribe the amount of charges imposed; and

(b) authorise any person to collect the charges on behalf of the Government.

(3) All charges imposed under this section constitute a debt due to the Government and may be recovered as such in any court of competent jurisdiction.

(4) Where a charge is imposed in respect of an aircraft under this section, both the registered owner and operator of the aircraft are jointly and severally liable for payment of the charge.
(5) The Minister may require registered owners or operators of aircrafts who have failed to pay on time any charges imposed under this section to deposit, each year, with the Minister, or any other person authorised under subsection (2)(b), security in the form of a bond or letter of credit in an amount satisfactory to the Minister to ensure full payment of the charges to be imposed in the next following year in respect of the aircraft, facility, service or any activity for which a civil aviation document is required by regulations made pursuant to this Act.

(6) Where the amount of any charge and interest due on the charge imposed under subsection (5) has not been paid, the Minister may, in addition to any other remedy available for the collection of the amount and whether or not a judgment for the collection of the amount has been obtained, on application to the Court, obtain an order of the court, issued on such terms as the court deems necessary, authorising the Minister to seize and detain the aircraft.

(7) Where the amount of any charge and interest due on the charge imposed under subsection (5) has not been paid and the Minister has reason to believe that the person is about to leave Saint Christopher and Nevis or take from Saint Christopher and Nevis any aircraft owned or operated by the person, the Minister may take such steps as are necessary to seize and detain any aircraft.

(8) The Minister may, in addition to any other remedy available for the collection of the amount and whether or not a judgment for the collection of the amount has been obtained, on ex-parte application to the Court in which any aircraft owned or operated by the person is situated, obtain an order of the Court, issued on such terms as the Court deems necessary, authorising the Minister to seize and detain the aircraft.

(9) Subject to subsection (10), except where otherwise directed by an order of the Court, the Minister is not required to release from detention an aircraft seized under this section, unless the amount in respect of which the seizure was made is paid.

(10) The Minister shall release from detention an aircraft seized under this Part if a bond or other security in a form satisfactory to the Minister for the amount in respect of which the aircraft was seized is deposited with the Minister.

(11) Subject to subsection (12), where any charges remain outstanding ninety days after the date of the detention of an aircraft, the Minister may sell the aircraft to satisfy the charges.

(12) The Minister shall not sell an aircraft under subsection (11) unless he or she has leave of the Court of competent jurisdiction and he or she has established to the satisfaction of the Court that default of payment under this section lies with the owner or operator of the aircraft.

(13) The Minister may, by Order, exempt any aircraft from seizure and detention under this section.

(Originally section 50)

Penalty notice offence.

52. (1) The Minister may prescribe an offence provided for in the regulations to be a penalty notice offence.

(2) Regulations in which a penalty notice offence is provided shall, subject to this section, prescribe—

(a) the form of the penalty notice for the penalty notice offence;
(b) the mode of service of the prescribed penalty notice;

(c) the amount of the pecuniary penalty which shall not be more than two thousand five hundred dollars;

(d) the notice period which shall be a date not less than twenty one days following the service of the prescribed penalty notice during which the prescribed pecuniary penalty must be paid.

(3) Where the Authority believes that any person has committed a penalty notice offence, the Authority may, in the prescribed mode, serve on that person the prescribed penalty notice offering the opportunity of the discharge of liability for that penalty notice offence by payment to the Authority of the applicable prescribed pecuniary penalty.

(4) A person shall not be liable to be convicted of any penalty notice offence if the prescribed pecuniary penalty is paid in accordance with this section before the expiry of the prescribed period notice.

(5) Where a person pays the prescribed pecuniary penalty in accordance with this section, the Authority shall accept the amount being full satisfaction of any liability to conviction, and the Authority shall cause the penalty to be paid into the Consolidated Fund.

(6) In any proceedings, a certificate to the effect that payment of the prescribed pecuniary penalty was or was not paid to the Authority by a date specified in the certificate shall, if the certificate purports to be signed by the Authority, be sufficient evidence of the fact stated, unless the contrary is proved.

(7) A prescribed penalty notice given under this section shall—

(a) specify the offence alleged;

(b) give such particulars of the offence as are necessary to give reasonable information of the allegation;

(c) state the prescribed notice during which proceedings will not be taken for the offence, the amount of the prescribed pecuniary penalty, and the address at which the prescribed pecuniary penalty is to be paid.

(8) In any proceedings for a penalty notice offence, no reference shall be made, after the conviction of the accused, to the giving of any notice pursuant to this section or to the payment or non-payment of the prescribed pecuniary penalty under this section unless, in the course of the proceedings or in some other document which is before the court in connection with the proceedings, reference has previously been made.

(9) Where a person fails to comply with a prescribed penalty notice within the time specified in the notice the provisions of section 43 shall apply.

(Originally section 51)

Regulations for miscellaneous matters.

53. The Minister may make regulations—

(a) for the control of aircrafts while carrying passengers or goods for hire or reward within Saint Christopher and Nevis by any person;

(b) as to the circumstances in which a licence or permit may be granted, refused, suspended or revoked and, as to any matter to which the Air Transport Licensing Board is to have regard in deciding whether to grant or refuse a licence or permit;
(c) as to the conditions which may be attached to a licence or permit (including conditions as to fares, freight or other charges to be charged by the holder of the licence or permit), and for securing compliance with conditions so attached;

(d) prescribing the information to be furnished, to the Air Transport Licensing Board by an applicant for a licence or permit and the time frame, and manner in which such information is to be furnished;

(e) establishing different classes of aircrafts and different classes of licences or permits;

(f) as to appeals from the decisions of the Air Transport Licensing Board by persons interested in the grant, refusal, revocation or suspension of a licence or permit;

(g) as to the ticketing and identification of licence or permit holders offering a service in conjunction with a code share agreement or alliance with other air operators;

(h) as to the information to be furnished to the Air Transport Licensing Board by an applicant for a licence or permit;

(i) as to the terms of appointment, the tenure and remuneration of the Air Transport Licensing Board members;

(j) for the protection or preservation of any evidence that has been seized without a warrant under section 46(2)(a) or aircraft that has been detained under section 46(2)(b); and

(k) for the return of evidence or aircrafts to owners or persons from whom the evidence was seized or who had custody of the aircrafts when they were detained.

(Originally section 52)

Reporting of occurrences regulations.

54. (1) The Minister may make regulations for the establishment and administration of systems for the mandatory or voluntary reporting of aviation occurrences or such classes of occurrences as are specified in the regulations.

(2) Regulations made under subsection (1) may include rules for the protection of the identity of persons who report aviation occurrences.

(3) The Director General may, subject to this section, make such use of any report made pursuant to regulations made under subsection (1) as he or she considers necessary in the interests of aviation safety.

(Originally section 53)

Exemptions from application of regulations.

55. (1) The Minister may make regulations exempting, on such terms and conditions as may be specified in the regulations, any person, aircraft of such description, flights, aerodrome, facility or service from the application of any regulations made under this Act.

(2) An exemption made pursuant to subsection (1) may be granted to any person, aircraft of such description, flights, aerodrome, facility or service whether or not any civil aviation documents have been issued under this Act.

(Originally section 54)
Exemptions from application of regulations in public interest.

56. (1) The Director General may, subject to any directions given by the Minister under section 10, and on such terms and conditions as he or she deems necessary, exempt any person, aircraft, aerodrome, facility or service from the application of any regulation, order, directive or standard made under this Act if in his or her opinion the exemption is in the public interest and is not likely to affect aviation safety.

(2) The Director General may forthwith notify the Minister of any exemption granted under this section.

(Originally section 55)

Incorporation by reference.

57. (1) Any regulation made pursuant to this Act may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, any standard contained in any written instrument or other document, and in particular the standards set out in the ICAO annexes, as may be in force at the time or from time to time, as the case may be.

(2) A regulation made under this Act incorporating by reference a classification, standard, procedure or other specification, may incorporate the classification, standard, procedure or specification as amended from time to time and in such case the reference shall be read accordingly.

(Originally section 56)

Savings.

58. Notwithstanding the repeal of the Civil Aviation Act, No. 4 of 1986, any regulations, orders, rules or directions made and in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with this Act, remain in force as if made under this Act with such adaptations, modifications and qualifications as may be necessary for the purpose until they are revoked.
FIRST SCHEDULE

(Section 15)

AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than five and not more than seven members appointed by the Minister.

2. There shall be paid to the members of the Board such remuneration (whether by way of salaries or travelling or other allowances) as the Minister may determine.

3. No person who, for the time being has any interest, whether shareholder or otherwise, in any business or undertaking—
   (a) which provides transport for passengers or cargo whether by air, sea or land;
   (b) which owns or operates an aerodrome;
   (c) which manufactures or deals in aircraft, aircraft engines or accessories;
   (d) which caters for the supply of food or drink or other consumable stores for use on aircraft or aerodrome; or
   (e) which supplies fuel or lubricants for public transport undertakings whether by air, sea or land,

shall act as a member of the Board unless he or she has declared such interest to the Board and to the Minister, and if any member of the Board shall fail to declare such an interest, or if the Minister is satisfied that by reason of that interest it is right and proper to do so, the Minister shall revoke the appointment of that person as a member of the Board.

4. Three members of the Board including the chairperson or deputy chairperson, shall constitute a quorum for the transaction of business at meetings of the Board.

5. Subject to the provisions of this Act, the Board may regulate its own procedure.

SECOND SCHEDULE

(Section 50)

CIVIL AVIATION (AIR NAVIGATION) REGULATIONS

(Note: A number of these Regulations were repealed – see Regulation 103(1) and (2) of the Civil Aviation (Flight Safety) Regulations, S.R.O. 6/2014, set out in the Fourth Schedule to this Act)

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CIVIL AVIATION (AIR NAVIGATION) REGULATIONS

PART I
PRELIMINARY

Citation.
1. These Regulations may be cited as the Civil Aviation (Air Navigation) Regulations.

Interpretation.
2. (1) In these Regulations—
   “aerial work” means any purpose (other than public transport) for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;
   “aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;
   “aerial work undertaking” means an undertaking the business of which includes the performance of aerial work;
   “aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;
   “aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;
   “aerodrome flight information unit” means a person appointed by the Minister or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and “aerodrome flight information service” shall be construed accordingly;
   “aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height, or minimum descent height, runway visual range and visual reference for landing, which are the minima for the operation of that aircraft at that aerodrome;
   “aerodrome traffic zone” means the airspace—
   (a) which is in the vicinity of an aerodrome which is notified for the purposes of Rule 35 of Schedule 13 of these Regulations; and
   (b) which, in relation to such an aerodrome—
       (i) at which the length of the longest runway is notified as 1850 metres or less, extends from the surface to a height of 2000 feet
above the level of the aerodrome within the area bounded by a
circle centred on the notified midpoint of the longest runway and
having a radius of 2 nautical miles:

Provided that where such an aerodrome traffic zone would
extend less than 1½ nautical miles beyond the end of any runway
at the aerodrome and this proviso is notified as being applicable,
sub-paragraph (ii) hereof shall apply as though the length of the
longest runway is notified as greater than 1850 metres;

(ii) at which the length of the longest runway is notified as greater
than 1850 metres, extends from the surface to a height of 2000
feet above the level of the aerodrome within the area bounded by
a circle centred on the notified mid-point of the longest runway
and having a radius of 2½ nautical miles,

except any part of that airspace which is within the aerodrome traffic zone of another
aerodrome which is notified for the purpose of these Regulations as being the
controlling aerodrome;

“aeronautical beacon” means an aeronautical ground light which is visible either
continuously or intermittently to designate a particular point on the surface of
the earth;

“aeronautical ground light” means any light specifically provided as an aid to air
navigation, other than a light displayed on an aircraft;

“aeronautical radio station” means a radio station on the surface, which transmits or
receives signals for the purpose of assisting aircraft;

“air traffic control unit” means a person appointed by the Minister or by any other
person maintaining an aerodrome or place to give instructions or advice or
both instructions and advice by means of radio signals to aircraft in the
interests of safety but does not include a person so appointed solely to give
information to aircraft, and “air traffic control service” shall be construed
accordingly;

“air transport undertaking” means an undertaking the business of which includes the
 carriage by air of passengers or cargo for hire or reward;

“approach to landing” means that portion of the flight of the aircraft, when
approaching to land, in which it is descending below a height of 1000 feet
above the relevant specified decision height or minimum descent height;

“appropriate aeronautical radio station” means in relation to an aircraft an
aeronautical radio station serving the area in which the aircraft is for the time
being;

“appropriate air traffic control unit” means in relation to an aircraft the air traffic
control unit serving the area in which the aircraft is for the time being;

“authorised person” means any person authorised by the Minister, either generally or
in relation to a particular case or class of cases, and references to a person
authorised by the Minister include references to the holder for the time being
of any office designated by the Minister;

“cargo” includes mail and animals;

“certificate of airworthiness” includes any validation thereof and any flight manual,
performance schedule or other document, whatever its title, incorporated by
reference in that certificate relating to the certificate of airworthiness;
“certificate of maintenance review” and “certificate of release to service” have the meanings respectively assigned to them by Regulations 9(1) and 11(1);

“cloud ceiling”, in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

“commander”, in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“competent authority” means in relation to the Territory, the Minister, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“congested area”, in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State which is a party to the Convention on International Civil Aviation signed at Chicago on the 7th December 1944;

“controlled airspace” means control areas and control zones;

“control area” means airspace which has been notified as such and which extends upwards from a notified altitude or flight level;

“control zone” means airspace which has been notified as such and which extends upwards from the surface;

“co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“crew” means every person employed or engaged in an aircraft in flight on the business of the aircraft;

“danger area” shall mean airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

“decision height”, in relation to the operation of an aircraft at an aerodrome, means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

“flight” and “to fly” have the meanings respectively assigned to them by paragraph (2) of this Regulation;

“flight crew”, in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

“flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet
which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 millibars;

“flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

“flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

“flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“instrument flight rules” means instrument flight rules contained in the Rules of the Air and Air Traffic Control;

“instrument meteorological conditions” means weather precluding flight in compliance with the Visual Flight Rules;

“to land”, in relation to aircraft includes alighting on the water;

“licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“licence for public use” has the meaning assigned to it by Regulation 75 (3);

“licensed aerodrome” means an aerodrome licensed under these Regulations;

“life jacket” includes any device designed to support a person individually in or on the water;

“log book” in the case of an aircraft log book, engine log book, variable pitch propeller log book or personal flying log book, includes a record kept either in a book, or by any other means approved by the Minister in the particular case;

“maximum total weight authorised”, in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

“military aircraft” includes the naval, military or air force aircraft of any country;

“minimum descent height”, in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

“Minister” means the Minister for the time being responsible for civil aviation and, except for the purpose of making Regulations, includes the Director of Civil Aviation of the Organisation of Eastern Caribbean States;

“nautical mile” means the international nautical mile, that is to say, a distance of 1852 metres;

“night” means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being determined at surface level;

“non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“notified” means shown in any of the following publications for the time being in force and issued in the Territory whether before or after the coming into operation of these Regulations, that is to say, “Notams (Notices to Airmen)”, “Aeronautical Information Publications (AIP)”, or such other official
publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

“operator” has the meaning assigned to it by paragraph (3) of this Regulation;

“parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“passenger” means a person other than a member of the crew;

“pilot in command”, in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

“pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“public transport” has the meaning assigned to it by paragraph (4) of this Regulation;

“public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

“record” includes, in addition to a record in writing—

(a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;

(b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and

(c) any photograph, and

any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction;

“replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded.

“Rules of the Air and Air Traffic Control” means the Rules contained in Schedule 13 of these Regulations and any supplementary rules made by the Minister under Regulation 66(6);

“runway visual range”, in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the midpoint of the runway; and the distance, if any, communicated to the commander of an aircraft by or on
behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on water;

“Special VFR flight” means a flight which is a special VFR flight for the purposes of the Rules of the Air and Air Traffic Control;

“the Territory” means Saint Christopher and Nevis and includes the dependencies thereof and the territorial sea of


“visual meteorological conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(2) An aircraft shall be deemed to be in flight—

(a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;

(b) in the case of a pilotless flying machine or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

(c) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon; and the expressions “a flight” and “to fly” shall be construed accordingly.

(3) References in these Regulations to the operator of an aircraft are, for the purpose of the application of any Regulation in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly:

Provided that, for the purposes of the application of any provision in Part IV of these Regulations, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been, entered into.

(4) An aircraft in flight shall be deemed to fly for the purpose of public transport—

(a) if hire or reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or

(b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors), persons with the authority of the Minister either making any inspection or witnessing any training, practice or test for the purposes of these Regulations or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
(c) for the purposes of Part IV of these Regulations, if hire or reward is given or promised for the right to fly the aircraft on that flight (not being a single-seater aircraft of which the maximum total weight authorised does not exceed 910 kg and in respect of which a certificate of airworthiness of the Special Category is in force) otherwise than under a hire-purchase or conditional sale agreement, and the expression “public transport of passengers” shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (4)(c) it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given for the carriage of those passengers: and

Provided also that a glider shall not be deemed to fly for the purpose of public transport for the purposes of Part III of these Regulations by virtue of paragraph (4)(c) of this Regulation if the hire or reward given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(5) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be given or promised if the transaction were effected otherwise than aforesaid, hire or reward shall, for the purposes of these Regulations, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(6) The expressions appearing in the “General Classification of Aircraft” set forth in Part A of Schedule 2 to these Regulations shall have the meanings thereby assigned to them.

PART II

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered.

3. (1) An aircraft shall not fly in or over the Territory unless it is registered in—

(a) the Territory; or

(b) a Commonwealth Country; or

(c) a Contracting State; or

(d) some other country in relation to which there is in force an agreement between the Government of the Territory and the Government of that country that makes provision for the flight over the Territory of aircraft registered in that country:

Provided that—

(i) a glider may fly unregistered, and shall be deemed to be registered in the Territory for the purposes of Regulations 13, 14, 19 and 32, on any flight which—
(a) begins and ends in the Territory without passing over any other country, and

(b) is not for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(ii) any aircraft may fly unregistered on any flight which—

(a) begins and ends in the Territory without passing over any other country; and

(b) is in accordance with the “B Conditions” set forth in schedule 1 to these Regulations;

(iii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over the Territory in contravention of paragraph (1) of this Regulation in such manner or circumstances that if the aircraft had been registered in the Territory an offence against these Regulations would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the Territory.

4. (1) The Minister shall be the authority for the registration of aircraft in the Territory. He may cause a register to be kept and may record therein the particulars specified in paragraph (7) of this Regulation in either a legible or a non-legible form, as long as the recording is capable of being reproduced in a legible form.

(2) An aircraft shall not be registered or continue to be registered in the Territory if it appears to the Minister that—

(a) the aircraft is registered outside the Territory and that such registration does not cease by operation of law upon the aircraft being registered in the Territory; or

(b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein; or

(c) the aircraft could more suitable be registered in some other part of the Commonwealth; or

(d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the Territory.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Territory or a share therein—

(a) the Government of the Territory;

(b) citizens of the Territory;

(c) bodies incorporated in some part of the Commonwealth or a Contracting State and having their principal place of business in any part of the Commonwealth or Contracting State.

(4) If an unqualified person residing or having a place of business in the Territory holds a legal or beneficial interest by way of ownership in an aircraft, or a
share therein, the Minister, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the Territory. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Minister may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the Territory in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this Regulation the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the Territory shall be made in writing to the Minister, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in the Territory and to issue the certificate referred to in paragraph (8) of this Regulation. In particular, the application shall include the proper description of the aircraft according to column 4 of the “General Classification of Aircraft” set forth in Part A of Schedule 2 to these Regulations.

(7) Upon receiving an application for the registration of an aircraft in the Territory and being satisfied that the aircraft may properly be so registered, the Minister shall register the aircraft, wherever it may be, and shall include in the register the following particulars—

(a) the number of the certificate;

(b) the nationality mark of the aircraft, and the registration mark assigned to it by the Minister;

(c) the name of the constructor of the aircraft and its designation;

(d) the serial number of the aircraft;

(e) (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise the name and address of the charterer by demise; and

(ii) in the case of an aircraft registered in pursuance of paragraph (4) or (5) of this Regulation, an indication that it is so registered.

(8) The Minister shall furnish to the person in whose name the aircraft is registered (hereinafter in this Regulation referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued:

Provided that the Minister shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under these Regulations who has made to the Minister and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions set forth in Part C of Schedule 2 to these Regulations, and in that case the aircraft shall fly only in accordance with those conditions.

(9) The Minister may grant to any person qualified as aforesaid, an aircraft dealer’s certificate if he is satisfied that he has a place of business in the Territory for buying and selling aircraft.

(10) Subject to paragraph (4) and (5) of this Regulation, if at any time after an aircraft has been registered in the Territory an unqualified person becomes entitled to
a legal or beneficial interest by way of ownership in the aircraft or a share therein, the
registration of the aircraft shall thereupon become void and the certificate of
registration shall forthwith be returned by the registered owner to the Minister.

(11) Any person who is the registered owner of an aircraft registered in the
Territory shall forthwith inform the Minister in writing of—

(a) any change in the particulars which were furnished to the Minister
    upon application being made for the registration of the aircraft;

(b) the destruction of the aircraft, or its permanent withdrawal from use;

(c) in the case of an aircraft registered in pursuance of paragraph (5) of
    this Regulation, the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in the
Territory shall within 28 days inform the Minister in writing to that effect.

(13) The Minister may, whenever it appears to him necessary or appropriate to
do so for giving effect to this Part of these Regulations or for bringing up to date or
otherwise correcting the particulars entered on the register, amend the register or, if
he thinks fit, may cancel the registration of the aircraft, and shall cancel that
registration within two months of being satisfied that there has been a change in the
ownership of the aircraft.

(14) The Minister may, by Regulations, adapt or modify the foregoing
provisions of this Regulation as he deems necessary or expedient for the purpose of
providing for the temporary transfer of aircraft to or from the register of the Territory
either generally or in relation to a particular case or class of cases.

(15) In this Regulation references to an interest in an aircraft do not include
references to an interest in an aircraft to which a person is entitled only by virtue of
his membership of a flying club and the reference in paragraph 4(ii) or paragraph (iii)
of this Regulation to the registered owner of an aircraft includes in the case of a
deceased person, his legal personal representative, and in the case of a body corporate
which has been dissolved, its successor.

(16) Nothing in this Regulation shall require the Minister to cancel the
registration of an aircraft if in his opinion it would be inexpedient in the public
interest to do so.

Nationality and registration marks.

5. (1) An aircraft (other than an aircraft permitted by or under these Regulations
to fly without being registered) shall not fly unless it bears painted thereon or affixed
thereto, in the manner required by the law of the country in which it is registered, the
nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the Territory shall comply
with Part B of Schedule 2 to these Regulations.

(3) An aircraft shall not bear any marks which purport to indicate—

(a) that the aircraft is registered in a country in which it is not in fact
    registered; or

(b) that the aircraft is a State aircraft of a particular country if it is not in
    fact such an aircraft, unless the appropriate authority of that country
    has sanctioned the bearing of such marks.
PART III

AIR OPERATORS CERTIFICATES

Issue of air operator’s certificates.

6. (1) An aircraft registered in the Territory shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operator’s certificate granted to the operator of the aircraft under paragraph (2) of this Regulation certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The Minister may grant any person applying therefor an air operator’s certificate if he is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Minister thinks fit and shall, subject to the provisions of Regulation 63, remain in force for the period specified in the certificate.

PART IV

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Certificate of airworthiness to be in force.

7. (1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights, beginning and ending in the Territory without passing over any other country, of—

(a) a glider, if it is not being used for the public transport of passengers or aerial work other than aerial work which consists of giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(b) a balloon, if it is not being used for the public transport of passengers;

(c) a kite;

(d) an aircraft flying in accordance with the “A Conditions” or the “B Conditions” set forth in Schedule 1 to these Regulations;

(e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Minister in respect of that aircraft.

(2) In the case of an aircraft registered in the Territory the certificate of airworthiness referred to in paragraph (1) of this Regulation shall be a certificate issued or rendered valid in accordance with the provisions of Regulation 8.
Issue, renewal, etc., of certificates of airworthiness.

8. (1) The Minister shall issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to—

(a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and

(b) the results of flying trials, and such other tests of the aircraft as he may require:

Provided that, if the Minister has issued a certificate of airworthiness in respect of an aircraft which, in his opinion, is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials in the case of any other aircraft if he is satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Minister, appropriate to the aircraft in accordance with Schedule 3 to these Regulations and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Minister may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in Regulation 29(1).

(5) The Minister may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the law of any country other than the Territory.

(6) Subject to the provisions of this Regulation and of Regulation 63, a certificate of airworthiness or validation issued under this Regulation shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Minister for such further period as he thinks fit.

(7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force—

(a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or to the particular aircraft; or

(b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and—

(i) classified as mandatory by the Minister; or

(ii) required by a maintenance schedule approved by the Minister in relation to that aircraft; or

(c) until the completion to the satisfaction of the Minister of any modification of the aircraft or of any such equipment as aforesaid,
being a modification required by the Minister for the purpose of ensuring that the aircraft remains airworthy.

(8) Without prejudice to any other provision of these Regulations the Minister may, for the purposes of this Regulation, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

**Certificate of maintenance review.**

9. (1) An aircraft registered in the Territory in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless—

(a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Minister in relation to that aircraft;

(b) there is in force a certificate (in these Regulations referred to as a “certificate of maintenance review”) issued in respect of the aircraft in accordance with the provisions of this Regulation and such certificate shall certify the date on which the maintenance review was carried out and the date thereafter when the next review is due.

(2) The approved maintenance schedule referred to in paragraph (1) of this Regulation shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purposes of this Regulation only by—

(a) the holder of an aircraft maintenance engineer’s licence—

(i) granted under these Regulations being a licence which entitles him to issue that certificate; or

(ii) granted under the law of a country other than the Territory and rendered valid under these Regulations in accordance with the privileges endorsed on the licence; or

(iii) granted under the law of any country specified in Paragraph 13 in Schedule 14 to these Regulations in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

(b) a person whom the Minister has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or

(c) a person approved by the Minister as being competent to issue such certificates, and in accordance with that approval:

Provided that, in approving a maintenance schedule, the Minister may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(4) A person referred to in paragraph (3) of this Regulation shall not issue a certificate of maintenance review unless he has first verified that—
(a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft; and

(b) inspections and modifications required by the Minister as provided in Regulation 8 have been completed as certified in the relevant certificate of release to service issued in accordance with Regulation 11; and

(c) defects entered in the technical log of the aircraft in accordance with Regulation 10 have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Minister; and

(d) certificates of release to service have been issued in accordance with Regulation 11,

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when Regulation 58 so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of Regulation 62, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

Technical log.

10. (1) A technical log shall be kept in respect of an aircraft registered in the Territory being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(2) At the end of every flight by an aircraft to which the provisions of this Regulation apply the commander of the aircraft shall enter—

(a) the times when the aircraft took off and landed; and

(b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and

(c) such other particulars in respect of the airworthiness or operation of the aircraft as the Minister may require,

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and which is not operated by a person who is the holder of or is required by Regulation 6(1) to hold an air operator’s certificate, in such other record as the Minister shall approve and he shall sign and date such entries:

Provided that in the case of a number of consecutive flights each of which begins and ends—

(i) within the same period of 24 hours; and

(ii) at the same aerodrome, except which each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and

(iii) with the same person as commander of the aircraft,
the commander of an aircraft may, except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2) of this Regulation, a person issuing a certificate of release to service required by Regulation 11 in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this Regulation shall be carried in the aircraft when Regulation 58 so requires and copies of the entries referred to in this Regulation shall be kept on the ground:

Provided that, in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg. or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Minister for that purpose.

**Inspection, overhaul, repair, replacement and modification.**

11. (1) Except as provided in paragraph (2) of this Regulation an aircraft registered in the Territory, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under and these Regulations is in force, shall not fly unless there is in force a certificate (in these Regulations referred to as “a certificate of release to service”) issued in accordance with this Regulation if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in Regulation 8(7)(b), as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable—

(a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this Regulation in respect thereof; or

(b) for such certificate to be issued while the aircraft is at that place,

it may fly to a place at which such certificate can be issued, being the nearest place—

(i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and

(ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board,

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Minister within ten days thereafter.

(2) Nothing in paragraph (1) of this Regulation shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and in respect of which a certificate of airworthiness of the special category is in force, unless the Minister gives a direction to the contrary in a particular case.
(3) Nothing in paragraph (1) of this Regulation shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2,730 kg. from flying of the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as are specified in Paragraph 15 in Schedule 14 to these Regulations and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot’s licence granted or rendered valid under these Regulations. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to Regulation 15 a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of Regulation 62, shall preserve the log book for the period specified in Regulation 15. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Minister whether generally or in relation to a class of aircraft or one particular aircraft.

(4) Neither—

(a) equipment provided in compliance with Schedule 4 to these Regulations (except paragraph (3) thereof); nor

(b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with these Regulations,

shall be installed or placed on board for use in an aircraft registered in the Territory after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued in accordance with this Regulation.

(5) A certificate of release to service shall—

(a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done;

(b) certify in relation to any inspection required by the Minister that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Minister and that any consequential repair, replacement or modification has been carried out as aforesaid.

(6) A certificate of release to service may be issued for the purposes of this Regulation only by—

(a) the holder of an aircraft maintenance engineer’s licence—

   (i) granted under these Regulations, being a licence which entitles him to issue that certificate; or

   (ii) granted under the law of a country other than the Territory and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or

   (iii) granted under the law of any such country specified in Paragraph 13 of Schedule 14 to these Regulations in accordance with the
privileges endorsed on the licence and subject to any conditions
which may be prescribed; or

(b) the holder of an aircraft maintenance engineer’s licence or
authorisation as such an engineer granted or issued by or under the law
of any Contracting State other than the Territory in which the
overhaul, repair, replacement, modification or inspection has been
carried out, but only in respect of aircraft of which the maximum total
weight authorised does not exceed 2,730 kg: and in accordance with
the privileges endorsed on the licence; or

(c) a person approved by the Minister as being competent to issue such
certification, and in accordance with that approval; or

(d) a person whom the Minister has authorised to issue the certificate in a
particular case, and in accordance with that authority; or

(e) in relation only to the adjustment and compensation of direct reading
magnetic compasses, the holder of an Airline Transport Pilot’s
Licence (Aeroplanes), a Senior Commercial Pilot’s Licence
(Aeroplanes) or a Flight Navigator’s Licence granted or rendered valid
under these Regulations.

(7) Subject to the provisions of Regulation 62, a certificate of release to
service shall be preserved by the operator of the aircraft to which it relates for the
period of time for which he is required to preserve the log book relating to the same
part of the aircraft or to the same equipment or apparatus, as the case may be.

(8) In this Regulation, the expression “repair” includes in relation to a
compass the adjustment and compensation thereof and the expression “repaired” shall
be construed accordingly.

Licensing of maintenance engineers.

12. (1) The Minister shall grant aircraft maintenance engineers’ licences, subject
to such conditions as he thinks fit, upon his being satisfied that the applicant is a fit
person to hold the licence and has furnished such evidence and passed such
examinations and tests as the Minister may require of him for the purpose of
establishing that he has sufficient knowledge, experience, competence and skill in
aeronautical engineering.

(2) An aircraft maintenance engineer’s licence shall authorise the holder,
subject to such conditions as may be specified in the licence, to issue—

(a) certificates of maintenance review in respect of such aircraft as may be
so specified;

(b) certificates of release to service in respect of such overhauls, repairs,
replacements, modifications, maintenance and inspections of such
aircraft and such equipment as may be so specified; or

(c) certificates of fitness for flight under the “A Conditions” in respect of
such aircraft as may be so specified.

(3) A licence shall, subject to the provisions of Regulation 63, remain in force
for the period specified therein, not exceeding 5 years, but may be renewed by the
Minister from time to time upon his being satisfied that the applicant is a fit person
and is qualified as aforesaid.

(4) The Minister may issue a certificate rendering valid for the purposes of
these Regulations any licence as an aircraft maintenance engineer granted under the
law of any country other than the Territory. Such certificate may be issued subject to such conditions, and for such period, as the Minister thinks fit.

(5) Upon receiving a licence granted under this Regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Without prejudice to any other provision of these Regulations the Minister may, for the purpose of this Regulation, either absolutely or subject to such conditions as he thinks fit—

(a) approve any course of training or instruction;
(b) authorise a person to conduct such examinations or tests as he may specify;
(c) approve a person to provide or conduct any course of training or instruction; and
(d) approve a person as qualified to furnish reports to him and to accept such reports.

**Equipment of aircraft.**

13. (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with these Regulations.

(2) In the case of aircraft registered in the Territory the equipment required to be provided (in addition to any other equipment required by or under these Regulations) shall be that specified in such parts of Schedule 4 to these Regulations as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph 3 of the said Schedule, shall be of a type approved by the Minister either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Minister may direct that an aircraft registered in the Territory shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every public transport aircraft registered in the Territory there shall be—

(a) provided individually for each passenger; or
(b) if the Minister so permits in writing, exhibited in a prominent position in every passenger compartment,

a notice relevant to the aircraft in question containing pictorial—

(i) instructions on the brace position to be adopted in the event of an emergency landing;
(ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
(iii) information as to where emergency exits are to be found and instructions as to how they are to be used;
(iv) information as to where the life-jackets, escape slides, life-rafts and oxygen masks, if required to be provided by paragraph (2) of this Regulation are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this Regulation, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2) of this Regulation, all navigational equipment (other than radio apparatus) of any of the following types, namely—

(a) equipment capable of establishing the aircraft’s position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and

(b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in the Territory (whether or not in compliance with these Regulations) shall be of a type approved by the Minister either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This Regulation shall not apply in relation to radio apparatus except that specified in Schedule 4 to these Regulations.

Radio equipment of aircraft.

14. (1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of these Regulations including in particular, Schedule 14 hereto.

(2) Without prejudice to paragraph (1), of this Regulation the aircraft shall be equipped with radio equipment in accordance with Schedule 5 to these Regulations.

(3) In any particular case the Minister may direct that an aircraft registered in the Territory shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed in the radio and radio navigation equipment provided in compliance with this Regulation in an aircraft registered in the Territory shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in the Territory or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with these Regulations), shall be of a type approved by the Minister in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by Regulation 3(1) to fly unregistered, be installed in a manner approved by the Minister. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Minister.
Aircraft, engine and propeller log books.

15. (1) In addition to any other log books required by or under these Regulations, the following log books shall be kept in respect of every aircraft registered in the Territory—

(a) an aircraft log book; and

(b) a separate log book in respect of each engine fitted in the aircraft; and

(c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in Schedule 6 to these Regulations, and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kg. shall be of a type approved by the Minister.

(2) (a) Each entry in the log book, other than such an entry as is referred to in paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to these Regulations, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force in respect of the aircraft at the time of the occurrence;

(b) Each entry in the log book, being such an entry as is referred to in paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to these Regulations shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other documents so referred to shall be deemed, for the purposes of these Regulations to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this Regulation.

(5) Subject to the provisions of Regulation 62 every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule.

16. (1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Minister may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing—

(a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Minister in the case of that aircraft; and

(b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such
other position of the centre of gravity as may be approved by the
Minister in the case of that aircraft.

(3) Subject to the provisions of Regulation 62 the weight schedule shall be
preserved by the operator of the aircraft until the expiration of a period of 6 months
following the next occasion on which the aircraft is weighed for the purposes of this
Regulation.

Access and inspection for airworthiness purposes.

17. The Minister may cause such inspections, investigations, tests, experiments
and flight trials to be made as he deems necessary for the purposes of this Part and
any person authorised to do so in writing by the Minister may at any reasonable time
inspect any part of, or material intended to be incorporated in or used in the
manufacture of any part of, an aircraft or its equipment or any documents relating
thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART V

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft.

18. (1) An aircraft shall not fly unless it carries a flight crew of the number and
description required by the law of the country in which it is registered.

(2) An aircraft registered in the Territory shall carry a flight crew adequate in
number and description to ensure the safety of the aircraft and of at least the number
and description specified in the certificate of airworthiness issued or rendered valid
under these Regulations or, if no certificate of airworthiness is required under these
Regulations to be in force, the certificate of airworthiness, if any, last in force under
these Regulations in respect of that aircraft.

(3) (a) A flying machine registered in the Territory and flying for the
purpose of public transport, having a maximum total weight
authorised exceeding 5,700 kg., shall carry not less than two pilots as
members of the flight crew thereof.

(b) On and after 1st January 1992, an aeroplane registered in the Territory
and flying for the purpose of public transport in circumstances where
the aircraft commander is required to comply with Instrument Flight
Rules and having a maximum total weight authorised of 5700 kg, or
less and powered by—

(i) one or more turbine jets;

(ii) one or more turbine propeller engines and provided with a means
of pressurising the personnel compartments;

(iii) two or more turbine propeller engines and certificated to carry
more than nine passengers;

(iv) two or more turbine propeller engines and certificated to carry
fewer than ten passengers and not provided with a means of
pressurising personnel compartments unless it is equipped with an
autopilot which has been approved by the Minister for the
purposes of this Regulation and which is serviceable on take-off; or

(v) two or more piston engines, unless it is equipped with an autopilot which has been approved by the Minister for the purposes of this Regulation and which is serviceable on take-off; shall carry not less than two pilots as members of the flight crew thereof:

Provided that an aeroplane powered by two or more turbine propeller engines and certificated to carry fewer than ten passengers or an aeroplane powered by two or more piston engines and equipped with an appropriate autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved auto-pilot is found to be unserviceable if the aeroplane flies in accordance with arrangements approved by the Minister.

(4) An aircraft registered in the Territory engaged on a flight for the purpose of public transport shall carry—

(a) a flight navigator as a member of the flight crew; or

(b) navigational equipment approved by the Minister and used in accordance with any conditions subject to which that approval may have been given,

if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 7 to these Regulations. The flight navigator carried in compliance with this Regulation shall be carried in addition to any person who is carried in accordance with this Regulation to perform other duties.

(5) An aircraft registered in the Territory which is required by the provisions of Regulation 14 to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew, who, if he is required to operate radiotelegraph apparatus, shall be carried in addition to any other person who is carried in accordance with this Regulation to perform other duties.

(6) If it appears to him to be expedient to do so in the interests of safety, the Minister may direct any particular operator of any aircraft registered in the Territory that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Minister may specify unless those aircraft carry in addition to the flight crew required to be carried therein by the foregoing provisions of this Regulation such additional persons as members of the flight crew as he may specify in the direction.

(7) (a) This paragraph applies to any flight for the purpose of public transport by an aircraft registered in the Territory—

(i) on which is carried twenty or more passengers; or

(ii) which may in accordance with its certificate of airworthiness carry more than thirty-five passengers and on which at least one passenger is carried.

(b) The crew of an aircraft on a flight to which this paragraph applies shall include cabin attendants carried for the purposes of performing in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.
(c) On a flight to which this paragraph applies, there shall be carried not less than one cabin attendant for every fifty, or fraction of fifty passenger seats installed in the aircraft:

Provided that the number of cabin attendants calculated in accordance with this paragraph need not be carried where the Minister has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.

(8) If it appears to be expedient to do so in the interests of safety, the Minister may direct any particular operator of any aircraft registered in the Territory that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Minister may specify unless those aircraft carry in addition to the cabin attendants required to be carried therein by the foregoing provisions of this Regulation such additional persons as cabin attendants as it may specify in the direction.

Members of flight crew—requirement of licences.

19. (1) Subject to the provisions of this Regulation, a person shall not act as a member of the flight crew of an aircraft registered in the Territory unless he is the holder of an appropriate licence granted or rendered valid under these Regulations:

Provided that a person may, within the Territory without being the holder of such a licence—

(a) act as a flight radiotelephony operator if—

(i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in the Territory to perform duties as a member of the flight crew of an aircraft; and

(ii) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any written law; and

(iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft; and

(iv) messages are transmitted only on a frequency exceeding 60 MHZ assigned by the Minister for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (i) of this proviso; and

(v) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency; and

(vi) the operation of the transmitter requires the use only of external switches; and

(vii) the stability of the frequency radiated is maintained automatically by the transmitter;

(b) subject to the provisions of Regulation 20 (8), act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot’s licence or the inclusion or variation of any rating in a pilot’s licence if—

(i) he is at least 17 years of age; and
(ii) he is the holder of a valid medical certificate to the effect that he is fit so to act issued by a person approved by the Minister; and

(iii) he complies with any conditions subject to which that medical certificate was issued; and

(iv) no other person is carried in the aircraft; and

(v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and

(vi) he so acts in accordance with instructions given by a person holding a pilot’s licence granted under these Regulations being a licence which includes a flying instructor’s rating or an assistant flying instructor’s rating entitling him to give instruction in flying the type of aircraft being flown.

(2) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under these Regulations to be carried in an aircraft registered in a country other than the Territory unless—

(a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; or

(b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under these Regulations, and the Minister does not in the particular case give a direction to the contrary.

(3) For the purposes of this Regulation, a licence granted under the law of a Contracting State other than the Territory purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Minister in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under these Regulations but does not entitle the holder—

(a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or

(b) in the case of a pilot’s licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.

(4) Notwithstanding the provisions of paragraph (1) of this Regulation a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the Territory for the purpose of undergoing training or tests for the grant or renewal of a pilot’s licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the following conditions are complied with—

(a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with these Regulations, a person authorised by the Minister to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder
of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and

(b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—

(i) within the period of 6 months immediately preceding was serving as a qualified pilot of aircraft in any of the naval, military or air forces of a country of the Commonwealth, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or

(ii) holds a pilot’s, a flight navigator’s or a flight engineer’s licence granted or rendered valid under these Regulations and the purpose of the training or test is to enable him to qualify under these Regulations for the grant of a pilot’s licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(5) Notwithstanding the provisions of paragraph (1) of this Regulation, a person may act as a member of the flight crew, (otherwise than as a pilot) of an aircraft registered in the Territory for the purposes of undergoing training or tests for the grant or renewal of a flight navigator’s, or a flight engineer’s licence or for the inclusion, renewal or extension of a rating thereon, without being the holder of an appropriate licence if he acts under supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(6) Notwithstanding the provisions of paragraph (1) of this Regulation, a person may act as a member of the flight crew of an aircraft registered in the Territory without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of the naval, military or air forces of a country of the Commonwealth.

(7) An appropriate licence for the purposes of this Regulation means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(8) This Regulation shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless—

(a) he acts as a flight radio operator, or

(b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(9) Notwithstanding anything in this Regulation—

(a) the holder of licence granted or rendered valid under these Regulations, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in the Territory in or over the territory of a Contracting State, other than the Territory,
except in accordance with permission granted by the competent authorities of that State;

(b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the Territory, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the Territory except in accordance with permission granted by the Minister, whether or not the licence is or is deemed to be rendered valid under these Regulations.

Grant, renewal and effect of flight crew licences.

20. (1) (a) The Minister may grant licences, subject to such conditions as he thinks fit, of any of the classes specified in Part A of Schedule 8 to these Regulations, authorising the holder to act as a member of the flight crew of an aircraft registered in the Territory, 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, physical and mental fitness to act in the capacity to which the licence relates, 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 Minister may require of him.

(b) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of Schedule 8 to these Regulations.

(c) A licence granted under this Regulation shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(d) Subject to paragraph (2) of this Regulation and to the provisions of Regulation 63, a licence shall remain in force for the period indicated in the licence not exceeding the period specified in respect of a licence of that class in the said Schedule of these Regulations, and may be renewed by the Minister from time to time upon his being satisfied that the applicant is a fit person and qualified as aforesaid. If no period is indicated in the licence it shall remain in force, subject as aforesaid, for the lifetime of the holder:

Provided that, until 1st January 1993, the said Part A of Schedule 8 to these Regulations shall be applied as if—

(i) in the privileges of the Commercial Pilot’s Licence (Aeroplanes), proviso (e) to paragraph (2), the proviso to paragraph (3) and paragraph (4) were omitted;

(ii) the privileges of the Airline Transport Pilot’s Licence (Aeroplanes) were amended to read:

“the holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot’s Licence (Aeroplanes) except that for proviso (d) to paragraph (2) of those privileges, there shall be substituted

(d) he shall not at any time after he attains the age of 60 years fly such an aeroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.
(iii) in the privileges of the Commercial Pilot’s Licence (Helicopters and Gyroplanes), proviso (e) to paragraph (2), the proviso to paragraph (3) and paragraph (4) were omitted; and

(iv) in the privileges of the Airline Transport Pilot’s Licence (Helicopters and Gyroplanes), all the words after “shall not apply” were omitted.

(2) (a) the Minister shall not on or after 1st December, 1990 grant a Senior Commercial Pilot’s Licence (Aeroplanes) to any person who was not on 30th November, 1990 the holder of such a licence;

(b) a Senior Commercial Pilot’s Licence (Aeroplanes) shall remain in force until either—

(i) the end of the period indicated in the licence, such period not exceeding ten years; or

(ii) 30th November, 1995,

whichever is the earlier.

(3) The Minister may include in a licence a rating subject to such conditions as he thinks fit, of any of the classes specified in Part B of Schedule 8 to these Regulations, upon his being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(4) Subject to any conditions of the licence and to the provisions of these Regulations, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of Schedule 8 to these Regulations under the heading “privileges”, and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of Schedule 8 to these Regulations.

(5) (a) Subject to the provisions of sub-paragraph (c) of this paragraph, the holder of a pilot’s licence or a flight engineer’s licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Part C of Schedule 8 to these Regulations and shall otherwise comply with that Part:

Provided that the holder of a Private Pilot’s Licence (Balloons and Airships) or a Commercial Pilot’s Licence (Balloons) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.

(b) The holder of a flight navigator’s licence shall not be entitled to perform functions on a flight to which Regulation 18 (4) applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Part C of Schedule 8 to these Regulations and shall otherwise comply with that Part.

(c) In any case where the Private Pilot’s Licence is in such a form that it is not possible to include certificates therein, the holder of such a licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test
or certificate of experience required by sub-paragraph (a) of this paragraph is included in the personal flying log book required to be kept by him under Regulation 22.

(6) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), a flying instructor’s rating, an assistant flying instructor’s rating or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of test which certificate shall be appropriate to the functions to which the rating relates in accordance with Part C of Schedule 8 to these Regulations and shall otherwise comply with that Part.

(7) A person who, on the last occasion when he took a test for the purposes of paragraph (4) or (5) of this Regulation, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(8) (a) The holder of a licence, other than a flight radiotelephony operator’s licence, granted under this Regulation shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.

(b) Every applicant for or holder of such a licence shall upon such occasions as the Minister may require submit himself to medical examination by a person approved by the Minister either generally or in a particular case or class of case who shall make a report to the Minister in such form as the Minister may require.

(c) Where the medical examination referred to in sub-paragraph (b) of this paragraph has been conducted in the Territory, the Minister or any person approved by him as competent to do so may, on the basis thereof, issue a medical certificate subject to such conditions as he thinks fit to the effect that he has assessed the holder of the licence as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to paragraph (9) of this Regulation be valid for such period as is therein specified and shall be deemed to form part of the licence.

(d) Where the medical examination is conducted outside the Territory the person conducting the examination shall, in addition to making a report to the Minister, issue a certificate certifying, if such is, in his opinion, the case, that the holder of the licence is fit to perform the functions to which the licence relates and the said certificate may be deemed by the Minister to be a medical certificate for the purposes of this Regulation, and if so shall be valid for such period as may be specified therein in writing by the person conducting the examination.

(9) (a) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the Territory if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(b) Every holder of a medical certificate issued under Regulation 19 or 20 who—

(i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or

(ii) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or
(iii) in the case of a woman, who has reason to believe that she is pregnant shall inform the Minister in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 20 days has elapsed in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness or the confirmation of the pregnancy, and—

(aa) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Minister and pronounced fit to resume his functions as a member of the flight crew or upon the Minister exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination; and

(bb) in the case of pregnancy, the suspension may be lifted by the Minister for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Minister after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(10) Nothing in these Regulations shall prohibit the holder of a pilot’s licence from acting as pilot of an aircraft having a maximum total weight authorised not exceeding 5,700 kg. when, with the permission of the Minister, he is testing any person for the purposes of paragraph (1), (2), (4) or (5) of this Regulation, notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.

(11) Where any provision of Part C of Schedule 8 or Part B of Schedule 10 to these Regulations permits a test to be conducted in a flight simulator approved by the Minister, that approval may be granted subject to such conditions as the Minister thinks fit.

(12) Without prejudice to any other provision of these Regulations the Minister may, for the purpose of this Regulation, either absolutely or subject to such conditions as he thinks fit—

(a) approve any course of training or instruction;

(b) authorise a person to conduct such examinations or tests as he may specify;

(c) approve a person to provide any course of training or instruction; and

(d) approve a person as qualified to furnish reports to him and to accept such reports.

Validation of licences.

21. The Minister may issue a certificate of validation rendering valid for the purposes of these Regulations any licence as a member of the flight crew of aircraft granted under the law of any country other than the Territory. A certificate of validation may be issued subject to such conditions and for such periods as the Minister thinks fit.
Personal flying log book.

22. (1) Every member of the flight crew of an aircraft registered in the Territory and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations shall keep a personal flying log book in which the following particulars shall be recorded—

   (a) the name and address of the holder of the log book;

   (b) particulars of the holder’s licence (if any) to act as member of the flight crew of an aircraft;

   (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under these Regulations, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including—

   (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of the flight when he was acting in either capacity; nationality and

   (b) the type and nationality and registration marks of the aircraft;

   (c) the capacity in which the holder acted in flight;

   (d) particulars of any special conditions under which the flight was conducted including night-flying and instrument flying;

   (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this Regulation, 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.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including—

   (a) the date of the test or examination;

   (b) the type of simulator;

   (c) the capacity in which the holder acted;

   (d) the nature of the test or examination.

Instruction in flying.

23. (1) A person shall not give any instruction in flying to which this Regulation applies unless—

   (a) he holds a licence, granted or rendered valid under these Regulations, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and

   (b) his licence includes a flying instructor’s rating or an assistant flying instructor’s rating entitling the holder to give the instruction.

(2) This Regulation applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

   (a) the grant of a pilot’s licence;
(b) the inclusion or variation of any rating in his licence:

Provided that this Regulation shall not apply to any instruction in flying given to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft or of an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 2 to these Regulations if that person has previously been entitled under these Regulations, or qualified in any of the naval, military or air forces of any country of the Commonwealth to act as pilot of multi-engined aircraft, or of an aircraft of that class as the case may be.

**Glider pilot – minimum age.**

24. A person under the age of 16 years shall not act as pilot in command of a glider.

**PART VI**

**OPERATION OF AIRCRAFT**

**Operations manual.**

25. (1) This Regulation shall apply to public transport aircraft registered in the Territory except aircraft whose maximum total weight authorised does not exceed 2,730 kg. and which are used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

(a) flights solely for training persons to perform duties in an aircraft; or

(b) flights intended to begin and end at the same aerodrome.

(2) (a) The operator of every aircraft to which this Regulation applies shall—

(i) make available to each member of his operating staff an operations manual; and

(ii) ensure that each copy of the operations manual is kept up to date; and

(iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(b) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Schedule 10 to these Regulations:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(3) (a) An aircraft to which this Regulation applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Minister a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.
(b) Any amendments or additions to the operations manual shall be furnished to the Minister by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly, for the purpose of public transport until the amendment or addition has been furnished to the Minister.

(c) Without prejudice to the foregoing sub-paragraphs the operator shall make such amendments or additions to the operations manual as the Minister may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this Regulation, Regulation 43 and Schedule 10 to these Regulations, “operating staff” means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in Scale 0 in paragraph 5 of Schedule 4 to these Regulations is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

Training manual.

26. (1) The operator of every aircraft registered in the Territory and flying for the purpose of public transport shall—

(a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under Regulation 27 (2); and

(b) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under Regulation 27 (2) to perform his duties as such including in particular information and instructions relating to the matters specified in Part C of Schedule 10 to these Regulations.

(3) (a) An aircraft to which this Regulation applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Minister a copy of the whole of his training manual relating to the crew of that aircraft.

(b) Any amendments or additions to the training manual shall be furnished to the Minister by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Minister.

(c) Without prejudice to the foregoing paragraphs the operator shall make such amendments or additions to the training manual as the Minister may require for the purpose of ensuring the safety of the aircraft or of
persons or property carried therein or the safety, efficiency or regularity of air navigation.

Public transport – operator’s responsibilities.

27. (1) The operator of an aircraft registered in the Territory shall not permit the aircraft to fly for the purpose of public transport without first—

(a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight; and

(b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and

(c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternate aerodrome to which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped (including such manning and equipment as is specified in paragraph 14 in Schedule 14 to these Regulations) to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in the Territory shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of Schedule 10 to these Regulations in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of Schedule 10 to these Regulations.

(3) The operator of an aircraft registered in the Territory shall not permit any member of the flight crew thereof, during any flight for the purpose of public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading – public transport aircraft and suspended loads.

28. (1) The operator of an aircraft registered in the Territory shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions 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 in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.
(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in Regulation 16) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight:

Provided that this paragraph shall not apply in relation to a flight if—

(a) the aircraft’s maximum total weight authorised does not exceed 1,150 kg.; or

(b) the aircraft’s maximum total weight authorised does not exceed 2,730 kg. and the flight is intended not to exceed 60 minutes in duration and is either—

(i) a flight solely for training persons to perform duties in an aircraft; or

(ii) a flight intended to begin and end at the same aerodrome; or

(c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3,000 kg., and the total seating capacity of which does not exceed five persons.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1) of this Regulation.

(4) The person supervising the loading of the aircraft shall, before the commencement of any flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in Paragraph 1 in Schedule 14 to these Regulations, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon:

Provided that the foregoing requirements of this Paragraph shall not apply if—

(a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

(b) paragraph (2) of this Regulation does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when Regulation 58 so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this Regulation shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft:

Provided that in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg., or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Minister for that purpose.

(6) The operator of an aircraft registered in the Territory and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than 30
passengers, such baggage shall not exceed the capacity of the spaces in the passenger compartment approved by the Minister for the purpose of stowing baggage or carried in accordance with the terms of a written permission granted by the Minister which permission may be granted subject to such conditions as the Minister thinks fit.

Public transport – operating conditions.

29. (1) An aircraft registered in the Territory shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless the requirements specified in Paragraphs 3 to 11 inclusive in Schedule 14 to these Regulations in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(2) The assessment of the ability of an aircraft to comply within paragraph(1) of this Regulation shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) A flying machine registered in the Territory when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft—

(a) if it has one engine only, in the event of the failure of that engine;

(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 relating to the aircraft,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(4) Without prejudice to the provisions of paragraph (3) of this Regulation, an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units. For the purpose of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

(5) Without prejudice to the provisions of paragraph (3) of this Regulation, a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of performance Group B shall not fly over water for the purpose of public transport so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing unless it is equipped with apparatus approved by the Minister enabling it to land safely on water, but shall not so fly on any flight for more than three minutes except with the permission in writing of the Minister and in accordance with any conditions subject to which that permission may have been given. For the purpose of this paragraph flying time shall be calculated on the assumption that the helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with Regulations governing flights over water.

(6) Without prejudice to the provisions of paragraph (3) of this Regulation, a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of performance group A2 shall not fly over water for the purpose of public transport for more than 15 minutes during
any flight unless it is equipped with apparatus approved by the Minister enabling it to land safely on water.

(7) Notwithstanding the provisions of paragraph (1) of this Regulation a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of performance Group A or Group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters designated as being of—

(a) performance Group A (Restricted) in the case of a helicopter designated as being of performance Group A if—

(i) the maximum total weight authorised of the helicopter is less than 5,700 kg.; and

(ii) the total number of passengers carried on the helicopter does not exceed 15; or

(b) performance Group B if—

(i) the maximum total weight authorised of the helicopter is less than 2,730 kg.; and

(ii) the total number of passengers carried does not exceed 9.

Aircraft registered in the Territory – aerodrome operating minima.

30. (1) (a) The operator of every aircraft to which Regulation 25 applies shall establish and include in the operations manual relating to the aircraft such particulars of aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternative aerodrome:

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished, in writing, to the commander of the aircraft such particulars of the aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with the specified method; and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of 3 months.

(b) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate aerodrome operating minima as are appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.

(2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.

(3) In establishing aerodrome operating minima for the purposes of this Regulation the operator of the aircraft shall 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; and

(b) the composition of its crew; and
(c) the physical characteristics of the relevant aerodrome and its surroundings; and

(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 shall 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.

(4) An aircraft to which Regulation 25 applies shall 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 commander of the aircraft it would not be able, without contravening paragraph (5) of this Regulation, 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.

(5) An aircraft to which Regulation 25 applies when making a descent to an aerodrome shall not—

(a) descend below 1000 feet above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(ii) descend below the relevant specified minimum descent height unless from that height the specified visual reference for landing is established and is maintained.

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

(7) In this Regulation “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 furnished in writing to the commander of the aircraft by the operator pursuant to the proviso to paragraph (1)(a) of this Regulation.

Aircraft not registered in the Territory – aerodrome operating minima.

31. (1) A public transport aircraft registered in a country other than the Territory shall not fly in or over the Territory unless the operator thereof shall have furnished to the Minister such particulars as he may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes
in the Territory for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not fly in or over the Territory unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Minister may require for the purpose of ensuring the safety of the aircraft or the efficiency or regularity of air navigation.

(2) The aircraft shall not take off or land at an aerodrome in the Territory in contravention of the specified aerodrome operating minima or the specified instruction.

(3) Without prejudice to the provisions of paragraph (2) of this Regulation a public transport aircraft registered in a country other than the Territory when making a descent to an aerodrome shall not—

(a) descent below 1000 feet above the height of an aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(ii) descend below the relevant specified minimum descent height unless from that height the specified visual reference for landing is established and is

(4) In this Regulation “specified” in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Minister pursuant to paragraph (1) of this Regulation.

Pre-flight action by commander of aircraft.

32. The commander of an aircraft registered in the Territory shall satisfy himself before the aircraft takes off—

(a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;

(b) that the equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;

(c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by Regulation 9 (1) to be in force, it is in force and will not cease to be in force during the intended flight;

(d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

(e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the
operations manual relating to fuel, oil and engine coolant have been complied with;

(f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;

(g) in the case of a flying machine, that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;

(h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Pilots to remain at controls.

33. (1) The commander of an aircraft registered in the Territory being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under these Regulations to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. If the aircraft carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by Regulation 13 to be provided.

Wearing of survival suits by crew.

34. Each member of the crew of an aircraft registered in the Territory shall wear a survival suit if such a suit is required by Regulation 13 to be carried.

Public transport of passengers – duties of commander.

35. (1) This Regulation applies to flights for the purpose of the public transport of passengers by aircraft registered in the Territory.

(2) In relation to every flight to which this Regulation applies the commander of the aircraft shall—

   (a) before the aircraft takes off, take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exists, safety belts, safety harnesses, and (where required to be carried) oxygen equipment, life jackets, and the floor path lighting system and all other devices required by or under these Regulations and intended for use by passengers individually in case of an emergency occurring to the aircraft;

   (b) (i) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate or airworthiness as the speed for compliance with Regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are
given a demonstration of the method of use of the life-jackets required by or under these Regulations for the use of passengers;

(ii) if the aircraft is not a seaplane but is required by Regulation 18 (7) to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight—

(aa) which is intended to proceed beyond gliding distance from land; or

(bb) on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water,

all passengers are given a demonstration of the method and use of the life jackets required by or under these Regulations for the use of passengers:

Provided that where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination;

(c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a demonstration of the method of use of the equipment referred to in paragraph (b) of this Regulation;

(d) before the aircraft takes off, and before it lands, 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 Regulation 18(7) are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;

(e) before the aircraft takes-off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary—

(i) take all reasonable steps to ensure that all passengers of two years of age or more are properly secured in their seats by safety belts or safety harnesses and that all passengers under the age of two years are properly secured by means of a child restraint device; and

(ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is stowed in the passenger compartment stowage spaces approved by the Minister for the purpose of stowing baggage or carried in accordance with the terms of a written permission granted by the Minister which permission may be granted subject to such conditions as the Minister thinks fit.

(f) in an emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take;
(g) except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—

(i) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of Regulation 13 is demonstrated to all passengers;

(ii) when flying above flight level 130 all passengers and cabin attendants are recommended to use oxygen;

(iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;

(h) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the Territory or elsewhere) prior to 1st January, 1991, except in the case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—

(i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of Regulation 13 is demonstrated to all passengers;

(ii) when flying above flight level 130 all passengers and cabin attendants are recommended to use oxygen;

(iii) during any period when the aircraft is flying above flight level 130 or on and after 1st January 1989 above flight level 100 oxygen is used by all the flight crew of the aircraft:

Provided that he need not comply with the provisions of this paragraph (h) if he complies instead with the provisions of paragraph (g) of this Regulation.

Operation of radio in aircraft.

36. (1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft:

Provided that—

(a) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits; and

(b) the watch may be kept by a device installed in the aircraft if—

(i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and

(ii) that station is notified, or in the case of a station situated in a country other than the Territory, otherwise designated as transmitting a signal suitable for that purpose.
(3) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—

(a) emission of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;

(b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;

(c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;

(d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1) of this Regulation.

(5) In every aircraft registered in the Territory which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made—

(a) the identification of the aircraft radio station;

(b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;

(c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress signals or distress messages sent or received;

(d) particulars of any action taken upon the receipt of a distress signal or distress message;

(e) particulars of any failure or interruption of radio communications and the cause thereof:

Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.

(6) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.

(7) The telecommunication log book shall be preserved by the operator of the aircraft until a date 6 months after the date of the last entry therein.

(8) In any flying machine registered in the Territory which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.
Minimum navigation performance.

37. An aircraft registered in the Territory shall not fly in airspace prescribed for the purposes of this Regulation by Paragraph 17 of Schedule 14 to these Regulations unless—

(a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability; and

(b) the navigation systems required by paragraph (a) of this Regulation are approved by the Minister and installed and maintained in a manner approved by the Minister; and

(c) the operating procedures for the navigation systems required by paragraph (a) of this Regulation are approved by the Minister; and

(d) the equipment is operated in accordance with the approved procedures whilst the aircraft is flying in the said airspace.

Use of flight recording systems and preservation of records.

38. (1) On any flight on which a flight data recorder or a cockpit voice recorder is required by sub-paragraph 4(4) or (5) of Schedule 4 to these Regulations to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of Regulation 62, preserve—

(a) the last 25 hours of recording made by any flight data recorder required by or under these Regulations to be carried in an aeroplane; and

(b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates,

and shall preserve such records for such period as the Minister may in a particular case direct.

(3) On any flight on which a cockpit voice recorder or a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(10) (c) of Schedule 4 to these Regulations to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(4) The operator of the helicopter shall at all times, subject to Regulation 62, preserve—

(a) the last eight hours of recording made by any flight data recorder specified at sub-paragraph (i) or (ii) of Scale SS of paragraph 5 of Schedule 4 to these Regulations and required by or under these Regulations to be carried in the helicopter;

(b) in the case of a combined cockpit voice recorder/flight data recorder specified at sub-paragraph (iii) of the said Scale SS and required by or under these Regulations to be carried in a helicopter either—

* Schedule 14 is repealed by S.R.O. 6/2014.
(i) in the last eight hours of recording; or
(ii) the last five hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either—
   (aa) the period immediately preceding the recording required to be retained pursuant to sub-paragraph (b)(ii) above; or
   (bb) such period or periods as the Minister may permit in any particular case or class of cases or generally.

(5) The additional recording retained pursuant to sub-paragraphs (b)(ii)(aa) and (bb) above shall, together with the recording required to be retained pursuant to sub-paragraph (b)(ii) above, total a period of eight hours and shall be retained in accordance with arrangements approved by the Minister.

(6) An approval granted by the Minister for the purposes of this Regulation shall be in writing and may be subject to such conditions as the Minister thinks fit.

Towing of gliders.

39. (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—
   (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
   (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;
   (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing, picking up and raising of persons and articles.

40. (1) Subject to the provisions of this Regulation, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the
aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any person, article or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this Regulation shall—

(a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;

(b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

(c) apply to any aircraft while it is flying in accordance with the “B Conditions” set forth in Schedule 1 to these Regulations;

(d) be taken to permit the towing or picking up of a glider otherwise than in accordance with Regulation 39.

Dropping of animals and articles.

41. (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Except under and in accordance with the terms of an aerial application certificate granted under Regulation 43, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the Territory:

Provided that this paragraph shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances—

(a) the dropping of articles for the purpose of saving life;

(b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;

(c) the dropping of ballast in the form of fine sand or water;
(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;

(e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;

(f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes if the articles are dropped with the permission of the Minister and in accordance with any conditions subject to which that permission may have been given;

(g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Minister and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this Regulation “dropping” includes projecting and lowering.

(4) Nothing in this Regulation shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Dropping of persons.

42. (1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the Territory except under and in accordance with the terms of a written permission granted by the Minister under this Regulation.

(2) For the purpose of this Regulation “dropping” includes projecting and lowering.

(3) Notwithstanding the grant of a permission under paragraph (1) of this Regulation, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Minister under this Regulation.

(5) Every applicant for and every holder of a permission shall make available to the Minister if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Minister may require. The holder of a permission shall make available to every employee or person who is engaged or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Without prejudice to any other provision in these Regulations the Minister may, for the purpose of this Regulation, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.
(7) Nothing in this Regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.

(8) Nothing in this Regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(9) Nothing in this shall prohibit the lowering of any person from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Issue of aerial application certificates.

43. (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture, or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2) of this Regulation.

(2) The Minister may grant to any person applying therefor an aerial application certificate if he is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this Regulation. The certificate may be granted subject to such conditions as the Minister thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of Regulation 63, remain in force for the period specified in the certificate.

(3) Every applicant for and holder of an aerial application certificate shall make available to the Minister upon application and to every member of his operating staff upon the certificate being granted an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Minister may require.

(4) For the purposes of this Regulation “operating staff” has the meaning ascribed to it in Regulation 25(4).

Carriage of weapons and of munition of war.

44. (1) An aircraft shall not carry any munition of war unless—

(a) such munition of war is carried with the written permission of the Minister and in accordance with any conditions relating thereto; and

(b) the commander of the aircraft is informed in writing by the operator before the flight commences on the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Minister.

(2) Notwithstanding paragraph (1) of this Regulation it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment or apparatus to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or to take or cause to be taken on board an aircraft, to suspend or cause to be suspended
beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless—

(a) the weapon or munition of war—
   (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon; and
   (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
   (iii) in case of a firearm, is unloaded; and

(b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and

(c) without prejudice to paragraph (1) of this Regulation the operator consents to the carriage of such weapon or munition of war by the aircraft.

(4) Nothing in this Regulation shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than the Territory, if the weapon or munition war, as the case may be, may under the law of the country in which the aircraft is registered lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this Regulation a “munition of war” means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed made for use in warfare or against persons, including parts, whether components or accessories for such weapon, ammunition or article.

Carriage of dangerous goods.

45. (1) It shall be an offence to contravene or permit the contravention of or fail to comply with any of the Paragraphs set out in Schedule 15 to these Regulations:

Provided that the Minister may make Regulations which supplement, amend or replace Regulations set out in the said Schedule 15 to these Regulations, and which prescribe—

(a) the classification of certain articles and substances as dangerous goods;

(b) the categories of dangerous goods which an aircraft may not carry;

(c) the conditions which apply to the loading on; suspension beneath and carriage by an aircraft of dangerous goods;

(d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;

(e) any other provisions for securing the safety of aircraft and any apparatus attached thereto and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;

(f) the persons to whom information about the carriage of dangerous goods must be provided;
(g) the documents relating to the carriage by an aircraft of dangerous goods which must be produced to the Minister or an authorised person on request.

(2) The provisions of paragraph (1) of this Regulation shall be without prejudice to any other provisions of these Regulations; and the provisions of paragraph (1), of Schedule 15 to these Regulations and of any Regulations supplementing, amending or replacing the sub-paragraphs set out in Schedule 15 to these Regulations shall be additional to and not in derogation from the provisions of Regulation 44.

Method of carriage of persons.

46. A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to—

(a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein;

(b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings.

47. (1) This Regulation shall apply to every public transport aircraft registered in the Territory.

(2) Whenever an aircraft to which this Regulation applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers:

Provided that—

(a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Minister either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;

(b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment;

(c) nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft shall be marked with the words “Exit” or “Emergency Exit” in capital letters.

(4) (a) Every exit from the aircraft shall be marked with instructions in English and with diagrams, to indicate the correct method of opening the exit.
(b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.

(5) (a) Every aircraft to which this Regulation applies, being an aircraft of which the maximum total weight authorised exceeds 3,600 kg., shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as “break-in areas”) which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(b) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.

(c) The words “Cut Here in Emergency” shall be marked across the centre of each break-in area in capital letters.

(6) On every flight by an aircraft to which this Regulation applies, being an aircraft of which the maximum total weight authorised exceeds 5,700 kg., every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

(7) The markings required by this Regulation shall—

(a) be painted, or affixed by other equally permanent means;

(b) except in the case of the markings required by paragraph (6) of this Regulation, be red in colour and in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;

(c) in the case of markings required by paragraph (6) of this Regulation, be of a colour clearly contrasting with the background on which it appears;

(d) be kept at all times clean and unobscured.

(8) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this Regulation shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that—

(a) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Minister either in relation to the particular aircraft or to a class of aircraft; and

(b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words “Exit” or “Emergency Exit” are covered, and the exit is marked by a red disc at least 23 centimetres in diameter, with a horizontal white bar across it bearing the words “No exit” in red letters.
Imperilling safety of aircraft.

48. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft safety or any person therein.

Imperilling safety of any person or property.

49. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft.

50. (1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft.

51. (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the Territory so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the Territory at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft.

52. Every person in an aircraft registered in the Territory shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Stowaways.

53. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

PART VII

FATIGUE OF CREW

Application and interpretation of Part VII.

54. (1) Regulations 55 and 56 apply in relation to any aircraft registered in the Territory which is either—

(a) engaged on a flight for the purpose of public transport, or

(b) operated by an air transport undertaking:

Provided that the said Regulations 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 person who is not an air transport undertaking.
(2) In this Part, the following expressions shall, except where the context otherwise require have the meanings hereby respectively assigned to them, that is to say—

(a) “flight time”, in relation to any person, means all time spent by that person in an aircraft whether or not registered in the Territory (other than 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) 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 Greenwich Mean Time.

(3) For the purposes of this Part, 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.

55. (1) The operator of an aircraft to which this Regulation 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; and

(b) the scheme is approved by the Minister subject to such conditions as he thinks fit; and

(c) either—

(i) the scheme is incorporated in the operations manual required by Regulation 25; or

(ii) in a case where an operations manual is not required by that Regulation, 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 Regulation 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 that 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 Regulation 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 is paragraph (3) of this Regulation shall, subject to the provisions of Regulation 62, 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.

56. (1) A person shall not act as a member of the crew of an aircraft to which this Regulation 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 Regulation 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.

57. 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 12 months expiring at the end of the previous month exceeds 900 hours:

Provided that this Regulation shall not apply to a flight made—

(i) in an aircraft of which the maximum total weight authorised does not exceed 1,600 kg. and which is not flying for the purposes of public transport or aerial work; or

(ii) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Minister for the purpose of Regulation 20 (7) does not exceed 25 hours.

PART VIII

DOCUMENTS AND RECORDS

Documents to be carried.

58. (1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in the Territory, shall, when in flight, carry documents in accordance with Schedule 11 to these Regulations:

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the Territory the documents may be kept at that aerodrome instead of being carried in the aircraft.

Records to be kept.

59. The operator of a public transport aircraft registered in the Territory shall in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed of the total dose of cosmic
radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

Production of documents and records.

60. (1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

(a) the certificates of registration and airworthiness in force in respect of the aircraft.

(b) the licences of its flight crew.

(c) such other documents as the aircraft is required by Regulation 58 to carry when in flight.

(2) The operator of an aircraft registered in the Territory shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under these Regulations, to be in force or to be carried, preserved or made available—

(a) the documents referred to in Schedule 11 to these Regulations as Documents A, B and G.

(b) the aircraft log book, engine log books and variable pitch propeller log books required under these Regulations to be kept.

(c) the weight schedule, if any, required to be preserved under Regulation 16;

(d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 11 to these Regulations as Documents D, E, F and H;

(e) any records of flight times, duty periods and rest periods which he is required by Regulation 55 (4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;

(f) any such operations manuals as are required to be made available under Regulation 25(2)(a)(i);

(g) the record made by any flight data recorder required to be carried by or under these Regulations;

(h) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under Regulation 59.

(3) (a) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being required to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation. The requirements of this Regulation shall be deemed to have been complied with, except in relation to licences required by Regulation 58 to be carried in the aircraft or kept at an aerodrome; if the licence requested is produced within five days after the request has been made at a police station in the Territory specified, at the time of the request, by the person to whom the request is made.
(b) The foregoing provisions of this Regulation shall apply to a medical certificate issued pursuant to Regulation 19 (1)(b)(ii) as they apply to a licence granted or rendered valid under these Regulations.

(4) Every person required by Regulation 22 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within two years after the date of the last entry therein.

Power to inspect and copy documents and records.

61. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power pursuant to these Regulations and any Regulations made thereunder to require to be produced to him.

Preservation of documents, etc.

62. A person required by these Regulations to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative:

Provided that if—

(a) another person becomes the operator of the aircraft he or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with Regulation 38(2) which are in force or required to be preserved in respect of that aircraft:

(b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person he or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller;

(c) any person in respect of whom a record has been kept by him in accordance with Regulation 55(4) becomes a member of the flight crew of a public transport aircraft registered in the Territory and operated by another person he or his personal representative shall deliver those records to that other person upon demand, and it shall be the duty of that other person to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents.

63. (1) Subject to paragraph(4) of this Regulation, the Minister may, if he thinks fit provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations pending inquiry into or consideration of the case. The Minister may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, documents approval, permission, exemption, authorisation or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption, authorisation or other document
which has been revoked, suspended or varied under these Regulations shall surrender it to the Minister within a reasonable time after being required to do so by him.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under these Regulations, shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(4) The provisions of Regulation 64 shall have effect, in place of the provisions of this Regulation, in relation to permits to which that Regulation applies.

(5) Notwithstanding paragraph (1) of this Regulation, a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Minister, whether or not after due inquiry.

Revocation, suspension or variation of permissions, etc. granted under Regulation 85 or Regulation 86.

64. (1) Subject to the provisions of this Regulation, the Minister may revoke, suspend or vary any permit to which this Regulation applies.

(2) Save as provided by paragraph (3) of this Regulation, the Minister may exercise his powers under paragraph (1) of this Regulation only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Minister to be necessary for him to do so, he may provisionally suspend or vary a permit to which this Regulation applies without complying with the requirements of paragraph (2) of this Regulation; but he shall, in any such case, comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

(a) revoke the provisional suspension or variation of the permit; or

(b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Minister by paragraph (1) or paragraph (3) of this Regulation may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this Regulation applies or should enjoy them subject to such limitations or qualifications as the Minister may determine. In particular, and without prejudice to the generality of the foregoing, the Minister may exercise his said powers if—

(a) it appears to him that the person to whom the permit was granted has committed a breach of any condition to which it is subject;

(b) it appears to him that any agreement between the Government of the Territory and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
it appears to him that the person to whom the permit was granted, or such other Government as aforesaid (that is to say, a Government which is a party to such an agreement as aforesaid with the Government of the Territory), or the aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid, or have engaged in unfair, discriminatory or restrictive practices to the prejudice of the operator of an aircraft registered in and licensed to operate from the Territory by Regulations under the Act in his operation of air services to or from points in the country concerned;

(d) it appears to him that the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the Territory for the purposes of any such agreement as aforesaid, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(5) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this Regulation shall surrender it to the Minister within a reasonable time of being required by him to do so.

(6) The breach of any condition subject to which any permit to which this Regulation applies has been granted shall render the permit invalid during the continuance of the breach.

(7) The permits to which this Regulation applies are permissions granted by the Minister under Regulation 85 or Regulation 86 and any approvals or authorisations of, or consents to, any matter which the Minister has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(8) References in this Regulation to the permit-holder are references to the person to whom any permit to which this Regulation applies has been granted or is deemed to have been granted.

(9) The provisions of this Regulation shall have effect, as from the commencement of these Regulations, as well as in relation to permits, being permits to which that Regulation applies, granted before the commencement of these Regulations as in relation to those granted thereafter.

Offences in relation to documents and records.

65. (1) A person shall not, with intent to deceive—

(a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled; or

(b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or

(c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission, exemption or other
(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under these Regulations to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under these Regulations to be preserved.

(3) All entries made in writing in any log book or record referred to paragraph (2) of this Regulation shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of these Regulations or the Regulations made thereunder unless he is authorised to do so under these Regulations.

(6) A person shall not issue such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART IX
CONTROL OF AIR TRAFFIC

Rules of the air and air traffic control.

66. (1) Every person and every aircraft shall comply with such of the Rules of the Air and Air Traffic Control contained in Schedule 13 to these Regulations as maybe applicable to that person or aircraft in the circumstances of the case.

(2) Subject to the provisions of paragraph (3) of this Regulation it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary—
(a) for avoiding immediate danger; or
(b) for complying with the law of any country, other than the Territory, within which the aircraft then is.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Minister.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.
(6) The Minister may make Rules of the Air and Air Traffic control supplementary to but, not inconsistent with, the Rules of the Air and Air Traffic Control contained in Schedule 13 to these Regulations.

Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers.

67. (1) The Minister may grant a licence subject to such conditions as he thinks fit to any person to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competency, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such and undergo such examinations and tests (including in particular medical examinations) as the Minister may require of him:

Provided that the Minister shall not grant—

(a) a student air traffic controller’s licence or an aerodrome flight information service officer’s licence to a person under the age of 18 years; or

(b) an air traffic controller’s licence which includes an Aerodrome Control Rating, an Approach Control Rating, or an Area Control Rating, to a person under the age of 20 years; or

(c) an air traffic controller’s licence which includes any other rating, to a person under the age of 21 years.

(2) Every licence to act as an air traffic controller shall include (a) ratings of one or more of the classes set forth in Schedule 9 to these Regulations specifying the type of air traffic control service which the holder of the licence is competent to provide, (b) a list of the places at which, and (c) the type of radar equipment, if any, with the aid of which he may provide the service. If throughout any period of 90 days the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Minister’s powers under Regulation 63, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Minister to that effect and shall forward the licence to the Minister to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller’s licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.

(4) Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence. If, throughout any period of 180 days, the holder of the licence has not at any time provided such a service at a particular aerodrome, the licence shall cease to be valid for that aerodrome at the end of that period.

(5) A licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.
(6) Subject to the provisions of Regulation 63, a licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall remain in force for the period indicated in the licence and may be renewed by the Minister from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(7) Every applicant for and holder of an air traffic controller’s licence or a student air traffic controller’s licence shall upon such occasions as the Minister may require—

(a) submit himself to medical examination by a person approved by the Minister either generally or in a particular case who shall make a report to the Minister in such form as the Minister may require; and

(b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill, as the Minister may require, and such examinations and tests may be conducted by the Minister or by a person approved by the Minister.

(8) Every applicant for and holder of an aerodrome flight information service officer’s licence shall, upon such occasions as the Minister may require, subject himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Minister may require and such examinations and tests may be conducted by the Minister or by a person approved by the Minister.

(9) On the basis of the medical examination referred to in paragraph (7) of this Regulation the Minister 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, without prejudice to Regulation 70 be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(10) The holder of an air traffic controller’s licence or student air traffic controller’s licence shall not provide any type of air traffic control service at any such aerodrome or place as is referred to in Regulation 68 (1) unless his licence includes a medical certificate issued and in force under paragraph (9) of this Regulation.

**Prohibition of unlicensed air traffic controllers, student air traffic controllers and aerodrome flight information service officers.**

68. (1) A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless—

(a) in the case of an air traffic control service, he is the holder, and complies with the terms of—

(i) a valid student air traffic controller’s licence granted under these Regulations and he is supervised in accordance with Regulation 67(3); or

(ii) a valid air traffic controller’s licence so granted authorising him to provide that type of service at that place; or

(iii) a valid air traffic controller’s licence so granted which does not authorise him to provide that type of service at that place, but he is supervised by a person who is present at the time and who is the
holder of a valid air traffic controller’s licence so granted which authorises him to provide at that place the type of air traffic control service which is being provided; or

(b) in the case of an aerodrome flight information service, he is the holder and complies with the terms of an aerodrome flight information service officer’s licence granted under these Regulations authorising him to provide such a service at that place:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of the naval, military or air forces of the Territory or a visiting force.

(2) The holder of an air traffic controllers’s licence shall not be entitled to perform any of the functions specified in Schedule 9 to these Regulations in respect of a rating at any place unless—

(a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed; or

(b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller’s licence granted under these Regulations which authorises him to provide at that place the type of air traffic control service which is being provided.

(3) A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he identifies himself in such a manner as may be notified.

(4) Nothing in a licence granted under Regulation 67 shall permit any person to operate manually any direction-finding equipment for the purpose of providing air traffic control service to an aircraft at a time when he is providing air traffic control service or making signals to that aircraft or to another aircraft.

(5) Nothing in this Regulation shall prohibit the holder of a valid air traffic controller’s licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

**Flight information service manual.**

69. A person shall not provide an aerodrome flight information service at any aerodrome unless—

(a) the service is provided in accordance with the standards and procedures specified in an aerodrome information service manual in respect of that aerodrome;

(b) the manual is produced to the Minister within a reasonable time after a request for its production is made by the Minister;

(c) such amendments or additions as the Minister may from time to time require have been made to the manual.

**Incapacity of air traffic controllers.**

70. (1) Every holder of an air traffic controller’s licence granted under Regulation 67 who—
(a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or

(b) in the case of a woman, has reason to believe that she is pregnant, shall inform the Minister in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller’s licence shall be deemed to be suspended upon the elapse of such period of injury or illness as is referred to in paragraph (1)(a) of this Regulation. The suspension of the licence shall cease—

(a) upon the holder being medically examined under arrangements made by the Minister and pronounced fit to resume his functions under the licence; or

(b) upon the Minister exempting the holder from the requirement of a medical examination subject to such conditions as the Minister may think fit.

(3) Upon the pregnancy of the holder of an air traffic controller’s licence being confirmed, the licence shall be deemed to be suspended and such suspension may be lifted by the Minister subject to such conditions as he thinks fit, and shall cease upon the holder being medically examined under arrangements made by the Minister after the pregnancy has ended and pronounced fit to resume her functions under the licence.

Power to prohibit or restrict flying.

71. (1) (a) Where the Minister deems it necessary in the public interest to restrict or prohibit flying by reason of—

(i) the intended gathering or movement of a large number of persons; or

(ii) the intended holding of an aircraft race or contest or of an exhibition of flying; or

(iii) national defence or any other reason affecting the public interest, the Minister may make Regulations prohibiting, restricting or imposing conditions on flight—

(aa) by any aircraft, whether or not registered in the Territory, in any airspace over the Territory;

(bb) by aircraft registered in the Territory, in any other airspace, being airspace in respect of which the Government of the Territory has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(b) Regulations made under this Regulation may apply either generally or in relation to any class of aircraft.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any Regulations which have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this Regulation he shall unless otherwise instructed pursuant to paragraph (3) of this Regulation cause the aircraft to leave the area to which the Regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.
(3) The commander of an aircraft flying either within an area for which Regulations have been made for any of the reasons referred to in paragraph (1)(a)(ii) of this Regulation or within airspace notified as a Danger Area shall forthwith comply with such instructions given by radio or by one of the prescribed visual signals by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

**Balloons, kite airships, glides, gliders and parascending parachutes.**

72. (1) Within the Territory—

   (a) a captive balloon or kite shall not be flown at a height of more than 60 metres above the ground level or within 60 metres of any vessel, vehicle or structure;

   (b) a captive balloon shall not be flown within 5 kilometres of an aerodrome;

   (c) a balloon exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled air-space;

   (d) a kite shall not be flown within 5 kilometres of an aerodrome;

   (e) an airship shall not be moored;

   (f) a glider or a parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level,

without the permission in writing of the Minister and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

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**PART X**

**AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS**

**Aerodromes: public transport of passengers and instruction in flying.**

73. (1) An aircraft to which this paragraph applies shall not take-off or land at a place in the Territory other than—

   (a) an aerodrome licensed under these Regulations for the take-off and landing of such aircraft; or

   (b) a Government aerodrome notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take-off or land as the case may be,

and in accordance with any condition subject to which the aerodrome may have been so licensed or notified, or subject to which such permission may have been given.

(2) Paragraph (1) of this Regulation applies to—
(a) aeroplanes of which the maximum total weight authorised exceeds 2,730 kg. and which are flying—

(i) for the purpose of public transport of passengers; or

(ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot’s licence or the inclusion of an aircraft rating or a night rating in a licence; or

(iii) for the purpose of carrying out flying tests in respect of the grant of a pilot’s licence or the inclusion of an aircraft rating or a night rating in a licence;

(b) aeroplanes of which the maximum total weight authorised does not exceed 2,730 kg. engaged on either—

(i) scheduled journeys for the purpose of the public transport of passengers; or

(ii) flights for the purpose of the public transport of passengers beginning and ending the same aerodrome; or

(iii) flights for the purpose of—

(aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot’s licence or the inclusion of an aircraft rating or a night rating in a licence; or

(bb) a flying test in respect of the grant of a pilot’s licence or the inclusion of an aircraft rating or a night rating in a licence; or

(iv) flights for the purpose of the public transport of passengers at night;

(c) helicopters and gyroplanes engaged on such flights as are specified in sub-paragraphs (b)(i) and (iii) of this Regulation;

(d) gliders (other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club) which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) (a) The person in charge of any area in the Territory intended to be used for the taking-off or landing of helicopters at night other than such a place as is specified in paragraph (1) of this Regulation shall cause to be in operation, whenever a helicopter flying for the purpose of public transport of passengers is taking-off or landing at that area by night, such lighting as will enable the pilot of the helicopter—

(i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing;

(ii) in the case of taking-off, to make a safe take-off.

(b) A helicopter flying for the purpose of the public transport of passengers at night shall not take-off or land at a place to which subparagraph (a) of this paragraph applies unless there is in operation such lighting.
Use of Government aerodromes.

74. The Minister may cause to be notified subject to such conditions as he thinks fit any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

Licensing of aerodromes.

75. (1) The Minister may grant to any person applying therefore a licence in respect of any aerodrome in the Territory if he is satisfied that—

   (a) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft; and

   (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.

(2) An aerodrome licence may be granted subject to such conditions as the Minister thinks fit and shall, subject to the provisions of Regulation 63, remain in force for the period specified in the licence.

(3) Without prejudice to the generality of paragraph (2) of this Regulation, the Minister may grant a licence (in these Regulations referred to as “a licence for public use”) which shall be subject to the condition that the aerodrome shall at all times when it is available for take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome licence granted under these Regulations shall—

   (a) furnish to any person on request information concerning the terms of the licence; and

   (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of public transport of passengers or instruction in flying.

(5) The holder of an aerodrome licence granted under these Regulations shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are specified in Regulation 73(2), but the licence shall not cease to be valid by reason only of such a contravention.

Radio equipment at aerodromes.

76. (1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Minister and the equipment thereof is of a type the specification of which is approved by the Minister in relation to the purpose for which it is to be used.

   (2) The person in charge of an aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are—
(a) installed, modified and maintained in a manner approved by the Minister; and

(b) flight checked by the Minister or by a person approved by the Minister for that purpose on such occasions as the Minister may require:

Provided that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Minister may if he thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) The provisions of this Regulation shall not apply in respect of any aeronautical radio station of which the person in charge is the Minister.

Records at aerodromes.

77. (1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome—

(a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and

(b) preserve the written record for a period of one year or such longer period as the Minister may in any particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with paragraph (2) of this Regulation shall be—

(a) of a type the specification of which is approved by the Minister in relation to the particular aeronautical radio station; and

(b) installed, modified and maintained in a manner approved by the Minister; and

(c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of this Regulation includes—

(a) the identification of the aeronautical radio station; and

(b) the date or dates on which the record was made; and
(c) a means of determining the time at which each message or signal was transmitted; and

(d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and

(e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) of this Regulation ceases to be capable of recording the matters required by this Regulation to be included in the record the person in charge of the aeronautical radio station shall ensure that a written record is kept in which the particulars specified in paragraph (4) of this Regulation are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with paragraphs (2) and (5) of this Regulation for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Minister may in any particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) A person required by this Regulation to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this Regulation shall not apply in respect of any aeronautical radio station of which the person in charge is the Minister.

Charges at aerodromes licensed for public use.

78. (1) The Minister may, in relation to any aerodrome in respect of which a licence for public use has been granted, or to such aerodromes generally or to any class thereof prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The licensees of an aerodrome in relation to which the Minister has made any Regulations under paragraph (1) of this Regulation shall not cause or permit any charges to be made in contravention of those Regulations and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

(3) The licensees of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Minister, furnish to the Minister such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.
Use of aerodromes by aircraft of Contracting States and of the Commonwealth.

79. The person in charge of any aerodrome in the Territory which is open to public use by aircraft registered in the Territory (whether or not the aerodrome is licensed) shall cause the aerodrome, and all air navigation facilities provided thereat to be available for a use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the Territory.

Noise and vibration caused by aircraft on aerodromes.

80. The conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which, the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft shall be as specified in Paragraph 12 in Schedule 14 to these Regulations.

Aeronautical lights.

81. (1) Except with the permission of the Minister and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of—

(a) an aeronautical beacon within the Territory:

Provided that, in the case of an aeronautical beacon which is or may be visible from the waters within an area of a lighthouse authority, the Minister shall not give his permission for the purpose of this Regulation except with the consent of that authority; or

(b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under these Regulations, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Minister.

Dangerous lights.

82. (1) A person shall not exhibit in the Territory any light which—

(a) by reason of its glare is liable to endanger aircraft taking-off from or landing at an aerodrome; or

(b) by reason of its liability to be mistaken for an aeronautical light is liable to endanger aircraft.

(2) If any light which appears to the Minister to be such a light as aforesaid is exhibited the Minister may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.
(4) In the case of a light which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Minister under this Regulation shall not be exercised except with the consent of that authority.

Customs airports.

83. (1) The Minister may, subject to such conditions as he may think fit and on the recommendation of the Comptroller of Customs and Excise by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the written laws for the time being in force relating to customs.

(2) The Minister may by order revoke any designation so made.

Aviation fuel at aerodromes.

84. (1) A person who has the management of any aviation fuel installation on an aerodrome in the Territory shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

(a) when the aviation fuel is delivered into the installation he is satisfied that—

(i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft; and

(ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and

(iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft.

(b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft:

Provided that this paragraph shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom paragraph (1) of this Regulation applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

(a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;

(b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples;

(c) particulars of the maintenance and cleaning of the installation,

and he shall preserve the written record for a period of 12 months or such longer period as the Minister may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(3) (a) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft;
(b) If it appears to the Minister or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this Regulation, the Minister or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Minister or by an authorised person.

(4) For the purposes of this Regulation—

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART XI

GENERAL

Restriction with respect to carriage for hire or reward in aircraft registered outside the Territory.

85. (1) An aircraft registered in a Contracting State, other than the Territory or any Member State of the Organisation of Eastern Caribbean States, or in a foreign country, shall not take on board or discharge any passenger or cargo in the Territory, being passengers or cargo or to be carried for hire or reward, except with the permission of the Minister granted under this Regulation to the operator or charterer of the aircraft or to the Government of the country in which the aircraft is registered and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of Regulation 64 or of paragraph (1) of this Regulation, any breach by a person to whom a permission has been granted under this Regulation of any condition to which that permission was subject shall constitute a contravention of this Regulation.

Restriction with respect to aerial photography and survey from aircraft registered outside the Territory.

86. (1) An aircraft registered in any country other than the Territory shall not fly over the Territory for the purpose of aerial photography or aerial survey (whether or not hire or and reward is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Minister granted under this Regulation to the operator or charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of Regulation 64 or paragraph (1) of this Regulation any breach by a person to whom a permission has been granted under this Regulation of any condition to which that permission was subject shall constitute a contravention of this Regulation.

Flights over any foreign country.

87. (1) The operator or commander of an aircraft registered in the Territory (or, if the operator’s principal place of business or permanent residence is in the Territory,
any other aircraft) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) of this Regulation if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1) in this Regulation.

(3) The operator or commander of an aircraft registered in the Territory (or, if the operator’s principal place of business or permanent residence is in the Territory, any other aircraft) which is being flown over any foreign country shall, comply with any directions given by the appropriate aeronautical authorities of that country whenever—

(a) the flight has not been duly authorised; or

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of the aircraft would be endangered.

(4) A person does not contravene paragraph (3) in this Regulation if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) in this Regulation is without prejudice to any other requirement to comply with directions or an aeronautical authority.

(6) In this Regulation “appropriate aeronautical authorities” includes any person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Mandatory reporting.

88. (1) Subject to the provisions of this Regulation, every person who—

(a) is the operator or the commander of a public transport aircraft which is registered in the Territory, and has a maximum total weight authorised of more than 2,300 Kg.; or

(b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or

(c) signs a certificate of maintenance review or of release to service in respect of such an aircraft, part or equipment; or

(d) performs a function for which he requires an air traffic controller’s licence; or

(e) is the licensee or manager of a licensed aerodrome shall—

(i) make a report to the Minister of any reportable occurrence of which he knows and which is of such a description as is specified in Paragraph 16 of Schedule 14 to these Regulations; the report shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Minister may in any particular case approve; and

(ii) make a report to the Minister, within such time, by such means, and containing such information as the Minister may specify in a notice in writing served upon him, being information which is in
his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Minister in accordance with this Regulation.

(2) In this Regulation, “reportable occurrence” means—

(a) any incident relating to such an aircraft or any defect in or malfunctioning of such a aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person;

(b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident of which notice has been given in pursuance of Regulations made under any written law relating to the investigation of aircraft accidents and having effect in the Territory shall not constitute a reportable occurrence for purposes of this Regulation.

(3) Subject to paragraph (1)(ii), of this Regulation, nothing in this Regulation shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Minister in accordance with this Regulation.

(4) A person shall not make any report under this Regulation if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to Regulation 38(2) and subject to the provisions of Regulation 60, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Regulation, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Minister or for such longer period as the Minister may in any particular case direct:

Provided that the record may be erased if the aircraft is outside the Territory and it is not reasonably practicable to preserve the record until the aircraft reaches the Territory.

**Power to prevent aircraft flying.**

89. (1) If it appears to the Minister or an authorised person that any aircraft is intended or likely to be flown—

(a) in such circumstances that any provision of Regulations 3, 5, 6, 7, 18, 19, 28, 38, 44, [??072] 45 would be contravened in relation to the flight; or

(b) in such circumstances that the flight would be in contravention of any other provision of these Regulations or any Regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or

(c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or of any Regulation made thereunder,
the Minister or that authorised person may direct the operator or the commander of
the aircraft that he is not to permit the aircraft to make the particular flight or any
other flight of such description as may be specified in the direction, until the direction
has been revoked by the Minister or by an authorised person, and the Minister or that
authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this Regulation the Minister or any
authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Minister or an authorised person that any aircraft is
intended or likely to be flown in such circumstances that any provision of Regulation
85 or 86 or any provision relating to the licensing of air transport in the Territory
would be contravened in relation to the flight, the Minister or that authorised person
may direct the operator or the commander of the aircraft that he is not to permit the
aircraft to make the particular flight or any other flight of such description as may be
specified in the direction until the direction has been revoked by the Minister or by an
authorised person, and the Minister or any authorised person may take such steps as
are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) of this Regulation the Minister or any
authorised person may enter upon an aerodrome and may enter upon and inspect any
aircraft.

Right of access to aerodromes and other places.

90. The Minister and any authorised person shall have the right of access, at all
reasonable times—

(a) to any aerodrome, for the purpose of inspecting the aerodrome; or
(b) to any aerodrome for the purpose of inspecting any aircraft on the
aerodrome or any document which he has power to demand under
these Regulations, or for the purpose of detaining any aircraft under
the provisions of these Regulations; and
(c) to any place where an aircraft has landed, for the purpose of inspecting
the aircraft or any document which he has power to demand under
these Regulations and for the purpose of detaining the aircraft under
the provisions of these Regulations:

Provided that access to a Government aerodrome shall only be obtained with
the permission of the person in charge of the aerodrome.

Obstruction of persons.

91. A person shall not intentionally obstruct or impede any person acting in the
exercise of his powers or the performance of his duties under these Regulations.

Enforcement of directions.

92. Any person who without reasonable excuse fails to comply with any direction
given to him under any provision of these Regulations or any Regulations made
thereunder shall be deemed for the purposes of these Regulations to have contravened
that provision.

Penalties.

93. (1) If any provision of these Regulations or of any Regulations made
thereunder is contravened in relation to an aircraft, the operator of that aircraft and
the commander thereof, shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Regulations or of any Regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of these Regulations or of any Regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of these Regulations or of any Regulations made thereunder, not being a provision referred to in paragraph (5) or (6) of this Regulation he shall be liable on summary conviction to a fine not exceeding one thousand dollars.

(5) If any person contravenes any provision specified in Part A of Schedule 12 to these Regulations he shall be liable on summary conviction to a fine not exceeding two thousand dollars.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on summary conviction to a fine not exceeding three thousand dollars or imprisonment for a term not exceeding one year and on conviction on indictment to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding five years or both.

Extra-territorial effect of these Regulations.

94. Except where the context otherwise requires, the provisions of these Regulations—

(a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the Territory shall apply to such aircraft wherever they may be;

(b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within the Territory;

(c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in the Territory, shall apply to such persons and crew, wherever they may be; and

(d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the Territory by other persons shall, where such persons are citizens of the Territory, apply to them wherever they may be.

Application of Regulations to aircraft not registered in the Territory.

95. The Minister may direct that such of the provisions of these Regulations and of any Regulations made or having effect thereunder as may be specified in the direction
shall have effect as if reference in those provisions to aircraft registered in the Territory included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Territory.

Application of Regulations to Government.

96. (1) Subject to the following provisions of this Regulation, the provisions of these Regulations shall apply to or in relation to aircraft belonging or exclusively employed in the service of the Government, as they apply to or in relation to other aircraft and for the purposes of such application for the Department or other authority for the time being responsible on behalf of the Government for the management of the aircraft shall be deemed to be the operator of the aircraft:

Provided that nothing in this Regulation shall render liable to any penalty any Department or other authority responsible on behalf of the Government for the management of any aircraft.

(2) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of these Regulations and of any Regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of the Territory and for the time being serving in the Territory.

(3) Save as otherwise provided by paragraph (4) of this Regulation and the Rules of the Air and Air Traffic Control nothing in these Regulations shall apply to or in relation to any military aircraft.

(4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of the naval, military or air forces of the Territory or as a member of a visiting force or international headquarters the following provisions of these Regulations shall apply on the occasion of that flight, that is to say, Regulations 48, 49, 50 and 71 and in addition Regulation 66 (so far as applicable) shall apply.

Exemption from Regulations.

97. The Minister may exempt from any of the provisions of these Regulations (other than Regulations 85, 86 or 98) or any Regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Appeal to High Court.

98. (1) An appeal shall lie to the High Court or to such other court as may be prescribed from any decision of the Minister that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller, student air traffic controller or aerodrome flight information service officer, and if the court is satisfied that on the evidence submitted to the Minister he was wrong in so deciding, the court may reverse the Minister’s decision and the Minister shall give effect to the court’s determination:

Provided that an appeal shall not be from a decision of the Minister that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.
(2) The respondent to any appeal under this Regulation shall be the Attorney General.

(3) For the purposes of any provision relating to the time within which an appeal may be brought, the Minister’s decision shall be deemed to have been taken on the date on which the Minister furnished a statement of his reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

Regulations by the Minister: Fees.

99. (1) The Minister may make Regulations for prescribing anything which, under the provisions of these Regulations, is to be prescribed.

(2) The Minister may make Regulations amending Schedule 14 to these Regulations.

(3) Without prejudice to the generality of paragraph (1) of this Regulation, such Regulations may prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, these Regulations or any Regulations made thereunder.

(4) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable. If, after such payment or deposit has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Minister, the Minister may, subject as [??076] hereinafter provided, refund the amount of such payment or deposit. Where the amount paid or deposited is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the Minister may refund the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Minister is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal:

Provided that, if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Minister the amount representing the balance of such fee shall be payable by the applicant. In this paragraph the expression “investigation” includes an inspection, examination, calculation or test.

Saving.

100. (1) Subject to the provisions of Regulations 75 and 79, nothing in these Regulations or the Regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in these Regulations shall oblige the Minister to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document,
or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

Small aircraft.

101. The provisions of these Regulations, other than Regulations 2(1), 2(5), 49 and 72 shall not apply to or in relation to—

(a) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;

(b) any kite weighting not more than 2 kg;

(c) any other aircraft weighing not more than 7 kg, without its fuel;

(d) any parachute including a parascending parachute.

Approval of persons to furnish reports.

102. In relation to any of his functions pursuant to any of the provisions of these Regulations the Minister may, either absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish reports to him and may accept such reports.

Savings.

103. (1) Notwithstanding the revocation of the Orders specified in sub-regulation (2) of this Regulation, any instrument, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, log book, record or other document issued under any enactment revoked by any of those Orders, if in force at the commencement of these Regulations, shall (except to the extent that such instrument is inconsistent with the provisions of these Regulations) continue in force until superseded, revoked or otherwise terminated and, so far as it could have been issued, made, served or granted under these Regulations, shall have effect as if issued, made, served or granted under these Regulations and these Regulations shall apply to or in relation to such instrument accordingly:

Provided that any such instrument which is expressed to remain in force for a definite period shall not remain in force after the expiration of that period unless it shall be renewed in accordance with the provisions of these Regulations or in accordance with any prescribed provisions.

SCHEDULE 1

(Regulations 3(1), 7(1), 12(2) and 40)

A AND B CONDITIONS

The A Conditions and B Conditions referred to in Regulations 3(1), 7(1), 12(2) and 40 are as follows:

A Conditions

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under these Regulations, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to—

(a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval as the case may be; or

(b) proceed to or from a place at which any inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph (a), hereof after such an application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or

(c) proceed to or from a place at which the aircraft is to be or has been stored.

(3) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer’s licence granted under these Regulations, being a licence which entitles him to issue that certificate or by a person approved by the Minister for the purpose of issuing certificates under this condition, and in accordance with that approval.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under these Regulations in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2) of these Conditions.

(6) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off from or land at a Government aerodrome or a licensed aerodrome, in accordance with normal aviation practice.

(7) Without prejudice to the provisions of Regulation 18(2), the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) The flight shall be made under the supervision of a person approved by the Minister for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.
(2) If it is not registered in the Territory or under the law of any country referred to in Regulation 3, the aircraft shall be marked in a manner approved by the Minister for the purposes of these Conditions, and the provisions of Regulations 14, 15, 19, 32, 36, 58 and 60 shall be complied with in relation to the aircraft as if it was registered in the Territory so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of—

(a) experimenting with or testing the aircraft (including in particular its engines) and its equipment; or

(b) enabling it to qualify for the issue of a certificate of airworthiness or the validation thereof, or the approval of a modification of the aircraft; or

(c) proceeding to or from a place at which any experiment, inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph (a) or (b) of this paragraph or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or

(d) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft.

(4) Without prejudice to the provisions of Regulation 18(2), the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following—

(a) persons employed by the operator who carry out during the flight duties in connection with the purposes specified in paragraph (3) of these Conditions;

(b) persons employed by manufacturers of component parts of the aircraft (including its engines) who carry out during the flight duties in connection with the purposes so specified;

(c) persons approved by the Minister under Regulation 8 (8) as qualified to furnish reports for the purposes of that Regulation;

(d) persons, other than those carried under the preceding provisions of this paragraph, who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation.

(6) The aircraft shall not fly, except in accordance with procedures which have been approved by the Minister in relation to that flight, over any congested area of a city, town or settlement.
SCHEDULE 2  
(Regulations 2(5), 4(6) and 23(2))

PART A

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

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PART B

(Regulation 5(2))

NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN THE TERRORY

1. The nationality mark of the aircraft shall be either a group of two capital letters in Roman character or a group of one capital letter in Roman character and one Arabic numeral and the registration mark shall be a group of three capital letters in Roman character assigned by the Minister on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

2. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

3. The nationality and registration marks shall also be inscribed, together with the name and address of the registered owner of the aircraft, on a fireproof metal plate affixed—
   (a) in the case of an aeroplane having an empty weight not exceeding 150 kg either in accordance with paragraph (b) or in a prominent position to the wing.
4. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner—

I. Position of marks—

(a) Flying Machines and Gliders—

(i) Horizontal Surfaces of the Wings or Fuselage (or equivalent structure)—

(aa) On aircraft having a fixed wing surface the marks shall appear on the lower surface of the wing structure, and shall be on the left half of the lower surface of the wing structure unless they extend across the whole surface of both wings. So far as possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(bb) On aircraft having no fixed wing surface and when owing to the structure of the aircraft the greatest height reasonably practicable for the marks on the vertical surface of the fuselage (or equivalent structure) is less than 15 centimetres the marks shall also appear on the lower surface of the fuselage on the line of symmetry and shall be placed with the tops of the letters towards the nose.

(ii) Vertical Surfaces of the tail or Fuselage (or equivalent structure):

The marks shall also be on each side of the aircraft either on the fuselage or on the upper halves of the vertical tail surfaces. On aircraft having a fixed wing surface, the marks, if placed on the fuselage (or equivalent structure) shall be between the horizontal tail surfaces and the wing. When on a single vertical tail surface the marks shall be on both sides. When there is more than one vertical tail surface, the marks shall be on the outer sides of the outboard vertical tail surfaces.

(b) Airships and Free Balloons—

(i) Airships: The marks shall be on each side of the airship. They shall be placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser.

(ii) Free Balloons: The marks shall be in two places diametrically opposite.

(iii) In the case of all airships and free balloons the side marks shall be so placed as to be visible both from the sides and from the ground.

II. Size of Marks—

(a) Flying Machines and Gliders—

(i) Wings: The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 50 centimetres.
(ii) Fuselage (or equivalent structure) or Vertical Tail Surfaces: The marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface. The letters shall be of equal height. The height of the letters constituting each group of marks shall be at least 30 centimetres. Where marks are required to be carried on the lower surface of aircraft having no fixed wing surface, the height of the marks shall be at least 50 centimetres:

Provided that where owing to the structure of the aircraft the appropriate height specified in this sub-paragraph (ii) is not reasonably practicable, the height of the marks shall be the greatest height reasonably practicable in the circumstances consistent with compliance with Section III of this Part of this Schedule.

(b) Airships and Free Balloons—

The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 50 centimetres.

III. Width and Spacing of Marks—

(a) The width of each letter (except the letter i) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter.

(b) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting with the background on which they appear. The thickness of the lines shall be one-sixth of the height of a letter.

(c) Each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.

PART C

(Regulation 4(8))

AIRCRAFT DEALER’S CERTIFICATE-CONDITIONS

(1) The operator of the aircraft shall be the registered owner of the aircraft, who shall be the holder of an aircraft dealer’s certificate granted under these Regulations.

(2) The aircraft shall fly only for the purpose of—

(a) testing the aircraft; or

(b) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft; or

(c) proceeding to or from a place at which the aircraft is to be tested or demonstrated as aforesaid, or overhauled, repaired or modified; or

(d) delivering the aircraft to a person who has agreed to buy, lease or sell it; or

(e) proceeding to or from a place for the purpose of storage.
(3) Without prejudice to the provisions of Regulation 32 the operator of the aircraft shall satisfy himself before the aircraft takes off that the aircraft is in every way fit for the intended flight.

(4) The aircraft shall fly only within the Territory.

SCHEDULE 3
(Regulation 8)

PART A

Transport Category (Passenger)

Transport Category (Cargo)

Aerial Work Category

Private Category

Special Category

The purposes for which the aircraft may fly are as follows:

Transport Category (Passenger): Any purpose
Transport Category (Cargo): Any purpose, other than the public transport of passengers.
Aerial Work Category: Any purpose other than public transport.
Private Category: Any purpose other than public transport or aerial work.
Special Category: Any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

SCHEDULE 4
(Regulation 11(4) and 13(2))

AIRCRAFT EQUIPMENT

1. Every aircraft of a description specified in the first column of the Table set forth in paragraph 4 of this Schedule and which is registered in the Territory shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression “adequate equipment” shall mean the scales of equipment respectively indicated in that Table:
Provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining, whether this Schedule is complied with in respect of that aircraft.

3. The following items of equipment shall not be required to be of a type approved by the Minister—

(i) The equipment referred to in Scale A (ii).
(ii) First aid equipment and handbook, referred to in Scale B.
(iii) Time-pieces, referred to in Scale F.
(iv) Torches, referred to in Scales G, H, J, and Z.
(v) Whistles, referred to in Scale H.
(vi) Sea anchors, referred to in Scales I and J.
(vii) Rocket signals, referred to in Scale I.
(viii) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale I.
(ix) Paddles, referred to in Scale J.
(x) Food and water, referred to in Scale J, U and V.
(xi) First aid equipment, referred to in Scale J, U and V.
(xii) Stove, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V.
(xiii) Megaphones, referred to in Scale Y.

4. **TABLE**

<table>
<thead>
<tr>
<th>Description of aircraft</th>
<th>Circumstances of flight</th>
<th>Scale of Equipment Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Gliders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) <strong>flying for purposes other than public transport or aerial work when flying by night</strong></td>
<td>A(ii)</td>
<td></td>
</tr>
<tr>
<td>(b) <strong>flying for the purpose of public transport or aerial work, and</strong>—</td>
<td>A, B, D and F(i) C and G</td>
<td></td>
</tr>
<tr>
<td>(i) when flying by night</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>(ii) when carrying out aerobatic manoeuvres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Aeroplanes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) <strong>flying for purposes other than public transport, and</strong></td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>(i) when flying by night</td>
<td>C and D</td>
<td></td>
</tr>
<tr>
<td>(ii) when flying under Instrument Flight Rules</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>(aa) outside controlled airspace</td>
<td>E with E(iv) duplicated and F</td>
<td></td>
</tr>
<tr>
<td>(bb) within controlled airspace</td>
<td></td>
<td></td>
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</tbody>
</table>
(iii) when carrying out aerobatic manoeuvres
(iv) when flying for the purpose of aerial work

(b) flying for the purpose of public transport; and

(i) when flying under Instrument Flight Rules except flights outside controlled airspace by aeroplanes having a maximum total weight authorised not exceeding 1,150 kg.

(ii) when flying by night; and in the case of aeroplanes of which the maximum total weight authorised exceeds 1,150 kg.

(iii) When flying over water beyond gliding distance from land

(iv) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aeroplane would be forced to land onto water

(v) when flying over water—

(aa) classified in its certificate of airworthiness as being of performance group A, C or X; or

(bbb) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units in-operative and the remaining power unit or units operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Minister it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the International Standard Atmosphere specified in or ascertainable by reference to the certificate of air-worthiness in force in respect of that aircraft when either more than 400 nautical miles or more than 90
minutes flying time* from the nearest aerodrome at which an emergency landing can be made

- (bb) in the case of all other aeroplanes when more than 30 minutes flying time* from such an aerodrome
- (vi) on all flights which involve manoeuvres on water

H and J

H, I and J

*For the purposes of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

<table>
<thead>
<tr>
<th>Description of aircraft</th>
<th>Circumstances of flight</th>
<th>Scale of Equipment Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(vii) when flying at a height of 10,000 feet or more above mean sea level:</td>
<td></td>
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</tr>
<tr>
<td>(aa) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) before 1st January 1991</td>
<td>K1 or K2</td>
<td></td>
</tr>
<tr>
<td>(bb) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) on or after 1st January 1991</td>
<td>K2</td>
<td></td>
</tr>
<tr>
<td>(viii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>(ix) when carrying out aerobatic manoeuvres</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>(x) on all flights on which the aircraft carries a flight crew of more than one person</td>
<td>N</td>
<td></td>
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<tr>
<td>(xi) on all flights for the purpose of public transport of passengers</td>
<td>Q and Y</td>
<td></td>
</tr>
<tr>
<td>(xii) on all flights by a pressurised aircraft</td>
<td>R</td>
<td></td>
</tr>
<tr>
<td>(aa) before 1st January 1992</td>
<td>R1</td>
<td></td>
</tr>
<tr>
<td>(bb) on or after 1st January 1992</td>
<td>R2</td>
<td></td>
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<tr>
<td>(xiii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met</td>
<td>U</td>
<td></td>
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<tr>
<td>(xiv) when flying over substantially uninhabited land or areas where, in the event of an emergency landing, polar conditions are likely to be met</td>
<td>V</td>
<td></td>
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<tr>
<td>(xv) when flying at an altitude of more than</td>
<td>W</td>
<td></td>
</tr>
</tbody>
</table>
(3) Turbine-jet aeroplanes having a maximum total weight authorised exceeding 5,700 kg. or pressurised aircraft having a maximum total weight authorised exceeding 11,400 kg.

(4) Turbine-engined aeroplanes having a maximum total weight authorised exceeding 5,700 kg. and piston-engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg.

(a) which are operated by an air transport undertaking under a certificate of airworthiness of the Transport Category (Passenger) or the Transport Category (Cargo) or

(b) in respect of which application has been made and not withdrawn or refused for such a certificate, and which fly under the “A” Conditions or under a certificate of airworthiness of the Special Category

Provided that this paragraph shall not apply to:

<table>
<thead>
<tr>
<th>49,000 feet</th>
<th>When flying for the purpose of public transport</th>
<th>O</th>
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<tbody>
<tr>
<td>(a) when flying on any flight</td>
<td>when flying on any flight</td>
<td>P</td>
</tr>
<tr>
<td>(b) when flying on any flight</td>
<td>when flying on any flight</td>
<td>P</td>
</tr>
</tbody>
</table>
(i) aeroplanes having a maximum total weight authorised exceeding 230,000 kg. which conform to a type which was first issued with a type certificate in the Territory after 1st January 1970; or

(ii) aeroplanes having a maximum total weight authorised exceeding 5,700 kg. but not exceeding 230,000 kg. which conform to a type which was first issued with a type certificate (whether in the Territory or elsewhere) after 1st April 1971.

(5) Aeroplanes –

(a) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 5,700 kg. and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo); or

(b) which conform to when flying on any flight

S
a type first issued with a type certificate in the Territory on or after 1st January 1970 and having a maximum total weight authorised exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or

(c) having a maximum total weight authorised exceeding 5,700 kg. which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane over 230,000 kg. maximum total weight authorised) in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the “A Conditions” or in respect of which there is in force a certificate of airworthiness in the Special Category.

(6) Aeroplanes—

(a) which conform to a type first issued with a type certificate (whether in the Territory or

when flying on any flight

S
elsewhere) on or after 1st April 1971 and which have maximum total weight authorised exceeding 27,000 kg. and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or

(b) which conform to a type first issued with a type certificate in the Territory on or after 1st January 1970 and which have a maximum total weight authorised exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or,

c) having a maximum total weight authorised exceeding 27,000 kg. which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane having a maximum total weight authorised exceeding 230,000 kg.) in respect of which an application has
been made, and not withdrawn or refused for such a certificate of airworthiness and which fly under the “A Conditions” or in respect of which there is in force a certificate of airworthiness in the Special Category.

(7) Aeroplanes which have a maximum total weight authorised exceeding 15,000 kg. or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers

(8) Aeroplanes –

(a) which are a turbo-jet and which have a maximum total weight authorised exceeding 22,700 kg., or

(b) having a maximum total weight authorised exceeding 5,700 kg. and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the Minister is

<table>
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<tr>
<th>When flying on any flight</th>
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<tbody>
<tr>
<td>On all flights for the purpose of public transport</td>
<td>X</td>
</tr>
<tr>
<td>when flying by night for the purpose of the public transport of passengers</td>
<td>Z(i) and (ii)</td>
</tr>
<tr>
<td>when flying by night for the purpose of the public transport of passengers</td>
<td>Z(i) and (ii)</td>
</tr>
</tbody>
</table>
identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date, or

(c) which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers over 3 years of age.

(9) Helicopters and Gyroplanes

(a) flying for purposes other than public transport; and

(i) when flying by day under Visual Flight Rules with visual ground reference

(ii) when flying by day under Instrument Flight Rules or without visual ground reference

(aa) outside controlled airspace

(bb) within controlled airspace

(iii) when flying at night

(aa) with visual ground reference

(bb) without visual ground reference–

(aaa) outside controlled
airspace

(bbb) within controlled airspace

(b) flying for the purpose of public transport; and

(i) when flying by day under Visual Flight Rules with visual ground reference

(ii) when flying by day under Instrument Flight Rules or without visual ground reference

(iii) when flying by night with visual ground reference

(aa) in the case of a helicopter or gyroplane having a maximum total weight authorised not exceeding 2,000 kg.

(bb) in the case of a helicopter or gyroplane having a maximum total weight authorised exceeding 2,000 kg.

(iv) when flying by night without visual ground reference

(v) when flying over water
(aa) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 or B when beyond autorotational gliding distance from land suitable for an emergency landing

(bb) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the helicopter or gyroplane would be forced to land onto water

(cc) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 when beyond 10 minutes flying time* from land

(dd) for more than a total of three minutes in any flight

(ee) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 which is intended to fly beyond ten minutes flying time from land or which actually flies beyond ten minutes flying time from land, on a flight in support of or in connection with the offshore exploration of mineral resources (including gas) when the weather report or forecasts available to the commander of the aircraft indicate that the sea temperature will be less than plus ten degrees centigrade during the flight or when any part of the flight is at night

(vi) on all flights which involve manoeuvres on water

(vii) when flying at a height of 10,000 feet or more above mean sea level:

(aa) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) before 1st January 1991
(10) Helicopters and Gyroplanes –

(a) having a maximum total weight authorised exceeding 5,700 kg; and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30th April 1972 but not including any helicopter or gyroplane which in the opinion of the Minister is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied

(bb) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) on or after 1st January 1991

(viii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met

(ix) on all flights on which the aircraft carries a flight crew of more than one person

(x) on all flights for the purpose of the public transport of passengers

(xi) when flying over substantially uninhabited land areas where, in the event of emergency landing, tropical conditions are likely to be met

(xii) when flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met.

when flying by night for the purpose of the public transport of passengers
for before that date; or

(b) which, in accordance with the certificate of airworthiness in force in respect thereof, may carry more than 19 persons over 3 years of age; or

(c) which have a certificate of airworthiness issued in the Transport Category (passenger or cargo) and which has either a maximum total weight authorised exceeding 2,700 kg. or which may carry more than 9 passengers.

d) in respect of which there is in force a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and helicopters in respect of which application has been made and not withdrawn or refused for such a certificate of airworthiness and which fly under the “A” conditions or which have a certificate of airworthiness in the Special Category and

(i) which have maximum weight when flying by night for the purpose of the public transport of passengers

when flying on any flight beginning on or after 1st January 1991 until 31st July 1992

SS(i) or (iii)
authorised exceeding 2,780 kg but not exceeding 7,000 kg or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than nine passengers, or both

(ii) which have a maximum total weight authorised exceeding 7,000kg.

<table>
<thead>
<tr>
<th>when flying on any flight on or after 31 July 1992</th>
<th>SS(ii) or (iii)</th>
</tr>
</thead>
</table>

*For the purposes of this table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

5. The scales of equipment indicated in the foregoing Table shall be as follows:

**Scale A**

(i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent, of the number of each rating or three of each rating, whichever is the greater;

(ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under these Regulations, for the intended flight of the aircraft including any diversion which may reasonably be expected.

(iii) (a) Subject to Scale B (iii) (a) in all aeroplanes, helicopters and gyroplanes, for every pilot’s seat and for any seat situated alongside a pilot’s seat, a safety belt with one diagonal shoulder strap or a safety harness:

Provided that the Minister may permit a safety belt without a diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap, or a safety harness.

(b) Subject to Scale B (iii) (b) for every seat in use (not being a seat referred to in sub-paragraph (a) above) a safety belt with or without one diagonal shoulder strap or a safety harness.

(c) In addition and for attachment to the equipment required in sub-paragraph (b), above, a child restraint device for every child under the age of two years on board.
Scale B

(i) First-aid equipment of good quality, sufficient in quantity, having to the number of persons on board the aircraft, and including the following—

Roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;

Haemostatic bandages or tourniquets, scissors;

Antiseptic, analgesic and stimulant drugs;

Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700 kg.;

A handbook on First Aid.

(ii) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers whether, normally or in an emergency;

(a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxying; or

(b) would be more than 1.82 metres from the ground if the undercarriage or any part thereof should collapse, break or fail to function, apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

(iii) (a) If the maximum total weight authorised of the aircraft exceeds 2,730 kg., a safety harness for every pilot’s seat in use, in place of the safety belt with one diagonal shoulder strap referred to under Scale A: Provided that the Minister may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety harness.

(b) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin attendants who are required to be carried under these Regulations, a safety harness.

(iv) If the commander cannot, from his own seat, see all the passengers’ seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

Scale C

(i) Equipment for displaying the lights required by the Rules of the Air and Air Traffic Control;

(ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight;
(iii) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air and Air Traffic Control as indicating a request for permission to land.

Scale D

(i) (a) In the case of a helicopter or a gyroplane, a slip indicator;
    (b) In the case of any other flying machine either;
        (aa) a turn indicator and a slip indicator; or
        (bb) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator;

(ii) a sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

(i) (a) In the case of a helicopter or a gyroplane, a slip indicator;
    (b) In the case of any other flying machine, a turn indicator and a slip indicator;

(ii) A gyroscopic bank and pitch indicator;

(iii) A gyroscopic direction indicator;

(iv) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight: Provided that any aircraft may, at the option of the operator, be equipped with an additional gyroscopic bank and pitch indicator in lieu of the turn indicator referred to in (i) of this Scale.

Scale EE

On all flights on or after 1st January 1991, a radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.

(i) A time piece indicating the time in hours, minutes and seconds;

(ii) A means of indicating whether the power supply to the gyroscopic instruments is adequate;

(iii) A rate of climb and descent indicator;

(iv) If the maximum total weight authorised of the aircraft exceeds 5,700 kg. a means of indicating outside air temperature;

(v) If the maximum total weight authorised of the aircraft exceeds 5,700 kg. two air speed indicators.
(i) In the case of an aircraft other than a helicopter or gyroplane
landing lights consisting of two single filament lamps, or one dual
filament lamp with separately energised filaments;

(ii) an electric lighting system to provide illumination in every
passenger compartment;

(iii) (a) one electric torch for each member of the flight crew of the
aircraft; or

(b) (aa) one electric torch for each member of the flight crew of
the aircraft; and

(bb) at least one electric torch affixed adjacent to each floor
level exit intended for the disembarkation of passengers
whether normally or in an emergency, provided that
such torches shall
– be readily accessible for use by the crew of the aircraft
at all times; and
– number in total not less than the minimum number of
cabin attendants required to be carried with a full
passenger complement.

(iv) In the case of an aircraft other than a helicopter or gyroplane of
which the maximum total weight authorised exceeds 5,700 kg.,
means of observing the existence and build up of ice on the
aircraft.

(v) (a) In the case of a helicopter or gyroplane in respect of which
there is in force a certificate of airworthiness designating the
helicopter or gyroplane as being of performance group A, either—

(aa) two landing lights both of which are adjustable so as to
illuminate the ground in front and below the helicopter
or gyroplane and one of which is adjustable so as to
illuminate the ground on either side of the helicopter or
gyroplane; or

(bb) one landing light or, if the maximum total weight
authorised of the helicopter or gyroplane exceeds 5,700
kg., one dual filament landing light with separately
energised filaments, or two single filament lights, each
of which is adjustable so as to illuminate the ground in
front and below the helicopter or gyroplane; and two
parachute flares.

(b) In the case of a helicopter or gyroplane in respect of which
there is in force a certificate of airworthiness designating the
helicopter or gyroplane as being of performance group B, either—

(aa) one landing light and two parachute flares; or

(bb) if the maximum total weight authorised of the helicopter
or gyroplane exceeds 5,700 kg., either one dual filament
landing light with separately energised filaments or two single filament landing lights; and two parachute flares.

For each person on board, a life jacket equipped with a whistle and waterproof torch:

Provided that life jackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

A survival suit for each member of the crew.

(i) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine;

(ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air and Air Traffic Control;

(iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

(i) (a) In the case of a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, life rafts sufficient to accommodate all persons on board;

(b) In the case of a helicopter or gyroplane carrying 20 or more persons, a minimum of two life rafts sufficient together to accommodate all persons on board.

Each life raft shall contain the following equipment:

(a) means for maintaining buoyancy;

(b) a sea anchor;

(c) life-lines, and means of attaching one life raft to another;

(d) paddles or other means of propulsion;

(e) means of protecting the occupants from the elements;

(f) a waterproof torch;

(g) marine type pyrotechnical distress signals;

(h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i).

(i) for each four or proportion of four persons the life raft is designed to carry—

100 grammes of glucose toffee tablets;

½ litre of fresh water in durable containers:

Provided that in any case in which it is not reasonably practicable to carry the quantity of water above specified; as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh
water capable of being produced by means of the equipment specified in sub-paragraph (h), to provide ½ litre of water for each four or proportion of four persons the life raft is designed to carry;

(j) first aid equipment;

Items (f) to (j) inclusive shall be contained in a pack.

(ii) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of life rafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8 life rafts for every additional 4 or proportion of 4 life rafts</td>
<td>2 survival beacon radio apparatus 1 additional survival beacon radio apparatus</td>
</tr>
</tbody>
</table>

(iii) In the case of a helicopter or gyroplane undertaking a flight on or after 1st January, 1991, an emergency beacon which is automatically deployed and activated in the event of a crash.

Scale K1

PART 1

(i) In every flying machine which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight in the flight crew compartment and in the compartments in which passengers are carried—

(a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II of this Scale, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and

(b) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers, together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(ii) In any other flying machine—

(a) a supply of oxygen sufficient for continuous use by all the crew, and if passengers are carried, by 10 per cent of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 except that on and after 1st January 1991 flight crews shall be supplied with oxygen sufficient for continuous use for any period during which the flying machines flies above flight level 100; and
(b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130.

### PART II

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vertical displacement of the flying machine in relation to flight levels</td>
<td>Capability of flying machine to descend (where relevant)</td>
<td>Period of supply of oxygen</td>
<td>Persons for whom oxygen is to be provided</td>
</tr>
<tr>
<td>Above flight level 100</td>
<td>30 minutes or the period specified at A hereunder whichever is the greater</td>
<td>In addition to any passengers for whom oxygen is provided as specified below, all the crew</td>
<td></td>
</tr>
<tr>
<td>Above flight level 100 but not above flight level 300</td>
<td>30 minutes or the period specified at A hereunder whichever is the greater</td>
<td>{ Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>{ Flying machine is flying above flight level 150 and is not so capable</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 per cent of number of passengers</td>
<td>All passengers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 per cent of number of passengers</td>
<td>10 per cent of number of passengers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 per cent of number of passengers</td>
<td>All passengers</td>
<td></td>
</tr>
</tbody>
</table>
Above flight level 300 but not above flight level 350

| at $Y$ here-under. specified at $B$ hereunder |
|---|---|
| whichever is the greater |
| and in addition |
| 30 minutes or the period |
| specified at $C$ hereunder |
| whichever is the greater |

Above flight level 350

<table>
<thead>
<tr>
<th>Flying machine is not so capable</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 minutes or the period</td>
</tr>
<tr>
<td>specified at $B$ hereunder</td>
</tr>
<tr>
<td>whichever is the greater</td>
</tr>
<tr>
<td>and in addition</td>
</tr>
<tr>
<td>30 minutes or the period</td>
</tr>
<tr>
<td>specified at $C$ hereunder</td>
</tr>
<tr>
<td>whichever is the greater</td>
</tr>
</tbody>
</table>

15 per cent of number of passengers

A. The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

B. The whole period during which, after failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

The flying machine is capable, at the time when a failure to maintain such pressure occurs of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.
together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(iii) The quantity of oxygen required for the purpose of complying with paragraphs (i) and (ii) of this Part of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Item (vi) of Part A of Schedule 10 to these Regulations.

Scale K2

A supply of oxygen and the associated equipment to meet the requirements set out in Parts I and II of this scale. The duration for the purposes of this scale shall be—

(i) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of—

(a) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;
(b) the possibility of failure of one or more of the aircraft engines;
(c) restrictions due to required minimum safe altitude;
(d) fuel requirement; and
(e) the performance of the aircraft; or

(ii) the period or periods during which the aircraft is actually flown in the circumstances specified in the said Parts, whichever is the greater.

PART I

Unpressurised Aircraft

(i) When flying at or below flight level 100
   Nil

(ii) When flying above flight level 100 but not exceeding flight level 120
   
<table>
<thead>
<tr>
<th>Supply for</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Members of the flight crew</td>
<td>Any period during which the aircraft flies above flight level 100</td>
</tr>
<tr>
<td>(b) Cabin attendants and 10% of</td>
<td>For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding flight level 120, the duration shall be the period by which 30 minutes is exceeded</td>
</tr>
<tr>
<td>passengers</td>
<td></td>
</tr>
</tbody>
</table>

(iii) When flying above flight level 120
   
<table>
<thead>
<tr>
<th>Supply for</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Members of the flight crew</td>
<td>Any period during which the aircraft flies above flight level 120</td>
</tr>
</tbody>
</table>
(b) Cabin attendants and all passengers Any period during which the aircraft flies above flight level 120

PART II

Pressurised Aircraft

(i) when flying at or below flight level 100 Nil.
(ii) When flying above flight level 100 but not exceeding flight level 250

Supply for Duration

(a) Members of the flight crew 30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater

(b) Cabin attendants and 10% of passengers

(aa) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater.

(bb) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 feet but does not exceed 12,000 feet.

(c) Cabin attendants and passengers

(aa) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, no requirement other than that at (ii)(b)(aa) of this part of this scale

(bb) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 12,000 feet or 10 minutes, whichever is the greater

(iii) When flying above flight level 250

Supply for Duration

(a) Members of the flight crew 2 hours or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater

(b) Cabin attendants Whenever the cabin pressure altitude exceeds 10,000 feet and a portable supply for 15 minutes

(c) 10% of passengers Whenever the cabin pressure altitude exceeds 10,000 feet but does not exceed 12,000 feet
(d) 30% of passengers Whenever the cabin pressure altitude exceeds 12,000 feet but does not exceed 15,000 feet

Supply for

(e) All passengers If the cabin pressure altitude exceeds 15,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 15,000 feet or 10 minutes, whichever is the greater

(f) 2% of passengers or 2 passengers, whichever is greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or 2 passengers wherever they are seated in the aircraft Whenever, after decompression, the cabin pressure altitude exceeds 8,000 feet

A The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale M

Safety harness for every seat in use:

Provided that in the case of an aircraft carrying out acrobatic manoeuvres consisting only of erect spinning, the Minister may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale N

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O

A radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions:
Provided that a flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter—

(a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or

(b) when the weather reports or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions which can be detected by the set when in working order are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

A flight data recorder which is capable of recording, by reference to a time-scale, the following data—

(a) indicated air speed;
(b) indicated altitude;
(c) vertical acceleration;
(d) magnetic heading;
(e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
(f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
(g) flap position;
(h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded:

Provided that any aeroplane having a maximum total weight authorised not exceeding 11,400 kg. may be provided with—

(a) a flight data recorder capable of recording the data described in sub-paragraphs (a) to (h) of this Scale; or

(b) a 4 channel cockpit voice recorder.

In addition, a four channel cockpit voice recorder shall be provided—

(a) on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 27,000 kg;
(b) on all flights beginning on or after 1st January 1991 by turbine-powered aeroplanes having a maximum total weight authorised exceeding 11,400 kg.

The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane:

Provided that an aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Minister.
Scale Q
If the maximum total weight authorised of the flying machine exceeds 5,700 kg. and it was first registered, whether in the Territory or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale R1
(i) Equipment sufficient to protect the eyes, nose and mouth of the pilot in command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes; and

(ii) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and

(iii) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

Scale R2
(i) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5,700 kg. equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of Regulation 18 for a period of not less than 15 minutes and, in addition, where the minimum flight crew required as aforesaid is more than 1 and a cabin attendant is not required to be carried by virtue of Regulation 18 portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.

Scale S
(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, the equipment specified in (i)(a) of this Scale provided that in the case of such aeroplanes restricted by virtue of the operator’s operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder such equipment shall be sufficient to protect the eyes only.

(ii) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5,700 kg, portable equipment to protect the eyes, nose and mouth of all cabin attendants required to be carried by virtue of Regulation 18 for a period of not less than 15 minutes.

(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, the equipment specified in (ii)(a) of this Scale provided that this requirement shall not apply to such aeroplanes restricted by virtue of the operator’s operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder.

A. The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and of continuing at or below that
flight level to its place of intended destination or any other place at which a safe landing can be made.

**Scale S**

A flight recording system comprising—

(i) in respect of aeroplanes having a maximum total weight authorised not exceeding 11,400 kg., either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale data from which the following information can be ascertained: the flight path of the aeroplane; the attitude of the aeroplane; and the basic lift, thrust and drag forces acting upon the aeroplane;

(ii) in respect of aeroplanes having a maximum total weight authorised exceeding 11,400 kg., but not exceeding 27,000 kg., a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the information specified in paragraph (i) can be ascertained;

(iii) in respect of aeroplanes having a maximum total weight authorised exceeding 27,000 kg, a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the following information can be established: the flight path of the aeroplane; the attitude of the aeroplane; the basic lift, thrust and drag forces acting upon the aeroplane; the selection of high lift devices (if any) and airbrakes (if any); the position of primary flying control and pitch trim surfaces, cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply; outside air temperature; instrument landing system deviations, use made of automatic flight control system; radio altitude (if any); and the level of essential AC electricity supply;

(iv) in respect of helicopters on any flight beginning on or after 1st January 1991 and having a maximum total weight authorised exceeding 2,700 kg. or a seating capacity exceeding 9 passengers, a 4 channel cockpit voice recorder which has attached to it an under-water sonar location device.

The cockpit voice recorder or flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident:

Provided that an aircraft shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Minister.

**Scale SS**

(i) A 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last eight hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane:

(a) flight path;

(b) speed;

(c) attitude;

(d) engine power;
(e) main rotor speed;
(f) outside air temperature;
(g) position of pilot’s primary flight controls;
(h) use of VHF transmitters;
(i) use of automatic flight controls (if any);
(j) use of stability augmentation system (if any);
(k) cockpit warnings relating to the master warning system; and
(l) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.

(ii) A 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last eight hours of its operation being the data required to determine by reference to a time scale the information specified in paragraph (i) of this Scale together with the following matters accurately in respect of the helicopter or gyroplane:

(m) landing gear configuration;
(n) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;
(o) radio altitude;
(p) instrument landing system deviations;
(q) marker beacon passage;
(r) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and
(s) main gear box oil temperature and pressure.

(iii) (a) A combined cockpit voice recorder/flight data recorder which meets the following requirements:

(aa) in respect of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (i) of this Scale the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;

(bb) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (ii) of this Scale, the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;

(cc) the cockpit voice recorder shall be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels.

(b) In any case when a combined cockpit voice recorder/flight data recorder specified at paragraph (iii)(a) of this Scale is required to be carried by or under these Regulations, the flight data recorder shall be capable of retaining as protected data the data recorded during at least the last five hours of its operation or the maximum duration of the flight, whichever is
the greater. It shall also be capable of retaining additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of eight hours:

Provided that the flight data recorder need not be capable of retaining the said additional data if additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the Minister may permit pursuant to Regulation 37 and the additional data is retained in accordance with arrangements approved by the Minister.

With the exception of flight data which is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder and flight data recorder, as the case may be, shall be so constructed and installed that the record (herein referred to as protected data) would be likely to be preserved in the event of an accident and each cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane shall have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter as appropriate:

Provided that a helicopter or gyroplane shall not be required to carry the said equipment if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Minister.

Scale T
An underwater sonar location device, except in respect of those helicopters which have a device attached to a cockpit voice recorder in accordance with Scale S.

Scale U
(a) I survival beacon radio apparatus;
(b) marine type pyrotechnical distress signals;
(c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;
(d) for each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers;
(e) first aid equipment.

Scale V
(a) I survival beacon radio apparatus;
(b) marine type pyrotechnical distress signals;
(c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;
(d) for each 4 or proportion of 4 persons on board, ½ litre of water in durable containers;
(e) first aid equipment;
(f) for every 75 or proportion of 75 persons on board, I stove suitable for use with aircraft fuel;
(g) 1 cooking utensil, in which snow or ice can be melted;
(h) 2 snow shovels;
(i) 2 ice saws;
(j) single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board;
(k) 1 Arctic suit for each member of the crew of the aircraft.

**Scale W**

Cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

Provided that an aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

**Scale X**

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water:

Provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

**Scale Y**

(i) If the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

(ii) If the aircraft has a total seating capacity exceeding 149 passengers two portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

**Scale Z**

(i) An emergency lighting system to provide illumination in the passenger compartments sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G;

(ii) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.

(iii) An emergency floor path lighting system in the passenger compartments sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G:

Provided that if the equipment becomes unserviceable the aircraft may fly or continue to fly in accordance with arrangements approved by the Minister.
SCHEDULE 5

(Regulation 14)

RADIO AND RADIO NAVIGATION EQUIPMENT TO BE CARRIED IN AIRCRAFT

1. Every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph 2, with the scales of equipment respectively indicated in that Table:

   Provided that, if the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

2. TABLE

   Aircraft and Circumstances of Flight   Scale of Equipment Required
                                           A B C D E F G H

   (1) All aircraft within the Territory—

      (a) when flying under Instrument Flight Rules within controlled airspace.......................... A* E* F*

      (b) when flying within any air-space in respect of which special rules are prescribed by the Rules of the Air and Air Traffic Control in relation to a particular aerodrome, so as to require two-way radio communication with that aerodrome............................................ A*

      (c) when making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph ............................................................... G*

   (2) All aircraft (other than gliders) within the Territory—

      (a) when flying at or above level 245 .......... A* E* F*

      (b) when flying within such air-space as may be notified for the purposes of this sub-paragraph, being air-space in respect of which special rules are prescribed by the said Rules ................................................................. A* E*

      (c) when flying at or above flight level 100..... E*

   (3) All aircraft registered in the Territory wherever they may be—

      (a) when flying for the purpose of public transport under Instrument Flight Rules—

             (i) while making an approach landing....... A C D H

             (ii) on all other occasions......................... A C H

      (b) multi-engined aircraft when flying for the purpose of public transport under Visual Flight Rules ......................................................... A E H

      (c) single-engined aircraft when flying for the
purpose of public transport under Visual Flight Rules—

(i) over a route on which navigation is effected solely by visual reference to landmarks ................................................. A

(ii) on all other occasions ........................................ A B E

Provided that aircraft which come within paragraphs (3)(b) and (3)(c) solely by virtue of the provisions of regulation 2(4)(a)(iii) may carry instead of the requirements of the said paragraphs (3)(b) and (3)(c)

(aa) over a route on which navigation is not effected solely by visual reference to landmarks

(bb) over water, beyond gliding distance from any land ......................... A

(d) when flying under Instrument Flight Rules within controlled airspace and not required to comply with paragraph (3)(a) ................ A*

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

3. The scales of radio and radio navigation equipment indicated in the foregoing Table shall be as follows—

Scale A

Radio equipment capable of maintaining two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E

Secondary surveillance radar equipment.
Scale F

Radio and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including either—

(a) (i) automatic direction finding equipment; and
(ii) distance measuring equipment; and
(iii) VHF omni-range equipment; or
(b) equipment, including the Decca Flight Log, which will enable the aircraft to be navigated by means of signals received from radio navigation land stations forming part of the Decca radio navigation system and which provides the pilot with a visual indication of the aircraft’s position relative to the intended route.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Land System.

Scale H

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including—

(a) automatic direction finding equipment; and
(b) distance measuring equipment; and
(c) duplicated VHF omni-range equipment; and
(d) a 75 MHZ marker beacon receiver:

Except that an aircraft may fly notwithstanding that it does not carry the equipment specified in this scale if it carries alternate radio navigation equipment or navigational equipment approved by the Minister in writing in accordance with the provisions of Regulation 13(7);

Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if—

(i) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight; and
(ii) the aircraft has not made more than one flight since the item was last serviceable; and
(iii) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

4. In this Schedule—

“automatic direction finding equipment” means radio navigation equipment which automatically indicates the bearing of a radio station transmitting the signals received by such equipment;
“VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges;

“distance measuring equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations; and

“secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of—

(a) replying to an interrogation from secondary surveillance radar units on the surface; and

(b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit.

SCHEDULE 6

(Regulation 15)

AIRCRAFT, ENGINE AND PROPELLER LOG BOOKS

1. Aircraft Log Book

The following entries shall be included in the aircraft log book—

(a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;

(b) the nationality and registration marks of the aircraft;

(c) the name and address of the operator of the aircraft;

(d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;

(e) particulars of all maintenance work carried out on the aircraft or its equipment;

(f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under these Regulations, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by Regulation 10 (2) and (3);

(g) particulars of any overhauls, repairs, replacements and modifications, relating to the aircraft or any such equipment as aforesaid:

Provided that entries shall not be required to be made under subparagraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

2. Engine Log Book

The following entries shall be included in the engine log book—
(a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;
(b) the nationality and registration marks of each aircraft in which the engine is fitted;
(c) the name and address of the operator of each such aircraft;
(d) either—
   (i) the date of each flight and the duration of the period between take-off and landing, or if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or
   (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine;
(e) particulars of all maintenance work done on the engine;
(f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Regulation 10 (2) and (3);
(g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. Variable Pitch Propeller Log Book
The following entries shall be included in the variable pitch propeller log book—
(a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
(b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;
(c) the name and address of the operator of each such aircraft;
(d) either—
   (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or
   (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the propeller;
(e) particulars of all maintenance work done on the propeller;
(f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Regulation 10(2) and (3);
(g) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.
SCHEDULE 7

(Regulation 18(4))

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT NAVIGATORS AS MEMBERS OF THE FLIGHT CREWS OR APPROVED NAVIGATIONAL EQUIPMENT ON PUBLIC TRANSPORT AIRCRAFT

The following areas are hereby specified for the purposes of Regulation 18 (4):

**Area A – Arctic**

All that area north of latitude 67º north, but excluding any part thereof lying within 300 nautical miles of Norway.

**Area B – Antarctic**

All that area south of latitude 55º south.

**Area C – Sahara**

All that area enclosed by rhumb lines joining successively the following points:

- 32º north latitude
- 24º " "
- 14º " "
- 18º " "
- 24º " "
- 28º " "
- 32º " "
- 03º west longitude
- 14º " "
- 14º " "
- 28º east "
- 28º " "
- 23º " "
- 03º west "

**Area D – Arabian Desert**

All that area enclosed by rhumb lines joining successively the following points:

- 22º north latitude
- 16º " "
- 20º " "
- 24º " "
- 22º " "
- 42º east longitude
- 46º " "
- 55º " "
- 48º " "
- 42º " "

**Area E – South America (Central)**

All that area enclosed by rhumb lines joining successively the following points:

- 04º north latitude
- 08º south "
- 18º " "
- 18º " "
- 14º south "
- 05º " "
- 04º north "
- 72º west longitude
- 60º " "
- 42º " "
- 54º " "
- 60º " "
- 72º " "
- 76º " "
- 72º " "
Area F – Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>55º south</td>
<td>75º west</td>
</tr>
<tr>
<td>20º &quot; &quot;</td>
<td>73º &quot; &quot;</td>
</tr>
<tr>
<td>05º &quot; &quot;</td>
<td>85º &quot; &quot;</td>
</tr>
<tr>
<td>05º north</td>
<td>80º &quot; &quot;</td>
</tr>
<tr>
<td>15º &quot; &quot;</td>
<td>105º &quot; &quot;</td>
</tr>
<tr>
<td>30º &quot; &quot;</td>
<td>125º &quot; &quot;</td>
</tr>
<tr>
<td>55º &quot; &quot;</td>
<td>140º &quot; &quot;</td>
</tr>
<tr>
<td>67º &quot; &quot;</td>
<td>180º &quot; &quot;</td>
</tr>
<tr>
<td>60º &quot; &quot;</td>
<td>180º &quot; &quot;</td>
</tr>
<tr>
<td>20º &quot; &quot;</td>
<td>128º east &quot;</td>
</tr>
<tr>
<td>04º &quot; &quot;</td>
<td>128º &quot;</td>
</tr>
<tr>
<td>00º &quot; &quot;</td>
<td>165º west &quot;</td>
</tr>
<tr>
<td>55º south</td>
<td>180º &quot;</td>
</tr>
<tr>
<td>55º &quot; &quot;</td>
<td>75º &quot;</td>
</tr>
</tbody>
</table>

Area G – Australia

All that area enclosed by rhumb lines joining successively the following points:

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>18º south</td>
<td>123º east</td>
</tr>
<tr>
<td>30º &quot; &quot;</td>
<td>118º &quot;</td>
</tr>
<tr>
<td>30º &quot; &quot;</td>
<td>135º &quot;</td>
</tr>
<tr>
<td>18º &quot; &quot;</td>
<td>123º &quot;</td>
</tr>
</tbody>
</table>

Area H – Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>32º south</td>
<td>110º east</td>
</tr>
<tr>
<td>20º &quot; &quot;</td>
<td>110º &quot;</td>
</tr>
<tr>
<td>13º &quot; &quot;</td>
<td>120º &quot;</td>
</tr>
<tr>
<td>10º &quot; &quot;</td>
<td>100º &quot;</td>
</tr>
<tr>
<td>13º north</td>
<td>91º &quot;</td>
</tr>
<tr>
<td>13º north</td>
<td>86º &quot;</td>
</tr>
<tr>
<td>00º &quot; &quot;</td>
<td>80º &quot;</td>
</tr>
<tr>
<td>20º &quot; &quot;</td>
<td>67º &quot;</td>
</tr>
<tr>
<td>20º &quot; &quot;</td>
<td>62º &quot;</td>
</tr>
<tr>
<td>05º south</td>
<td>43º &quot;</td>
</tr>
<tr>
<td>20º &quot; &quot;</td>
<td>60º &quot;</td>
</tr>
<tr>
<td>25º &quot; &quot;</td>
<td>60º &quot;</td>
</tr>
<tr>
<td>40º &quot; &quot;</td>
<td>10º &quot;</td>
</tr>
<tr>
<td>55º &quot; &quot;</td>
<td>10º &quot;</td>
</tr>
<tr>
<td>55º &quot; &quot;</td>
<td>180º &quot;</td>
</tr>
<tr>
<td>35º &quot; &quot;</td>
<td>110º &quot;</td>
</tr>
</tbody>
</table>
Area I – North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

<table>
<thead>
<tr>
<th>55° north latitude</th>
<th>15° west longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>67° &quot; &quot;</td>
<td>40° &quot; &quot;</td>
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<tr>
<td>67° &quot; &quot;</td>
<td>60° &quot; &quot;</td>
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<tr>
<td>45° &quot; &quot;</td>
<td>45° &quot; &quot;</td>
</tr>
<tr>
<td>40° &quot; &quot;</td>
<td>63° &quot; &quot;</td>
</tr>
<tr>
<td>40° &quot; &quot;</td>
<td>19° &quot; &quot;</td>
</tr>
<tr>
<td>55° &quot; &quot;</td>
<td>15° &quot; &quot;</td>
</tr>
</tbody>
</table>

Area J – South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

<table>
<thead>
<tr>
<th>40° north latitude</th>
<th>63° west longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>19° &quot; &quot;</td>
<td>63° &quot; &quot;</td>
</tr>
<tr>
<td>05° south &quot;</td>
<td>30° &quot; &quot;</td>
</tr>
<tr>
<td>55° &quot; &quot;</td>
<td>55° &quot; &quot;</td>
</tr>
<tr>
<td>55° &quot; &quot;</td>
<td>10° east &quot;</td>
</tr>
<tr>
<td>05° &quot; &quot;</td>
<td>10° &quot; &quot;</td>
</tr>
<tr>
<td>02° north &quot;</td>
<td>05° &quot; &quot;</td>
</tr>
<tr>
<td>02° &quot; &quot;</td>
<td>10° west &quot;</td>
</tr>
<tr>
<td>15° &quot; &quot;</td>
<td>25° &quot; &quot;</td>
</tr>
<tr>
<td>40° &quot; &quot;</td>
<td>19° &quot; &quot;</td>
</tr>
<tr>
<td>40° &quot; &quot;</td>
<td>63° &quot; &quot;</td>
</tr>
</tbody>
</table>

Area K – Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

<table>
<thead>
<tr>
<th>67° north latitude</th>
<th>130° west longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>55° &quot; &quot;</td>
<td>115° &quot; &quot;</td>
</tr>
<tr>
<td>55° &quot; &quot;</td>
<td>70° &quot; &quot;</td>
</tr>
<tr>
<td>67° &quot; &quot;</td>
<td>60° &quot; &quot;</td>
</tr>
<tr>
<td>67° &quot; &quot;</td>
<td>130° &quot; &quot;</td>
</tr>
</tbody>
</table>
SCHEDULE 8
(Regulation 20)
FLIGHT CREW OF AIRCRAFT: LICENCES AND RATINGS

PART A
LICENCES
Minimum Age, Period of Validity, Privileges

1. Aeroplane Pilots

Private Pilot’s Licence (Aeroplanes)
Minimum Age – 17 years

No Maximum Period of Validity

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified or otherwise falling within the aircraft rating included in the licence:

Provided that—

(a) he shall not fly such an aeroplane for the purpose of public transport or aerial work save as hereinafter provided—

(i) he may fly such an aeroplane for the purpose of aerial work which consists of—

(aa) the giving of instruction in flying, if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating; or

(bb) the conducting of flying tests for the purposes of these Regulations,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(ii) he may fly such an aeroplane for the purpose of aerial work which consists of—

(aa) towing a glider in flight; or

(bb) a flight for the purpose of dropping of persons by parachute,

in either case in an aeroplane owned, or operated under arrangements entered into, by a club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members;
(b) he shall not receive any remuneration for his services as a pilot on a flight save that—

(i) if his licence includes at any time between 1st January 1991 and 1st May 1991 (both dates inclusive) a flying instructor’s rating or an assistant flying instructor’s rating he may, prior to 1st January 1994 receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a)(i) of this proviso; or

(ii) if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating by virtue of which he is entitled to give instruction in flying microlight aircraft or self-launching motor gliders he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a)(i) of this proviso in a microlight aircraft or a self-launching motor glider;

(c) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane—

(i) on a flight outside controlled airspace—

(aa) when the flight visibility is less than 1½ nautical miles; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a flight visibility of less than 3 nautical miles;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;

(iii) out of sight of the surface; and

(d) he shall not fly as pilot in command of such an aeroplane at night unless—

(i) his licence includes a night rating (aeroplanes); and

(ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12º below the horizon.

Basic Commercial Pilot’s Licence (Aeroplanes)

Minimum Age – 18 years

Maximum Period of Validity – 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot’s Licence (Aeroplanes); and
(2) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that—

(a) he shall not fly such an aeroplane on a flight for the purpose of public transport if he has less than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders or microlight aircraft;

(b) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 2,300 kg;

(c) he shall not fly such an aeroplane on any scheduled journey;

(d) he shall not fly any such aeroplane on a flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;

(e) he shall not fly any such aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under these Regulations entitling him to act as pilot in command or co-pilot of that aeroplane;

(f) he shall not fly such an aeroplane at night, unless—

(i) his licence includes a night rating (aeroplanes); and

(ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon; and

(g) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane—

(i) on a flight outside controlled airspace—

(aa) when the flight visibility is less than 1½ nautical miles; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a flight visibility of less than 3 nautical miles;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;

(iii) out of sight of the surface.

(3) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor’s rating or assistant flying instructor’s rating included in the licence on a flight for the purpose of aerial work which consists of the giving of instruction in flying or the conducting of flying tests for the purpose of these Regulations.
(4) (a) In the case of a person who is the holder of such a licence on 30 November 1990 then for so long as that licence or a renewal thereof is valid but not after 30 November 1995 he shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever, provided that he shall not be entitled to fly as co-pilot of an aeroplane which is engaged on a flight for the purpose of public transport unless he has more than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders and microlight aircraft and the maximum total weight authorised of the aeroplane does not exceed 5700 kg;

(b) On and after 1 December 1995 and in the case of a person who is the holder of such a licence granted on or after 1 December 1990 (not being a renewal of such a licence held on 30 November 1990), forthwith upon the grant of the licence, he shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever, provided that he shall not be entitled to fly as co-pilot of an aeroplane which is engaged on a flight for the purpose of public transport unless he has more than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders and microlight aircraft and the aeroplane is certificated for single pilot operation.

(5) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.

*Commercial Pilot’s Licence (Aeroplanes)*

*Minimum Age – 18 years*

*Maximum Period of Validity – 10 years*

*Privileges:*

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot’s Licence (Aeroplanes) which includes an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot in command of an aeroplane—

(a) on a special VFR flight notwithstanding that the flight visibility is less than 1½ nautical miles;

(b) when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than 1 nautical mile; and

(2) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that—

(a) he shall not, unless his licence includes an instrument rating (aeroplanes); fly such an aeroplane on any schedule journey;
(b) he shall not fly such an aeroplane at night unless his licence includes an instrument rating (aeroplanes), or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at the time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(c) he shall not, unless his licence includes an instrument rating (aeroplanes), fly any such aeroplane of which the maximum total weight authorised exceeds 2,300 kg., on any flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;

(d) (i) in the case of a person who is the holder of such a licence on 30 November 1990 then for so long as that licence or a renewal thereof is valid but not after 30 November 1995 he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 5,700 kg;

(ii) on and after 1 December 1995, and in the case of a person who is the holder of such a licence granted on or after 1 December 1990 (not being a renewal of such a licence held on 30 November 1990) forthwith upon the grant of the licence, he shall not fly such an aeroplane on a flight for the purpose of public transport unless it is certificated for single pilot operation;

(e) he shall not fly such an aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under these Regulations entitling him to act as pilot in command or co-pilot of that aeroplane.

(3) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that he shall not act as co-pilot of any aeroplane whose maximum total weight authorised exceeds 20,000 kg., on any flight for the purpose of public transport after he attains the age of 60 years.

(4) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.

**Senior Commercial Pilot’s Licence (Aeroplanes)**

**Minimum Age – 21 years**

**Maximum Period of Validity – 10 years or until 30 November 1995 (whichever is the earlier)**

*Privileges:* The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot’s Licence (Aeroplanes) accept that proviso (d) to paragraph (2) of those privileges, shall not apply and he shall not act as pilot in command of an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.
Airline Transport Pilot’s Licence (Aeroplanes)

Minimum Age – 21 years

Maximum Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot’s Licence (Aeroplanes) accept that proviso (d) to paragraph (2) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot in command, or pilot of any aeroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.

1. Helicopter and Gyroplane Pilots

Private Pilot’s Licence (Helicopters and Gyroplanes)

Minimum Age – 17 years

No Maximum Period of Validity

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of a helicopter or gyroplane of any of the types specified in the aircraft rating included in the licence:

Provided that—

(a) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than aerial work which consists of—

(i) the giving of instruction in flying if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating; or

(ii) the conducting of flying tests for the purposes of these Regulations,

in either case in a helicopter or gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(b) he shall not receive any remuneration for his service as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso;

(c) he shall not fly as pilot in command of such a gyroplane at night unless his licence includes a night rating (helicopters and gyroplanes) and he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(d) he shall not fly as pilot in command of such a helicopter at night unless—

(i) his licence includes a night rating (helicopters and gyroplanes); and

(ii) his licence includes an instrument rating (helicopters) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 flights, each consisting of a take-off, a
transition from hover to forward flight, a climb to at least 500 feet
and a landing, at a time when the depression of the centre of the
sun was not less than 12 degrees below the horizon.

Commercial Pilot’s Licence (Helicopters and Gyroplanes)

Minimum Age – 18 years

Maximum period of Validity – 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a
Private Pilot’s Licence (Helicopters and Gyroplanes) which includes a
night rating (helicopters and gyroplanes); and

(2) He shall be entitled to fly as pilot in command of any helicopter or
gyroplane specified in Part I of the aircraft rating included in the licence
when the helicopter or gyroplane is engaged on a flight for any purpose
whatsoever:

Provided that—

(a) he shall not, unless his licence includes an instrument rating
(helicopters), fly such a helicopter on any scheduled journey or on any
flight for the purpose of public transport in Instrument Meteorological
Conditions;

(b) (i) in the case of a person who is the holder of such a licence on 30
November 1990, then for so long as that licence or a renewal
thereof is valid but not after 30 November, 1995, he shall not fly
such a helicopter or gyroplane on a flight for the purpose of public
transport if its maximum total weight authorised exceeds 5700 kg;

(ii) on and after 1 December 1995, and in the case of a person who is
the holder of such a licence granted on or after 1 December 1990
(not being a renewal of such a licence held on 30 November
1990) forthwith upon the grant of the licence, he shall not fly such
a helicopter or gyroplane on a flight for the purpose of public
transport unless it is certificated for single pilot operation;

(c) he shall not fly such a gyroplane at night unless he has within the
immediately preceding 13 months carried out as a pilot in command
not less than 5 take-offs and 5 landings at a time when the depression
of the centre of the sun was not less than 12 degrees below the horizon;

(d) he shall not fly such a helicopter at night unless his licence includes an
instrument rating (helicopters) or he has within the immediately
preceding 13 months carried out as pilot in command not less than 5
flights, each consisting of a take-off, a transition from hover to
forward flight, a climb to at least 500 feet and a landing, at a time
when the depression of the centre of the sun was not less than 12
degrees below the horizon;

(e) he shall not fly such a helicopter or gyroplane on any flight for the
purpose of public transport after he attains the age of 60 years unless
the helicopter or gyroplane is fitted with dual controls and carries a
second pilot who has not attained the age of 60 years and who holds
an appropriate licence under these Regulations entitling him to act as pilot in command or co-pilot of that helicopter or gyroplane.

(3) He shall be entitled to fly as co-pilot of any helicopter or gyroplane specified in the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever:

Provided that he shall not act as co-pilot of any helicopter or gyroplane whose maximum total weight authorised exceeds 20,000 kg. on any flight for the purpose of public transport after he attains the age of 60 years.

(4) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any helicopter or gyroplane on a flight for the purpose of public transport.

*Airline Transport Pilot’s Licence (Helicopters and Gyroplanes)*

Minimum age – 21 years

Maximum Period of Validity – 10 years

*Privileges:*

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot’s Licence (Helicopters and Gyroplanes) except that proviso (b) to paragraph (2) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot in command or co-pilot of any helicopter or gyroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.

3. Balloon and Airship Pilots

*Private Pilot’s Licence (Balloons and Airships)*

Minimum Age – 17 years

No Maximum Period of Validity

*Privileges:*

The holder of the licence shall be entitled to fly as pilot in command of any type of balloon or airship specified in Part I of the aircraft rating included in the licence and co-pilot of any type of balloon or airship specified in such aircraft rating:

Provided that—

(a) he shall not fly such balloon or airship for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in either case in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso.
Commercial Pilot’s Licence (Balloons)
Minimum Age – 18 years
Maximum Period of Validity – 6 months*

Privileges:
(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot’s Licence (Balloons and Airships); and
(2) he shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

Commercial Pilot’s Licence (Airships)
Minimum Age – 18 years
Maximum Period of Validity – 10 years
Privileges:
(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot’s Licence (Balloons and Airships); and
(2) he shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot in command of any type of airship specified in Part 1 of the aircraft rating included in the licence and as co-pilot of any type of airship specified in such aircraft rating.

4. Glider Pilots
Commercial Pilot’s Licence (Gliders)
Minimum Age – 18 years
Maximum Period of Validity – 6 months
Privileges: The holder of the licence shall be entitled to fly for any purpose as pilot in command or co-pilot of—
(a) any glider of which the maximum total weight authorised does not exceed 680 kg.;
(b) any glider of which the maximum total weight authorised exceeds 680 kg. and which is of a type specified in the rating included in the licence.

*In respect of the privileges of a Private Pilot’s Licence, the maximum period of validity shall be as given for that licence.

5. Other Flight Crew
Flight Navigator’s Licence
Minimum Age – 21 years
Maximum Period of Validity – 10 years
Privileges: The holder of the licence shall be entitled to act as flight navigator in any aircraft.
Flight Engineer’s Licence
Minimum Age – 21 years
Maximum Period of Validity – 10 years
Privileges: The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radiotelephony Operator’s General Licence
Minimum Age – 18 years
Maximum Period of Validity – 10 years
Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.

Flight Radiotelephony Operator’s Restricted Licence
Minimum Age – 17 years
Maximum Period of Validity – 10 years
Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

Flight Radiotelegraphy Operator’s Licence
Minimum Age – 20 years
Maximum Period of Validity – 12 months
Privileges:

The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.

Flight Radiotelegraphy Operator’s Temporary Licence
Minimum Age – 18 years
Maximum Period of Validity – 12 months
Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a flight radiotelegraphy operator’s licence.

PART B
RATINGS

1. The following ratings may be included in a pilot’s licence granted under Part IV of these Regulations, and, subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:
Aircraft Ratings: The licence shall entitle the holder to act as pilot of aircraft of the
types specified in the aircraft rating and different types of aircraft may be specified in
respect of different privileges of a licence.

Instrument Meteorological Conditions Rating (Aeroplanes) shall entitle the holder of
a private pilot’s licence (aeroplanes) or a basic commercial pilot’s licence
(aeroplanes) to fly as pilot in command of an aeroplane without being subject to the
restrictions contained respectively in proviso (c) or 2(g) to the privileges of such
licences set out in Part A of this Schedule provided that he shall not fly—

(a) on a special VFR flight in a control zone in a flight visibility of less
than 1½ nautical miles;

(b) when the aeroplane is taking off or landing at any place if the flight
visibility below cloud is less than 1 nautical mile.

Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot in
command or co-pilot of an aeroplane flying in controlled airspace in circumstances
which require compliance with the Instrument Flight Rules.

Instrument Rating (Helicopters) shall entitle the holder of the licence to act as pilot in
command or co-pilot of a helicopter in controlled airspace in circumstances which
require compliance with the Instrument Flight Rules.

Night Rating (Aeroplanes) shall entitle the holder of a private pilot’s licence
(aeroplanes) or a basic commercial pilot’s licence (aeroplanes) to act as pilot in
command at night of an aeroplane at night.

Night Rating (Helicopters and Gyroplanes) shall entitle the holder of a private pilot’s
licence (helicopters and gyroplanes) to act as pilot in command at night of a
helicopter or gyroplane at night.

Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot
of a flying machine while towing a glider in flight for the purposes of public transport
or aerial work.

Flying Instructor’s Rating shall entitle the holder of the licence to give instruction in
flying aircraft of such types as may be specified in the rating for that purpose.

Assistant Flying Instructor’s Rating shall entitle the holder of the licence to give
instruction in flying aircraft of such types as may be specified in the rating for that
purpose:

Provided that—

(a) such instruction shall only be given under the supervision of a person
present during the take-off and landing at the aerodrome at which the
instruction is to begin and end and holding a pilot’s licence endorsed
with a flying instructor’s rating; and

(b) an assistant flying instructor’s rating shall not entitle the holder of the
licence to give directions to the person undergoing instruction in
respect of the performance by that person of—

(i) his first solo flight; or

(ii) his first solo flight by night; or

(iii) his first solo cross-country flight otherwise than by night; or

(iv) his first solo cross-country flight by night.
2. An aircraft rating included in a flight engineer’s licence shall entitle the holder of the licence to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. For the purposes of this Schedule—

“Solo flight” means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot’s licence granted or rendered valid under these Regulations.

“Cross-country flight” means any flight during the course of which the aircraft is more than 3 nautical miles from the aerodrome of departure.

PART C

CERTIFICATE OF TEST OR EXPERIENCE

1. (a) A certificate of test or certificate of experience required by Regulation 20(4) shall not be appropriate to the functions to be performed on a flight unless it is a certificate appropriate to the description of the flight according to the following Table:

<table>
<thead>
<tr>
<th>Case</th>
<th>Class of Licence</th>
<th>Description of flight</th>
<th>Certificate Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Private Pilot’s Licence (Aeroplanes)</td>
<td>Any flight within the privileges of the licence</td>
<td>Certificate of test or certificate of experience</td>
</tr>
<tr>
<td></td>
<td>Private Pilot’s (Helicopters and Gyroplanes)</td>
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<tr>
<td>B</td>
<td>Basic Commercial Pilot’s Licence (Aeroplanes)</td>
<td>Carriage of passengers on a flight in respect of which the holder of the licence receives remuneration</td>
<td>Certificate of test</td>
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<tr>
<td></td>
<td>Commercial Pilot’s Licence (Aeroplanes)</td>
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<tr>
<td></td>
<td>Commercial Pilot’s Licence (Helicopters and Gyroplanes)</td>
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<tr>
<td></td>
<td>Commercial Pilot’s Licence (Giders)</td>
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<td></td>
<td>Commercial Pilot’s Licence (Airships)</td>
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<td></td>
<td>Senior Commercial Pilot’s Licence (Aeroplanes)</td>
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<td>Airline Transport Pilot’s Licence (Aeroplanes)</td>
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<td>Airline Transport Pilot’s Licence (Helicopters and Gyroplanes)</td>
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<tr>
<td>C</td>
<td>Basic Commercial Pilot’s Licence (Aeroplanes)</td>
<td>For public transport</td>
<td>Certificate of test</td>
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<td>Commercial Pilot’s Licence (Aeroplanes)</td>
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<td>Commercial Pilot’s Licence (Airships)</td>
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<tr>
<td></td>
<td>Senior Commercial Pilot’s Licence</td>
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<tr>
<td>Licence/Type</td>
<td>Description</td>
<td>Certificate Required</td>
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</tr>
<tr>
<td>Licence (Aeroplanes)</td>
<td>For aerial work</td>
<td>Certificate of test or certificate of experience</td>
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<tr>
<td>Airline Transport Pilot’s Licence (Aeroplanes)</td>
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<td>Airline Transport Pilot’s Licence (Helicopters and Gyroplanes)</td>
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<td>Basic Commercial Pilot’s Licence (Aeroplanes)</td>
<td>For aerial work</td>
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<td>Airline Transport Pilot’s Licence (Helicopters and Gyroplanes)</td>
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<tr>
<td>Basic Commercial Pilot’s Licence (Aeroplanes)</td>
<td>Any flight within the privileges of a Private Pilot’s Licence</td>
<td>Certificate of test or certificate of experience</td>
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<td>Commercial Pilot’s Licence (Aeroplanes)</td>
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<td>Commercial Pilot’s Licence (Helicopters and Gyroplanes)</td>
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<td>Airline Transport Pilot’s Licence (Aeroplanes)</td>
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<td>Airline Transport Pilot’s Licence (Helicopters and Gyroplanes)</td>
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<tr>
<td>Flight Navigator’s Licence</td>
<td>Flights to which Regulation 18(4) applies</td>
<td>Certificate of experience</td>
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<tr>
<td>Flight Engineer’s Licence</td>
<td>For public transport</td>
<td>Certificate of test</td>
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<tr>
<td>Flight Engineer’s Licence</td>
<td>Any flight other than for public transport certificate of</td>
<td>Certificate of test or</td>
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<td>certificate of experience</td>
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(b) For the purposes of this Part references to Cases are references to the Cases indicated in the first Column of the Table in paragraph 1(a) of this Part of this Schedule.
Certificate of Test

2. A certificate of test required by Regulation 20(4) or 20(5) shall be signed by a person authorised by the Minister to sign certificates of this kind and shall certify the following particulars—

(a) the functions to which the certificate relates;

(b) that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence or personal flying logbook of which the certificate forms part, as the case may be, passed an appropriate test of his ability to perform the functions to which the certificate relates;

(c) the type of aircraft or flight simulator in or by means of which the test was conducted;

(d) the date on which it was signed.

Nature of Test

3. The appropriate test referred to in paragraph 2 of this Part of this Schedule shall be—

(a) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as pilot in command and/or co-pilot of aircraft of the type specified in the certificate, a test of the pilot’s competence to fly the aircraft as pilot in command and/or co-pilot and shall where the Minister so specifies in respect of the whole or part of a test be conducted in an aircraft in flight or by means of a flight simulator approved by the Minister;

(b) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as flight engineer of aircraft of the type specified in the certificate, a test of the flight engineer’s competence to perform the duties of a flight engineer in the type of aircraft to be used on the flight and shall, where the Minister so specifies in respect of the whole or part of a test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Minister;

(c) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which an Instrument Rating relates a test of his ability to perform the functions to which the rating relates and shall, where the Minister so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Minister;

(d) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which a flying instructor’s rating, an assistant flying instructor’s rating or an instrument meteorological conditions rating relates, a test of his ability to perform the functions to which the rating relates and shall where the Minister so specifies in respect of the whole or part of the test be conducted in an aircraft in flight.

Period of Validity of Certificate of Test

4. (a) A certificate of test required by Regulation 20(4) shall not be valid in relation to a flight made more than 13 months in Cases A, B, E and H, or more than 6 months in Cases C, D and G, after the date of the test which it certifies:
Provided that in the case of Cases C, D, and G two certificates of test shall together be deemed to constitute a valid certificate of test if they certify flying tests conducted on two occasions within the period of 13 months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than 4 months, and if both certificates are appropriate to those functions;

(b) A certificate of test required by Regulation 20(5) shall not be valid in relation to a flight made more than 13 months in the case of an instrument rating (aeroplanes) and an instrument rating (helicopters) and an assistant flying instructor’s rating or more than 25 months in the case of an instrument meteorological conditions rating (aeroplanes) and a flying instructor’s rating, after the date of the test which it certifies.

Certificate of Experience

5. A certificate of experience required by Regulation 20(4) shall be signed by a person authorised by the Minister to sign such a certificate and shall certify the following particulars—

(a) the functions to which the certificate relates;

(b) in the case of a pilot or flight engineer, that on the date on which the certificate was signed the holder of the licence or personal flying logbook of which it forms part, as the case may be, produced his personal flying logbook to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which his licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;

(c) in the case of a flight navigator, that on the date on which the certificate was signed the holder of the licence of which it forms part produced his navigation logs, charts and workings of astronomical observations to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which the licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;

(d) in the case of a pilot or flight engineer, the type or types of aircraft in which the experience was gained;

(e) the date on which it was signed.

Period of Experience

6. A certificate of experience shall not be valid unless the experience certified was gained within the period of 13 months preceding the signing of the certificate in the case of Cases A, E, F and H, or 6 months preceding the signing of the certificate in the case of Cases C and D.

Period of Validity of Certificate of Experience

7. A certificate of experience shall not be valid more than 6 months after it was signed for Case D, nor more than 13 months after it was signed for any other Case.
SCHEDULE 9

(Regulation 68(2))

AIR TRAFFIC CONTROLLERS: RATINGS

1. The holder of a licence which includes ratings of two or more of the classes specified in paragraph 2 of this Schedule shall not at any one time perform the functions specified in respect of more than one of those ratings:

Provided that the functions of any one of the following groups of ratings may be exercised at the same time—

(a) The aerodrome control rating and the approach control rating;

(b) The approach control rating and the approach radar control rating; except that the functions of the approach control rating shall not be exercised at the same time as the functions of the approach radar control rating if the service being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway;

(c) The area control rating and the area radar control rating.

2. Ratings of the following classes may be included in an air traffic controller’s licence (other than a student air traffic controller’s licence) granted under regulation 67 and, subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows—

(1) Aerodrome Control Rating shall entitle the holder of the licence at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft on the manoeuvring area or apron of that aerodrome or which is flying in the vicinity of the aerodrome traffic zone by visual reference to the surface.

(2) Approach Control Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft which is flying in the vicinity of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(3) Approach Radar Control Rating shall entitle the holder of the licence, at any aerodrome at which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid for any aircraft which is flying within 40 nautical miles of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(4) Precision Approach Radar Control Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of precision approach radar equipment for which the rating is valid.

(5) Area Control Rating shall entitle the holder of the licence, at any place for which the rating is valid, to provide an air traffic control service without the aid of any surveillance radar equipment.
(6) Area Radar Control Rating shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid.

(7) Area Radar Control (Aerodrome) Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid.

SCHEDULE 10

(Regulation 25)

PUBLIC TRANSPORT: OPERATIONAL REQUIREMENTS

PART A

OPERATIONS MANUAL

Information and instructions relating to the following matters shall be included in the operations manual referred to in Regulation 25(2)—

(i) 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;

(ii) the respective duties of each member of the crew and the other members of the operating staff;

(iii) the scheme referred to in Regulation 55(1)(c)(i);

(iv) 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;

(v) 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;

(vi) 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 K in Schedule 4 to these Regulations is to be computed.

(vii) 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 forming part of the relevant certificate of airworthiness are complied with;

(viii) the circumstances in which a radio watch is to be maintained;
(ix) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;

(x) 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 paragraph shall be contained in a route guide, which may be in the form of a separate volume;

(xi) the reporting in flight to the notified authorities of meteorological observations;

(xii) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitude, being not lower than any which may be applicable under the law of the Territory or of the countries whose territory is to be flown over.

(xiii) the particulars referred to in Regulation 30;

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

(xv) in the case of aircraft intended to fly at an altitude of more than 49,000 feet the procedures for the use of cosmic radiation detection equipment;

(xvi) the labelling and marking of dangerous goods, the manner in which they must be loaded on an aircraft and the responsibilities of members of the crew in respect of the carriage of dangerous goods.

Provided that 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 paragraphs (x) and (xii), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

PART B

CREW TRAINING AND TESTS: REGULATION 27

1. The training, experience, practice and periodical tests required under Regulation 27 (2) in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows:

(1) The 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 Minister 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;

(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.

A pilot’s ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.

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 Minister for the purpose by means of a flight simulator approved by the Minister under Regulation 20(10). The tests specified in sub-paragraph (2)(a)(ii) of this paragraph 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 Minister.

(b) 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 thereof, while executing normal manoeuvres and procedures; and

(ii) as to his competence to act as pilot thereof while executing emergency manoeuvres and procedures.

(c) Every pilot included in the flight crew who is seated at the flying controls during take-off or landing shall, within the relevant period—

(i) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodromes 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 Minister or under the supervision of a person approved by the Minister for the purpose by means of a flight simulator approved by the Minister; and
(ii) have carried out when seated at the flying controls not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(3) Flight Engineers

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator—

(a) 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.

(b) 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.

A flight engineer’s ability to carry out normal procedures shall be tested in an aircraft in flight. The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under supervision of a person approved by the Minister for the purpose by means of a flight simulator approved by the Minister.

(4) Flight: Navigators and Flight Radio Operators

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under Regulation 18(4) and (5) 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 radio 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—

the terrain;

the seasonal meteorological conditions;

the meteorological communications, and air traffic facilities;

services and procedures;

the search and rescue procedures; and

the navigational facilities;

relevant to the route.

(b) In determining whether a pilot’s knowledge of the matters referred to in sub-paragraph (a) hereof 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 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;

(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) For the purposes of this paragraph—

“instrument flight conditions” means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;

“relevant period” means a period which immediately precedes the commencement of the flight, being a period—

(a) in the case of sub-paragraph (2)(c)(ii) of this paragraph, of 3 months;

(b) in the case of sub-paragraphs (2)(a)(ii), (2)(b)(ii), (2)(c)(i) and (3)(b) of this paragraph, of 6 months;

(c) in the case of sub-paragraphs (1), (2)(a)(i), (2)(b)(i), (3)(a), (4) and (5)(a) of this paragraph, of 13 months:

Provided that—

(i) any pilot of the aircraft to whom the provisions of sub-paragraphs (2)(a)(ii), (2)(b)(ii) or (2)(c)(i) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3)(b) of this paragraph 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 two occasions within the period of 13 months immediately preceding the flight, such occasions being separated by an interval of not less than 4 months;

(ii) the requirements of sub-paragraph (5)(a) hereof 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 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.

2. (1) The records required to be maintained by an operator under Regulation 27(2) 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 two 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 Schedule 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 1(1)(b) of this schedule;

(c) the operator’s conclusions based on each such test and practice as to that person’s competence to perform his duties;

(d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1(5)(a) of this Schedule including particulars of the evidence upon which that decision was based.

(2) 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 the preceding sub-paragraph 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.

(3) 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.

PART C

TRAINING MANUAL

The following information and instructions in relation to the training, experience, practice and periodical tests required under Regulation 27(2) shall be included in the training manual referred to in Regulation 26(2)—

(i) the manner in which the training, practice and periodical tests required under Regulation 27(2) and specified in Part B of Schedule 10 to these Regulations are to be carried out;

(ii) (a) 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; and

(b) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and

(c) 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;
(iii) the minimum qualifications and experience required of each member of the crew undergoing the said training, practice and periodical tests;

(iv) the syllabus for, and specimen forms for recording, the said training, practice and periodical tests;

(v) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;

(vi) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport;

(vii) the use to be made in the said training and testing of apparatus approved for the purpose by the Minister.

SCHEDULE 11

(Regulations 58 and 60)

DOCUMENTS TO BE CARRIED BY AIRCRAFT REGISTERED IN THE TERRITORY

On a flight for the purpose of public transport—

Documents A, B, C, D, E, F, H and, if the flight is international air navigation, Document G.

On a flight for the purpose of aerial work—

Documents A, B, C, E, F and, if the flight is international air navigation, Document G.

On a flight, being international air navigation, for a purpose other than public transport or aerial work—

Documents A, B, C and G.

For the purposes of this Schedule—

“A” means the licence in force in respect of the aircraft radio station installed in the aircraft, and the current telecommunication log book required by these Regulations;

“B” means the certificate of airworthiness in force in respect of the aircraft:

Provided that, with the permission in writing of the Minister, an aircraft to which Regulation 25 applies need not carry the flight manual as part of this document if it carries an operation manual which includes—

(i) the information shown in the Limitation and Emergency Procedures section of the flight manual; and

(ii) performance instructions which are derived from the material contained in the performance section of the flight manual;

“C” means the licences of the members of the flight crew of the aircraft;

“D” means one copy of the load sheet, if any, required by Regulation 28 in respect of the flight;
“E” means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;
“F” means the technical log, if any, in which entries are required to be made under Regulation 10;
“G” means the certificate of registration in force in respect of the aircraft;
“H” means the operations manual, if any, required by Regulation 25(2)(a)(iii) to be carried on the flight;
“International air navigation” means any flight which includes passage over the territory of any country other than the Territory.

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**SCHEDULE 12**

*(Regulations 93)*

**PENALTIES**

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SCHEDULE 13
(Regulations 66)
RULES OF THE AIR AND AIR TRAFFIC CONTROL

PART I
PRELIMINARY

Interpretation

1. In these Rules, unless the context otherwise requires—
   “air traffic control clearance” means authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit;
   “anti-collision light” means—
      (a) in relation to rotorcraft a flashing red light;
      (b) in relation to any other aircraft a flashing red or flashing white light; and in either case showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;
   “apron” means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, the loading and unloading of cargo and for parking;
   “ground visibility” means the horizontal visibility at ground level;
   “IFR flight” means a flight conducted in accordance with the Instrument Flight Rules in Part VI of these Rules;
   “manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;
   “runway” means an area, whether or not paved, which is provided for the take-off or landing run of aircraft;
   “VFR flight” means a flight conducted in accordance with the Visual Flight Rules in Part V of these Rules.

PART II
GENERAL

Application of Rules to aircraft.

2. These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of Rule 29 of these Rules apply in relation to—
   (a) all aircraft within the Territory; and
   (b) all aircraft registered in, the Territory, wherever they may be.
Misuse of signals and markings.

3. (1) A signal or marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules, and, except with lawful authority, shall not make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any of the naval, military or air force aircraft of the Territory.

Reporting hazardous conditions.

4. The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

Low flying.

5. (1) Subject to the provisions of paragraphs (2) and (3) of this Rule—

(a) An aircraft other than a helicopter shall not fly over any congested area of a city, town or settlement below—

(i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit and if such an aircraft is towing a banner such height shall be calculated on the basis that the banner shall not be dropped within the congested area; or

(ii) a height of 1,500 feet above the highest fixed object within 2,000 feet of the aircraft,

whichever is the higher.

(b) A helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit.

(c) Except with the permission in writing of the Minister and in accordance with any conditions therein specified a helicopter shall not fly over a congested area of a city; town or settlement below a height of 1,500 feet above the highest fixed object within 2,000 feet of the helicopter.

(d) An aircraft shall not fly—

(i) over, or within 3,000 feet of, any assembly in the open air of more than 1,000 persons assembled for the purpose of witnessing or participating in any organised event, except with the permission in writing of the Minister and in accordance with any conditions therein specified and with the consent in writing of the organisers of the event; or

(ii) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit and if such an
aircraft is towing a banner such height shall be calculated on the basis that the banner shall not be dropped within 3,000 feet of the assembly:

Provided that where a person is charged with an offence under these Regulations by reason of a contravention of this sub-paragraph, it shall be a good defence to prove that the flight of the aircraft over, or within 3,000 feet of, the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly.

(e) An aircraft shall not fly closer than 500 feet to any person, vessel, vehicle or structure.

(2) (a) The provisions of paragraphs (1)(a)(ii) and (i)(c) of this Rule shall not apply to an aircraft flying—

(i) on a route notified for the purposes of this Rule; or

(ii) on a special VFR flight as defined in Rule 23 of these Rules in accordance with instructions given for the purposes of that Rule by the appropriate air traffic control unit.

(b) Paragraphs (1)(d) and (e) shall not apply to an aircraft which is being used for police purposes.

(c) Paragraphs (1)(d) and (e) shall not apply to the flight of an aircraft over or within 3,000 feet of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race or contest or an exhibition of flying; if the aircraft is taking part in such race, contest or exhibition or is engaged on a flight arranged by, or made with the consent in writing of, the organisers of the event.

(d) Paragraph (1)(e) of this Rule shall not apply to—

(i) any aircraft while it is landing or taking off in accordance with normal aviation practice;

(ii) any glider while it is hill-soaring;

(iii) any aircraft while it is flying in accordance with proviso (f) to Regulation 41(2);

(iv) any aircraft while it is flying under and in accordance with the terms of an aerial application certificate granted to the operator thereof under Regulation 43.

(3) Nothing in this Rule shall prohibit an aircraft from flying in such a manner as is necessary for the purpose of saving life.

(4) Nothing in the Rule shall prohibit any aircraft from flying in accordance with normal aviation practice, for the purpose of taking off from, landing at or practising approaches to landing at, or checking navigational aids or procedures at, a Government aerodrome or a licensed aerodrome in the Territory or at any aerodrome in any other country:

Provided that the practising of approaches to landing shall be confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

(5) Nothing in this Rule shall apply to any captive balloon or kite.
Simulated instrument flight.

6. An aircraft shall not be flown in simulated instrument flight conditions unless—

   (a) the aircraft is fitted with dual controls which are functioning properly;

   (b) an additional pilot (in this Rule called “a safety pilot”) is carried in a second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft; and

   (c) if the safety pilot’s field of vision is not adequate both forward and to each side of the aircraft, a third person, being a competent observer, occupies a position in the aircraft which from his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

For the purposes of this Rule the expression “simulated instrument flight” means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

Practice instrument approaches.

7. Within the Territory an aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless—

   (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purposes of instrument approach practice; and

   (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

PART III

LIGHTS AND OTHER SIGNALS TO BE SHOWN OR MADE BY AIRCRAFT

General.

8. (1) For the purposes of this Part of these Rules the horizontal plane of a light shown in an aircraft means the plane which would be the horizontal plane passing through the source of the light, if the aircraft were in level flight.

   (2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this Part of these Rules, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

   (3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90 degrees above and below the horizontal plane, but, so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.
(4) Where in these Rules a light is required to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

Display of lights by aircraft.

9. (1) (a) By night an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights.

(b) By day an aircraft fitted with an anti-collision light shall display such a light in flight.

(2) A flying machine on an aerodrome in the Territory shall—

(a) display by night either the lights which it would be required to display when flying or the lights specified in Rule 11(2)(c) of these Rules unless it is stationary on the apron or part of the aerodrome provided for the maintenance of aircraft;

(b) display when stationary on the apron by day or night with engines running a red anti-collision light, if fitted.

(3) Notwithstanding the provisions of this Part of these Rules the commander of an aircraft may switch off or reduce the intensity of any flashing light fitted to the aircraft if such a light does or is likely to—

(a) adversely affect the performance of the duties of any member of the flight crew; or

(b) subject an outside observer to unreasonable dazzle.

Failure of naviga-anti-collision lights.

10. (1) In the Territory, in the event of the failure of any light which is required by these Rules to be displayed at night, if the light cannot be immediately repaired or replaced the aircraft shall not depart from the aerodrome and, if in flight, shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

(2) In the Territory, in the event of a failure of an anti-collision light when flying by day, an aircraft may continue to fly by day provided that the light is repaired at the earliest practicable opportunity.

Flying machines.

11. (1) A flying machine when flying at night shall display lights as follows—

(a) in the case of a flying machine registered in the Territory having a maximum total weight authorised of more than 5,700 kg or any other flying machine registered in the Territory which conforms to a type first issued with a type certificate on or after 1st January 1991 the system of lights in paragraph (2)(b) of this Rule;

(b) in the case of a flying machine registered in the Territory which conforms to a type first issued with a type certificate before 1st January 1991 having a maximum total weight authorised of 5,700 kg or less, any one of the following systems of lights—
(i) that specified in paragraph (2)(a) of this Rule, or that specified in paragraph (2)(b); or

(ii) that specified in paragraph (2)(d), excluding subparagraph (ii);

(c) in the case of any other flying machine one of the systems of lights specified in paragraph (2) of this Rule.

(2) The systems of lights referred to in paragraph (1) of this Rule are as follows—

(a) (i) a steady green light of at least five candela showing to the starboard side through an angle of 110 degrees from dead ahead in the horizontal plane; and

(ii) a steady red light of at least five candela showing to the port side through an angle of 110 degrees from dead ahead in the horizontal plane; and

(iii) a steady white light of at least three candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane.

(b) (i) the lights specified in sub-paragraph (a) of this paragraph; and

(ii) an anti-collision light;

(c) the lights specified in sub-paragraph (a) of this paragraph, but all being flashing lights flashing together;

(d) the lights specified in sub-paragraph (a) of this paragraph, but all being flashing lights flashing together in alternation with one or both of the following—

(i) a flashing white light of at least twenty candela showing in all directions;

(ii) a flashing red light of at least twenty candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane.

(3) If the lamp showing either the red or the green light specified in paragraph (2)(a) of this Rule is fitted more than 2 metres from the wing tip, a lamp may notwithstanding the provisions of Rule 9(1), be fitted at the wing tip to indicate its position showing a steady light of the same colour through the same angle.

Gliders.

12. A glider while flying at night shall display either a steady red light of at least five candela, showing in all directions, or lights in accordance with Rule 11(2) and (3) of these Rules.

Free balloons.

13. A free balloon while flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon.
Captive balloons and kites.

14. (1) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows—

(a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres or more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon or kite;

(b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in sub-paragraph (a) of this paragraph, groups of two lights of the colour and power and in the relative positions specified in that sub-paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and

(c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 25 metres; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length, and marked with alternate bands of red and white 50 centimetres wide.

(3) A kite flown in the circumstances referred to in paragraph (2) of this Rule shall have attached to its mooring cable either—

(a) tubular streamers as specified in paragraph (2) of this Rule; or

(b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers of not less than 80 centimetres long and 30 centimetres wide at their widest point and marked with alternate bands of red and white 10 centimetres wide.

Airships.

15. (1) Except as provided in paragraph (2) of this Rule an airship while flying at night shall display the following lights—

(a) a steady white light of at least five candela showing through angles of 110 degrees from dead ahead to each side in the horizontal plane;

(b) a steady green light of at least five candela showing to the starboard side through an angle of 110 degrees from dead ahead in the horizontal plane;

(c) a steady red light of at least five candela showing to the port side through an angle of 110 degrees from dead ahead in the horizontal planes;

(d) a steady white light of at least five candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane;
(e) an anti-collision light.

(2) An airship while flying at night shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights—

(a) the white lights referred to in paragraph (1)(a) and (d) of this Rule;

(b) two red lights, each of at least five candela and showing in all directions suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car; and

(c) if the airship is making way but not otherwise, the green and red lights referred to in paragraph (1)(b) and (c) of this Rule:

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in paragraph (1) of this Rule.

(3) An airship, while moored within the Territory by night, shall display the following steady lights—

(a) when moored to a mooring mast, at or near the rear a white light of at least five candela showing in all directions;

(b) when moored otherwise than to a mooring mast—

(i) a white light of at least five candela showing through angles of 110 degrees from dead ahead to each side in the horizontal plane;

(ii) a white light of at least five candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this Rule—

(a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;

(b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

PART IV
GENERAL FLIGHT RULES

Weather reports forecasts.

16. (1) Immediately before an aircraft flies the commander of the aircraft and examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain, in order to determine whether Instrument Meteorological Conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome
within a control zone if the information which it is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than five nautical miles or the cloud ceiling is less than 1,500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

**Rules for avoiding aerial collisions.**

**17.** (1) General—

(a) Notwithstanding that the flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft;

(b) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision;

(c) Aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so;

(d) An aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it;

(e) An aircraft which has the right-of-way under this Rule shall maintain its course and speed;

(f) For the purposes of this Rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

**Converging**

(2) (a) Subject to the provisions of paragraphs (3) and (4) of this Rule, an aircraft in the air shall give way to other converging aircraft as follows—

(i) flying machines shall give way to airships, gliders and balloons;

(ii) airships shall give way to gliders and balloons;

(iii) glider shall give way to balloons.

(b) Subject to the provisions of sub-paragraph (a) of this Paragraph, when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way:

Provided that mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

**Approaching head-on**

(3) When two aircraft are approaching head-on or approximately so in the air and there is danger of collision each shall alter its course to the right.

**Overtaking**

(4) An aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not
cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in the Territory may alter its course to the right or to the left.

**Flight in the vicinity of an aerodrome**

(5) Without prejudice to the provisions of Rule 35, a flying machine, glider or airship while flying in the vicinity of what the commander of the aircraft knows or ought reasonably to know to be an aerodrome or moving on an aerodrome shall unless in the case of an aerodrome having an air traffic control unit that unit otherwise authorises—

(a) conform to the pattern of traffic formed by other aircraft intending to land at that aerodrome, or keep clear of the airspace in which the pattern is formed;

(b) make all turns to the left unless ground signals otherwise indicate.

**Order of landing**

(6) (a) An aircraft while landing or on final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water;

(b) In the case of two or more flying machines, gliders or airships approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front of another aircraft which is in the final approach to land or overtake that aircraft:

Provided that—

(i) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order; and

(ii) when the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so.

**Landing and take-off**

(7) (a) A flying machine, glider or airship shall take-off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise;

(b) A flying machine or glider shall not land on a runway at any aerodrome if the runway is not clear of other aircraft unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises;

(c) Where take-offs and landing are not confined to a runway—

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has landed or is already landing or about to
take-off, if such a flying machine or glider is about to turn it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and

(ii) a flying machine about to take-off, shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken-off or is about to take-off.

(d) A flying machine after landing shall move clear of the landing area as soon as it is possible to do so unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises.

**Aerobatic manoeuvres.**

18. An aircraft shall not carry out any aerobatic manoeuvre—

(a) over the congested area of any city, town or settlement; or

(b) within controlled airspace except with the consent of the appropriate air traffic control unit.

**Right-hand traffic Rule.**

19. An aircraft which is flying within the Territory in sight of the ground and following a road, railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left:

Provided that this Rule shall not apply to an aircraft flying within controlled airspace notified for the purposes of Rule 21 of these Rules in accordance with instructions given by the appropriate air traffic control unit.

**Notification of arrival and departure.**

20. (1) The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

(2) The commander of an aircraft arriving at or departing from an aerodrome in the Territory, shall take all reasonable steps to ensure upon landing or prior to departure, as the case may be, that notice of that event is given to the person in charge of the aerodrome, or to the air traffic control unit or aerodrome flight information unit at the aerodrome.

(3) Without prejudice to the provisions of Rule 27 of these Rules, before taking off on any flight from an aerodrome in the Territory, being a flight whose intended destination is more than 40 kilometres from the aerodrome of departure, the commander of an aircraft of which the maximum total weight authorised exceeds 5,700 kg. shall cause a flight plan containing such particulars of the intended flight as may be necessary for search and rescue purposes to be communicated to the air traffic control unit notified for the purpose of this Rule.

**Flight in notified airspace.**

21. (1) Subject to paragraph (2) of this Rule in relation to flights in Visual Meteorological Conditions in controlled air space notified for the purposes of this
Rule, the commander of an aircraft shall comply with Rules 27 and 28 as if the flights were IFR flights:

Provided that the commander of the aircraft shall not elect to continue the flight in compliance with the Visual Flight Rules for the purposes of Rule 27(3) of these Rules.

(2) Paragraph (1) shall not apply to the commander of a glider which is flying in controlled airspace notified for the purposes of this paragraph if the glider is flown in accordance with conditions such as may also be notified for the purposes of this paragraph in respect of that controlled airspace.

**Choice of VFR or IFR.**

22. Subject to the provisions of Rule 21 an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules:

Provided that in the Territory an aircraft flying at night—

(a) outside a control zone shall be flown in accordance with the Instrument Flight Rules; or

(b) in a control zone shall be flown in accordance with the Instrument Flight Rules or the provisions of the proviso to Rule 23(b).

**PART V**

**VISUAL FLIGHT RULES**

**Visual Flight Rules.**

23. The Visual Flight Rules shall be as follows—

(a) Outside controlled airspace—

(i) An aircraft flying outside controlled airspace above 3,000 feet above mean sea level shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least five nautical miles;

(ii) An aircraft other than a helicopter flying outside controlled airspace at or below 3,000 feet above mean sea level shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least three nautical miles:

Provided that this sub-paragraph shall be deemed to be complied with if the aircraft is flown at a speed which according to its air speed indicator is 140 knots or less and remains clear of cloud, in sight of the surface and in a flight visibility of at least one nautical mile;

(iii) A helicopter flying outside controlled airspace or at below 3,000 feet above mean sea level shall remain clear of cloud and in sight of the surface, or at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 3 nautical miles.

(b) Within controlled airspace
An aircraft flying within controlled airspace shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least five nautical miles:

Provided that in a control zone, in the case of a Special VFR flight, the aircraft shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

For the purpose of this Rule, “special VFR flight” means a flight made in Instrument Meteorological Conditions or at night in a control zone or in a control zone notified for the purposes of Rule 21, in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules.

PART VI
INSTRUMENT FLIGHT RULES

24. The Instrument Flight Rules shall be as follows—

(a) Outside controlled airspace—

In relation to flights outside controlled air space Rules 25 and 26 shall apply of these Rules;

(b) Within controlled airspace—

In relation to flights within controlled air space Rules 25, 27 and 28 of these Rules shall apply.

25. Without prejudice to the provisions of Rule 5, of these Rules, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of five nautical miles of the aircraft unless—

(a) it is necessary for the aircraft to do so in order to take off or land; or

(b) the aircraft is flying on a route notified for the purposes of this Rule; or

(c) the aircraft has been otherwise authorised by the competent authority; or

(d) the aircraft is flying at an altitude not exceeding 3,000 feet above mean sea level and remains clear of cloud and in sight of the surface.

26. In order to comply with the Instrument Flight Rules, an aircraft when in level flight above 3,000 feet above mean sea level or above the appropriate transition altitude, whichever is the higher, shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate Table set forth in this Rule. The level of flight shall be measured by an altimeter set according to the system published by the competent authority in relation to the area over which the aircraft is flying:

Provided that an aircraft may be flown at a level other than the level required by this Rule if it is flying in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.
For the purposes of this Rule, “transition altitude” means the altitude so notified in relation to flight over such area or areas as may be notified.

TABLE I – Flights at levels below 24,500 feet

<table>
<thead>
<tr>
<th>Magnetic Track</th>
<th>Cruising Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 90º</td>
<td>Odd thousands of feet</td>
</tr>
<tr>
<td>90º but less than 180º</td>
<td>Odd thousands of feet + 500 feet</td>
</tr>
<tr>
<td>180º but less than 270º</td>
<td>Even thousands of feet</td>
</tr>
<tr>
<td>270º but less than 360º</td>
<td>Even thousands of feet + 500 feet</td>
</tr>
</tbody>
</table>

TABLE II – Flights at levels above 24,500 feet

<table>
<thead>
<tr>
<th>Magnetic Track</th>
<th>Cruising Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 180º</td>
<td>25,000 feet</td>
</tr>
<tr>
<td></td>
<td>27,000 feet</td>
</tr>
<tr>
<td></td>
<td>29,000 feet or higher levels of 4,000 feet</td>
</tr>
<tr>
<td>180º but less than 360º</td>
<td>26,000 feet</td>
</tr>
<tr>
<td></td>
<td>28,000 feet</td>
</tr>
<tr>
<td></td>
<td>31,000 feet or higher levels at intervals of 4,000 feet</td>
</tr>
</tbody>
</table>

Flight plan and air traffic control clearance.

27.  (1) In order to comply with the Instrument Flight Rules, before an aircraft either takes off from a point within any controlled airspace or otherwise flies within any controlled airspace the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(2) The flight plan shall contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance, or for search and rescue purposes.

(3) The commander of the aircraft shall fly in conformity with—

(a) the air traffic control clearance issued for the flight, as amended by any further instructions given by an air traffic control unit; and

(b) the holding and instrument approach procedures notified in relation to the aerodrome of destination, unless he is otherwise authorised by the air traffic control unit there:

Provided that he shall not be required to comply with the foregoing provisions of this paragraph if—

(i) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace; and

(ii) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan.
(4) If for the purpose of avoiding immediate danger any departure is made from the provisions of paragraph (3) of this Rule (as if permitted by Regulation 66(3)) the commander of the aircraft shall in addition to causing particulars to be given in accordance with Regulation 66(4), as soon as possible inform the appropriate air traffic control unit of the deviation.

(5) The commander of the aircraft after it has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

Position reports.

28 In order to comply with the Instrument Flight Rules the commander of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time, and the position and level of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

PART VII
AERODROME TRAFFIC RULES

Application of aerodrome traffic rules.

29. The Rules in this Part of these Rules which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

Visual signals.

30. The commander of a flying machine on, or in the pattern of traffic at, an aerodrome shall observe such visual signals as may be displayed at, or directed to him from, the aerodrome by the authority of the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals:

Provided that he shall not be required to obey the signals referred to in Rule 43 of these Rules (Marshalling Signals) if in his opinion it is inadvisable to do so in the interests of safety.

Movement of aircraft on aerodromes.

31. An aircraft shall not taxi on the apron or the manoeuvring area of an aerodrome without the permission of the person in charge of the aerodrome or, where the aerodrome has an air control unit for the time being notified as being on watch, without the permission of that unit.

Access to and movement of persons and vehicles on the aerodrome.

32. (1) A person or vehicle shall not go on to any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome without the permission of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.
(2) A vehicle or person shall not go or move on the manoeuvring area on an aerodrome having an air traffic control unit without the permission of that unit, and except in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purposes of this Rule may be granted whether in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of person or vehicle.

**Right of way on the ground.**

33. (1) This Rule shall apply to—
   
   (a) flying machines; and
   
   (b) vehicles,

   on any part of a land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Flying machines and vehicles shall give way to aircraft which are taking off, or landing;

   (b) Vehicles, and flying machines which are not taking off or landing, shall give way to vehicles towing aircraft;

   (c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of paragraph (3) of this Rule and of Rule 17(7)(c) of these Rules, in case of danger of collision between two flying machines—

   (a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the right;

   (b) when the two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;

   (c) a flying machine which is being overtaken shall have the right-of-way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to the provisions of paragraph (3)(b) of this Rule a vehicle shall—

   (a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;

   (b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

**Launching, picking up and dropping of tow ropes, etc.**

34. (1) Tow ropes, banners or similar articles towed by aircraft shall not be launched at an aerodrome except in accordance with arrangements made with an air traffic control unit at the aerodrome, or if there is no such unit, with the person in charge of the aerodrome.
(2) Tow ropes, banners or similar articles towed by aircraft shall not be picked up by or dropped from aircraft at an aerodrome except—

(a) in accordance with arrangements with an air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or

(b) in the area designated by the marking described in Rule 40(7) of these Rules, and the ropes, banners or similar articles shall be picked up and dropped when the aircraft is flying in the direction appropriate for landing.

Flight within aerodrome traffic zones.

35. (1) Paragraphs (2) and (3) of this Rule shall apply only in relation to such of the aerodromes described in Column 1 of the following table as are notified for the purposes of this Rule and at such times as are specified in Column 2 thereof:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) A Government aerodrome</td>
<td>at such times as are notified</td>
</tr>
<tr>
<td>(b) An aerodrome having an air traffic control unit or an aerodrome flight information unit</td>
<td>during the notified hours of watch of the air traffic control unit or the aerodrome flight information unit</td>
</tr>
<tr>
<td>(c) A licensed aerodrome having a means of two-way radio communication with aircraft</td>
<td>during the notified hours of watch of the air/ground radio station</td>
</tr>
</tbody>
</table>

(2) An aircraft shall not fly, take off or land, within the aerodrome traffic zone of an aerodrome to which this paragraph applies unless the commander of the aircraft has obtained the permission of the air traffic control unit at the aerodrome or, where there is no air traffic control unit, has obtained from the aerodrome flight information unit at that aerodrome information to enable the flight within the zone to be conducted with safety or, where there is no air traffic control unit nor aerodrome flight information unit, has obtained information from the air/ground radio station at that aerodrome to enable the flight to be conducted with safety.

(3) The commander of an aircraft flying within the aerodrome traffic zone of an aerodrome to which this paragraph applies shall—

(a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome or, if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;

(b) where the aircraft is fitted with means of communication by radio with the ground, communicate his position and height to the air traffic control unit, the aerodrome flight information unit or the air/ground radio station at the aerodrome (as the case may be), on entering the zone and immediately prior to leaving it.

Use of radio navigation aids.

36. The commander of an aircraft shall not make use of any radio navigation aid without complying with such restrictions and appropriate procedures as may be notified in relation to that aid unless authorised by an air traffic control unit:
Provided that he shall not be required to comply with this Rule if he is required to comply with Rule 27 of these Rules.

PART VIII

AERODROME SIGNALS AND MARKINGS; VISUAL AND AURAL SIGNALS

General.

37  (1) Whenever any signal specified in this Part of these Rules is given or displayed, or whenever any marking so specified is displayed by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, it shall, when given or displayed in the Territory, have the meaning assigned to it in this Part.

(2) All dimensions specified in this Part of these Rules shall be subject to a tolerance of 10 percent, plus or minus.

Signals in the signals area.

38  (1) When any signal specified in the following paragraphs of this Rule is displayed it shall be placed in a signals area, which shall be a square visible in all directions bordered by a white strip 30 centimetres wide the internal sides measuring 12 metres.

(2) A white landing T, as illustrated in this paragraph,

![Fig.1](image)

signifies that aeroplanes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

(3) A white disc 60 centimetres in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph,
signifies that the direction of landing and take-off do not necessarily coincide.

(4) A white dumb-bell, as illustrated in this paragraph,

![Fig. 3](image)

signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metalled or similar hard surfaces.

(5) A white dumb-bell as described in (4) above but with a black strip 60 centimetres wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

![Fig. 4](image)
signifies that aeroplanes and gliders taking-off or landing do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

(6) A red and yellow striped arrow, as illustrated in this paragraph,

![Fig. 5](image)

the shaft of which is at least one metre wide placed along the whole or not less than a total of 11 metres of two adjacent sides of the signals area and pointing in a clockwise direction signifies that a right-hand circuit is in force.

(7) A red panel 3 metres square with a yellow strip along one diagonal at least 50 centimetres wide, as illustrated in this paragraph,

![Fig. 6](image)

signifies that the state of the manoeuvring area is poor and pilots must exercise special care when landing.
(8) A red panel 3 metres square with a yellow strip, at least 50 centimetres wide, along each diagonal, as illustrated in this paragraph,

![Diagram of yellow stripes on red background](Fig. 7)

signifies that the aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

(9) A white letter H, as illustrated in this paragraph,

![Diagram of letter H](Fig. 8)

signifies that helicopters shall take-off and land only within the area designated by the marking specified in Rule 40(5) of these Rules.

(10) A red letter L displayed on the dumb-bell specified in paragraphs (4) and (5) of this Rule, as illustrated in this paragraph,
signifies that light aircraft are permitted to take off and land either on a runway or on the area designated by the marking specified in Rule 40(6) of these Rules.

(11) A white double cross as illustrated in this paragraph,

signifies that glider flying is in progress.

Markings for paved runways and taxiways

39. (1) Two or more white crosses, as illustrated in this paragraph,
displayed on a runway or taxiway, with the arms of the crosses at an angle of 45° to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

(2) A white broken line and a continuous line, as illustrated in this paragraph,

![Fig. 12](image)

signify a holding position beyond which no part of an aircraft or vehicle shall project in the direction of the runway without permission from an air traffic control unit.

(3) Orange and white markers, as illustrated in this paragraph,

![Fig. 13](image)

spaced not more than 15 metres apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.
Markings on unpaved manoeuvring areas.

40. (1) Markers with orange and white stripes of an equal width of not less than 50 centimetres, with an orange stripe at each end, as illustrated in this paragraph,

![Fig. 14](image)

alternating with flags not less than 60 centimetres square showing equal orange and white triangular areas, indicate the boundary of an area unfit for the movement of aircraft and one or more white crosses as specified in Rule 39(1) of these Rules indicate the said area. The distance between any two successive orange and white flags shall not exceed 90 metres.

(2) Striped markers, as specified in paragraph (1) of this Rule, spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes, of an equal width of not more than 50 centimetres, with an orange stripe at each end, as illustrated in this paragraph,

![Fig. 15](image)

spaced not more than 45 metres apart, indicate the boundary of an aerodrome. The pattern of the marker shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 15 centimetres from the top of the structure.

(4) White flat rectangular markers 3 metres long and 1 metre wide at intervals not exceeding 90 metres, flush with the surface of the unpaved runway or stopway, as the case may be, indicate the boundary on an unpaved runway or of a stopway.
(5) A white letter H, as illustrated in this paragraph,

![Fig. 16](image1)

indicates an area which shall be used only for the taking off and landing of helicopters.

(6) A white letter I, as illustrated in this paragraph,

![Fig. 17](image2)

indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(7) A yellow cross with two arms 6 metres long by 1 metre wide at right angles, indicates that tow ropes and similar articles towed by aircraft shall only be picked up and dropped in the area in which the cross is placed.
(8) A white double cross, as illustrated in this paragraph,

![Fig. 18](image)

indicates an area which shall be used only for the taking-off and landing of gliders.

(9) A white landing T as specified in Rule 38(2) of these Rules placed at the left hand side of the runway when viewed from the direction of landing indicates the runway to be used, and at an aerodrome with no runway it indicates the direction for take-off and landing.

**Signals visible from the ground.**

41. (1) A black ball 60 centimetres in diameter suspended from a mast signifies that the directions of take-off and landing are not necessarily the same.

(2) A checkered flag or board, 1.2 metres by 90 centimeters containing twelve equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately, signifies that aircraft may move on the manoeuvring area and apron only in accordance with the permission of the air traffic control unit at the aerodrome.

(3) Two red balls 60 centimetres in diameter, disposed vertically one above the other, 60 centimetres apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black Arabic numerals in two-figure groups and, where parallel runways are provided the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right); placed against a yellow background, indicate the direction for take-off or the runway in use.

(5) A black letter C against a yellow background, as illustrated in this paragraph,

![YELLOW BACKGROUND](image)

Fig. 19
indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

(6) A rectangular green flag of not less than 60 centimetres square flown from a mast indicates that a right hand circuit is in force.

**Lights and pyrotechnic signals for control of aerodrome traffic**

42. Each signal described in the first column of Table A, when directed from an aerodrome to an aircraft or to a vehicle, or from an aircraft, shall have the meanings respectively appearing in the second, third and fourth columns of that Table opposite the description of the signal.

<table>
<thead>
<tr>
<th>Characteristic and colour of light beam or pyrotechnic signal</th>
<th>From an aerodrome to an aircraft in flight</th>
<th>To an aircraft or vehicle on the aerodrome</th>
<th>From an aircraft in flight to an aerodrome</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Continuous red light</td>
<td>Give way to other aircraft and continue circling.</td>
<td>Stop</td>
<td>–</td>
</tr>
<tr>
<td>(b) Red pyrotechnic light, or red flare</td>
<td>Do not land; wait for permission</td>
<td>–</td>
<td>Immediate assistance is requested.</td>
</tr>
<tr>
<td>(c) Red flashes</td>
<td>Do not land; aerodrome not available for landing</td>
<td>Move clear of landing area.</td>
<td>–</td>
</tr>
<tr>
<td>(d) Green flashes</td>
<td>Return to aerodrome; wait for permission to land</td>
<td>To an aircraft You may move on the manoeuvring area and apron; To a vehicle; You may move on the manoeuvring area.</td>
<td>–</td>
</tr>
<tr>
<td>(e) Continuous green light</td>
<td>You may land.</td>
<td>You may take off (not applicable to a vehicle).</td>
<td>–</td>
</tr>
<tr>
<td>(f) Continuous green light, or green flashes, or green pyrotechnic light</td>
<td>–</td>
<td>–</td>
<td>By night: May I land? By day: May I land in direction different from that indicated by landing T?</td>
</tr>
<tr>
<td>(g) White flashes</td>
<td>Land at this aerodrome after receiving continuous green light, and then, after receiving green flashes, proceed to the apron.</td>
<td>Return to starting point on the aerodrome</td>
<td>I am compelled to land.</td>
</tr>
<tr>
<td>(h) White pyrotechnic lights</td>
<td>Switching on and off the navigation lights</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>
Switching on and off the landing lights

Marshalling signals (from a marshaller to an aircraft).

43. Each of the signals for the guidance of aircraft manoeuvring on or off the ground, described in the first column of Table B, paragraphs (a) to (x) shall, in the Territory, have the meanings set forth in the second column of that Table opposite the description of the signals. By day any such signals shall be given by hand or by circular bats and by night by torches or illuminated wands.

<table>
<thead>
<tr>
<th>Description of signal</th>
<th>Meaning of signal</th>
<th>In daylight</th>
<th>By night</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Right or left arm down, the other arm moved across body and extended to indicate position of the other marshaller.</td>
<td>Proceed under guidance of another marshaller.</td>
<td><img src="https://example.com/image1.png" alt="Image" /></td>
<td><img src="https://example.com/image2.png" alt="Image" /></td>
</tr>
<tr>
<td>(b) Arms repeatedly move upward and backward, beckoning onward.</td>
<td>Move ahead.</td>
<td><img src="https://example.com/image3.png" alt="Image" /></td>
<td><img src="https://example.com/image4.png" alt="Image" /></td>
</tr>
<tr>
<td>(c) Right arm down, left arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.</td>
<td>Open up starboard engine or turn to port.</td>
<td><img src="https://example.com/image5.png" alt="Image" /></td>
<td><img src="https://example.com/image6.png" alt="Image" /></td>
</tr>
<tr>
<td>(d) Left arm down, the right arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.</td>
<td>Open up port engine or turn to starboard.</td>
<td><img src="https://example.com/image7.png" alt="Image" /></td>
<td><img src="https://example.com/image8.png" alt="Image" /></td>
</tr>
</tbody>
</table>
(e) Arms repeatedly crossed above the head. The speed of arm movement indicates the urgency of the stop.

Stop.

(f) A circular motion of the right hand at head level, with the left arm pointing to the appropriate engine.

Start engines.

(g) Arms extended, the palms facing inwards, then swung from the extended position inwards.

Chocks inserted

(h) Arms down, the palms facing outwards, then swung outwards.

Chocks away.

(i) Either arm and hand placed level with the chest, then moved laterally with the palm downwards.

Cut engines.

(j) Arms placed down, with the palms towards the ground, then moved up and down several times.

Slow down.
<p>| (k) | Arms placed down, with the palms towards the ground, then either the right or left arm moved, up and down indicating that the motors on the left or right side, as the case may be, should be slowed down. | Slow down engines on indicated side |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (l) | Arms placed above the head in a vertical position. | This bay. |
| (m) | The right arm raised at the elbow, with the arm facing forward | All clear: marshalling finished. |
| (n) | Arms placed horizontally sideways. | Hover. |
| (o) | Arms placed down and crossed in front of the body. | Land. |
| (p) | Arms placed horizontally sideways with the palms up beckoning upwards. The speed of arm movement indicates the rate of ascent. | Move upwards |</p>
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Move</th>
</tr>
</thead>
<tbody>
<tr>
<td>(q)</td>
<td>Arms placed horizontally sideways with the palms towards the ground beckoning downwards. The speed of arm movement indicates the rate of descent.</td>
<td>Move downwards.</td>
</tr>
<tr>
<td>(r)</td>
<td>Either arm placed horizontally sideways, then the other arm moved in front of the body to that side, in the direction of the movement, indicating that the helicopter should move horizontally to the left or right side as the case may be; repeated several times.</td>
<td>Move horizontally</td>
</tr>
<tr>
<td>(s)</td>
<td>Arms placed down the palms facing forward, then repeatedly swept up and down to shoulder level.</td>
<td>Move back</td>
</tr>
<tr>
<td>(t)</td>
<td>Left arm extended horizontally forward, then right arm making a horizontal slicing movement below left arm.</td>
<td>Release load</td>
</tr>
</tbody>
</table>
(u) Raise arm, with fist clenched, horizontally in front of body, then extend fingers.

Release brakes.

(v) Raise arm and hand, with fingers extended, horizontally in front of body, then clench fist.

Engage brakes.

(w) Left hand overhead with the number of fingers extended, to indicate the number of the engine to be started, and circular motion of right hand at head level.

Start engine(s).

(x) Point left arm down, move right arm down from overhead, vertical position to horizontal forward position, repeating right arm movement.

Back aircraft’s tail to starboard.
Marshalling signals (from a pilot of an aircraft to a marshall).  

<table>
<thead>
<tr>
<th>Description of Signal</th>
<th>Meaning of Signal</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Raise arm and hand with fingers extended horizontally in front of face, then clench fist.</td>
<td>Brakes engaged</td>
</tr>
<tr>
<td>(b) Raise arm with fist clenched horizontally in front of face, then extend fingers.</td>
<td>Brakes released</td>
</tr>
<tr>
<td>(c) Arms extended palms facing outwards, move hands inwards to cross in front of face.</td>
<td>Insert chocks</td>
</tr>
<tr>
<td>(d) Hands crossed in front of face, palms facing outwards, move arms outwards.</td>
<td>Remove chocks</td>
</tr>
<tr>
<td>(e) Raise the number of fingers on one hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshallers facing the aircraft, from his right to his left, for example, No 1 engine shall be the port outer engine, No. 2 engine shall be the port inner engine, No. 3 engine shall be the starboard inner engine, and No. 4 engine shall be the starboard outer engine.</td>
<td>Ready to start engines</td>
</tr>
</tbody>
</table>

Distress, urgency and safety signals. 

45. (1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and immediate danger and requests immediate assistance—

(a) by radiotelephony:
   the spoken word “MAYDAY”;

(b) visual signalling—
   (i) the signal SOS (…….);
   (ii) a succession of pyrotechnic lights fired at short intervals each showing a signal red light;
   (iii) a parachute flare showing a red light;

(c) by sound signalling other than radiotelephony—
(i) the signal SOS (…….);

(ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately, before the sending of a message, signify that the commander of the aircraft wishes to give notice of difficulties which compel it to land but that he does not require immediate assistance—

(a) a succession of white pyrotechnic lights;

(b) the repeated switching on and off of the aircraft landing lights,

the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in Rule 11 of these Rules.

(3) The following signals, given either together or separately, indicate that the commander of the aircraft has an urgent message to transmit concerning the safety of a ship, aircraft, vehicle or other property or of a person on board or within sight of the aircraft from which the signal is given—

(a) by radiotelephony:

the spoken words “PAN”, “PAN”;

(b) by visual signalling:

the signal XXX (……..);

(c) by sound signalling other than radiotelephony:

the signal XXX (……..).

Warning signals to aircraft in flight.

46. In the Territory, by day or by night, a series of projectiles discharged from the ground at intervals of 10 seconds, each showing, on bursting, red and green lights or stars, shall indicate to the commander of an aircraft that his aircraft is flying in or about to enter an active danger area or an area to which Regulations made pursuant to Regulation 71(i)(a)(iii) relate and that he is required to take such action as may be necessary to leave the area or change course to avoid the area.

PART IX

AIR TRAFFIC CONTROL

Provision of air traffic services.

47. (1) At every aerodrome (other than a Government aerodrome), which is an aerodrome in respect of which the Minister has given a direction to the proprietor or person in charge of the aerodrome requiring air traffic control service, aerodrome flight information service or means of two-way radio communication to be provided there, the person in charge of the aerodrome shall cause such a service to be provided at all times when the Minister so directs.

(2) At every aerodrome (other than a Government aerodrome) which is provided with equipment for providing holding aid, let-down aid or approach aid by radio or radar, the person in charge of the aerodrome shall inform the Minister in advance of any period during which any of the said equipment will be in operation.
for the purpose of providing holding aid, let-down aid or approach aid and, without prejudice to paragraph (1) of this Rule, cause air traffic control service to be provided at all times when the said equipment is notified as being in operation for any of those purposes.

Use of radio call signs at aerodromes.

48. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

(Schedule repealed by S.R.O. 6/2014)

SCHEDULE 14
(Regulations 99)

FEES

Certificate of registration (Regulation 4(8))

1. The fee to be paid upon an application being made for the issue of a certificate of registration of an aircraft pursuant to Regulation 4(8) shall be in accordance with the following scale—

   Where the maximum total weight authorised—

<table>
<thead>
<tr>
<th>Max Total Weight</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) does not exceed 6,000 lb</td>
<td>200.00</td>
</tr>
<tr>
<td>(b) exceeds 6,000 lb but does not exceed 12,500 lb</td>
<td>300.00</td>
</tr>
<tr>
<td>(c) exceeds 12,500 lb but does not exceed 30,000 lb</td>
<td>450.00</td>
</tr>
<tr>
<td>(d) exceeds 30,000 lb but does not exceed 100,000 lb</td>
<td>600.00</td>
</tr>
<tr>
<td>(e) exceeds 100,000 lb</td>
<td>750.00</td>
</tr>
</tbody>
</table>

For the purposes of this part of this Schedule, “maximum total weight authorised” means the maximum total weight authorised in the certificate of airworthiness in force or in respect of the aircraft, or, if no such certificate is in force, in the certificate of airworthiness last in force in respect of that aircraft. In any other case “maximum total weight authorised” means the maximum total weight authorised of the prototype or modification thereof to which the aircraft in the opinion of the Minister conforms.

Permit for an aircraft to fly without a certificate of airworthiness (Regulation 7(1))

2. The fees to be paid upon an application being made for a permit to fly in pursuance of proviso (e) to Regulation 7(1) shall be as follows—
For any investigations required by the Minister in connection with the application a fee of an amount equivalent to the cost of making such investigations but not exceeding $10.00 per pound of the maximum total weight authorised of the aircraft for any year, or part of the year, of the period required for carrying out the investigations.

For the permit, a fee of 50.00

First issue of certificate of airworthiness (Regulation 8(1))

3. Upon an application being made for the first issue of a certificate of airworthiness in respect of an aircraft there shall be paid for the investigations required by the Minister in pursuance of Regulation 8(1) (not including the investigation of any aircraft engine) a fee of an amount equal to the cost of making the investigations but not exceeding $10.00 per pound of the maximum total weight authorised of the aircraft for any year, or part of the year, of the period required for carrying out the investigations:

Provided that in the case of an aircraft which in the opinion of the Minister conforms to a prototype aircraft, a fee of $200.00 in respect of each 1,000 lb or part thereof, the maximum total weight authorised of that aircraft, shall be paid.

Renewal of certificate or airworthiness (Regulation 8(6))

4. The fee to be paid upon an application being made for the renewal of a certificate of airworthiness for an aircraft in pursuance of Regulation 8(6), shall be $200.00 in respect of each 1,000 lb or part thereof, the maximum total weight authorised of that aircraft.

Approval of engine (Regulation 8(1))

5. The fees to be paid upon an application being made for the approval of an engine, whether in connection with an application for the issue or renewal of a certificate of airworthiness or for any other of the purposes of these Regulations (including any investigations for the purpose) shall be in accordance with the following scale:

(a) When the power of the engine as determined by the Minister—

<table>
<thead>
<tr>
<th>Power Range</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) does not exceed 200 b.h.p. or 500 lb thrust</td>
<td>$40.00</td>
</tr>
<tr>
<td>(ii) exceeds 200 b.h.p. or 500 lb thrust but does not exceed 500 b.h.p. or 1,250 lb thrust</td>
<td>$80.00</td>
</tr>
<tr>
<td>(iii) exceeds 500 b.h.p. or 1,250 lb thrust but does not exceed 1,000 b.h.p. or 2,500 lb thrust</td>
<td>$120.00</td>
</tr>
<tr>
<td>(iv) exceeds 1,000 b.h.p. or 2,500 lb thrust but does not exceed 2,000 b.h.p. or 5,000 lb thrust</td>
<td>$160.00</td>
</tr>
</tbody>
</table>

(b) When the power output as so determined exceeds 2,000 b.h.p. or 5,000 lb thrust, in respect of the first 2,000 b.h.p. or 5,000 lb thrust and in respect of each additional 100 b.h.p. or 250 lb thrust $10.00.

Validation of certificate of airworthiness (Regulation 8(5) and (6))

6. The fee to be paid upon an application being made for—

(1) the issue of a certificate of validation of a certificate of airworthiness in respect of any aircraft in pursuance of Regulation 8(5) shall be the same fee which
would be paid under Paragraph 3 of this part of this Schedule in respect of an application for the issue of a certificate of airworthiness.

(2) the renewal of such a certificate of validation in pursuance of Regulation 8(6) shall be the same as the fee which would be paid under Paragraph 4 of this part of this Schedule in respect of the renewal of a certificate of airworthiness.

Approval/authorisation of persons
(Regulations 8(8), 9(3)(c), 9(3)(b))

7. The fee to be paid upon an application being made by a person for the making of inspections of his organisation for the purposes of Regulations 8(8), 9(3)(c) and 9(3)(b) shall be $900.00 per annum for each branch of the organisation which is separately inspected.

Approval in respect of aircraft and equipment
including modification, repair etc (excluding radio apparatus Regulations 8(7), 11(4) and 13(2))

8. The fee to be paid upon an application being made for approval pursuant to any requirement of Regulations 8(7), 11(4) and 13(2) (other than the approval of an engine) shall be an amount equivalent to the cost of making the investigations, which, the Minister deems necessary for the purpose but not exceeding $15,000.00 for any year or part of a year, of the period required for carrying out the investigations.

Approval of type, etc. of radio apparatus (Regulation 14(5))

9. The fee to be paid upon an application being made for the approval by the Minister of radio apparatus or the manner of the installation thereof or of any modification of the apparatus or the manner of its installation, for the purpose of Regulation 14(5) shall be an amount equivalent to the cost of making the investigations which the Minister deems necessary for the purpose but not exceeding $9,600.00 for any year, or part of a year, of the period required for carrying out the investigations.

Grant and renewal of aircraft maintenance
engineer’s licence (Regulation 12(1) and (3))

10. (1) The fees to be paid upon an application being made for the grant or renewal of an aircraft maintenance engineer’s licence in pursuance of Regulation 12(1) or (3) shall be as follows—

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>In respect of an application for a licence (including one examination)</td>
<td>600.00</td>
</tr>
<tr>
<td>In respect of an application for the extension of the licence to include a rating (with one examination)</td>
<td>115.00</td>
</tr>
<tr>
<td>In respect of an application for the renewal of a licence (without examination)</td>
<td>600.00</td>
</tr>
</tbody>
</table>

Provided in the case of a licence renewal application where examinations are required an additional fee of $115.00 shall be paid for each examination.
Validation of aircraft maintenance engineer’s licence (Regulation 12(4))

(2) The fee to be paid upon an application being made for the validation of an aircraft maintenance engineer’s licence in pursuance of Regulation 12(4) shall be 600.00.

licences for flight crew (Regulations 19 and 20) and ratings therein (Regulation 20(3) and (4))

11.(1) (a) The following fees shall be paid upon application being made for the grant or renewal of a licence in pursuance of Regulation 20 to act as—

<table>
<thead>
<tr>
<th></th>
<th>Grant</th>
<th>Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) a professional pilot</td>
<td>600.00</td>
<td>300.00</td>
</tr>
<tr>
<td>(ii) a flight navigator or a flight engineer</td>
<td>400.00</td>
<td>200.00</td>
</tr>
<tr>
<td>(iii) a flight radio telephony operator</td>
<td>400.00</td>
<td>200.00</td>
</tr>
<tr>
<td>(iv) a private pilot</td>
<td>250.00</td>
<td>125.00</td>
</tr>
<tr>
<td>(v) a student pilot</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

(b) The following fees shall be paid upon application being made for the grant or renewal of other ratings in pursuance of Regulation 20(3) and (4) in respect of flight crew members as indicated hereunder—

<table>
<thead>
<tr>
<th></th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) a Flying Instructor’s Rating</td>
<td>300.00</td>
</tr>
<tr>
<td>(ii) an Assistant Flying Instructor’s Rating</td>
<td>300.00</td>
</tr>
<tr>
<td>(iii) an Instrument Rating (Aeroplanes)</td>
<td>150.00</td>
</tr>
<tr>
<td>(iv) a Night Rating (Aeroplanes)</td>
<td>150.00</td>
</tr>
<tr>
<td>(v) a Night Rating (Helicopters and Gyroplanes)</td>
<td>150.00</td>
</tr>
<tr>
<td>(vi) an Instrument Meteorological Conditions Rating (Aeroplanes)</td>
<td>150.00</td>
</tr>
</tbody>
</table>

(2) The following fees shall be paid upon an application being made for the grant or renewal of any licence to act as a member of the flight crew of an aircraft or for the inclusion or renewal of a rating in such a licence in respect of the following examinations and tests as may be required—

(a) on the performance of aircraft | 600.00  |

(b) for the Aircraft (General) or aircraft type examination

(i) for the inclusion of an aircraft rating in a licence for a single type aircraft where the maximum total weight authorised of the aircraft—

<table>
<thead>
<tr>
<th></th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>(aa) does not exceed 12,500 lb</td>
<td>200.00</td>
</tr>
<tr>
<td>(bb) exceeds 12,500 lb but does not exceed 75,000 lb</td>
<td>300.00</td>
</tr>
<tr>
<td>(cc) exceeds 75,000 lb but does not exceed 200,000 lb</td>
<td>350.00</td>
</tr>
</tbody>
</table>
(dd) exceeds 200,000 lb
   for a consequential re-sit of the Aircraft (General) examination 400.00

(ii) for the extension of an aircraft rating in a licence to include any
    additional type of aircraft in a licence, where the maximum total
    weight authorised of the aircraft –

   (aa) does not exceed 12,500 lb 150.00
   (bb) exceeds 12,500 lb but does not exceed 75,000 lb 200.00
   (cc) exceeds 75,000 lb but does not exceed 200,000 lb 250.00
   (dd) exceeds 200,000 lb 300.00

(iii) (a) on radiotelephony, being an examination consisting of not
     more than 2 parts, for each part of the examination on each
     occasion when that part is taken 40.00
     (b) on the morse code 30.00
     (c) on each occasion each examination is taken

   (i) on aviation law, flight rules and procedures; seamanship;
      aeroplanes, collision regulations 70.00
       (each subject)
   (ii) on signals (practical) 50.00
   (iii) by the holder of a private pilot’s licence (Aeroplanes) for an
        Instrument Rating (Aeroplanes) on flight rules and procedures;
        navigation (flight planning); navigation (general) meteorology;
        flight instrument and radio aids 40.00
        (each subject)
   (iv) by applicants for a commercial pilot’s licence (Aeroplanes) on
        navigation (flight planning); navigation (general); navigation
        (plotting); navigation (radio aids); meteorology 80.00
        (for each subject)
   (v) by applicants for a flight navigator’s licence, a senior
        commercial pilot’s licence (Aeroplanes), an airline transport
        pilot’s licence (Aeroplanes), or any other professional pilot’s
        licence on navigation (flight planning); navigation (plotting);
        navigation (radio aids); navigation (general); navigation
        (instrument); meteorology (practical); meteorology (theory) 50.00
        (for each subject)

(3) For the purpose of this Paragraph—

“a licence to act as a professional pilot” means a licence of one of the following
classes:

Basic Commercial Pilot’s Licence (Aeroplanes)
Senior Commercial Pilot’s Licence (Aeroplanes)
Airline Transport Pilot’s Licence (Aeroplanes)
Airline Transport Pilot’s Licence (Helicopters and Gyroplanes)

Commercial Pilot’s Licence (Aeroplanes)
Commercial Pilot’s Licence (Balloons)
Commercial Pilot’s Licence (Airships)
Commercial Pilot’s Licence (Gliders)
Commercial Pilot’s Licence (Helicopters and Gyroplanes)
“a licence to act as a private pilot” means a licence of one of the following classes:

Private Pilot’s Licence  (Aeroplanes)
Private Pilot’s Licence  (Helicopters and Gyroplanes)

**Aerodrome licence (Regulation 75)**

12. Subject to the provisions of Regulation 75, the fees to be paid upon an application being made in respect of an aerodrome licence shall be as follows:

- For an official inspection of an aerodrome not followed by the grant or renewal of a licence: $150.00
- For the grant or renewal of a licence for a period exceeding eight days, including official inspection of the aerodrome: The fee specified in the table at the foot of this Paragraph
- For the variation of a licence: $50.00

Provided that where a licence is granted or renewed for a period which will expire within twelve months from the date on which the grant or renewal becomes operative and an application is made for the renewal of the licence, or for the grant of a further licence to the same person for the same aerodrome, for any subsequent period falling within those twelve months, then—

(a) if the application is for the renewal of the licence without variation or for the grant of a further licence on the same terms as the previous licence, no fee shall be payable in respect of the renewal or grant; and

(b) if the application is for the renewal of the licence with variations or for the grant of a further licence on terms different from those of the previous licence, the application shall be treated for the purpose of this paragraph as if it were an application for the variation of a licence.

**TABLE**

The weight certified in the application for the grant or renewal of the licence as being the maximum total weight authorised of the heaviest aircraft which the applicant expects to use at the aerodrome, while the licence is in force, for the purpose of the public transport of passengers and cargo or of instruction in flying—

<table>
<thead>
<tr>
<th>Weight</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceeding 6,000 lb</td>
<td>$300.00</td>
</tr>
<tr>
<td>Exceeding 6,000 lb but not exceeding 15,000 lb</td>
<td>$450.00</td>
</tr>
<tr>
<td>Exceeding 15,000 lb</td>
<td>$600.00</td>
</tr>
</tbody>
</table>

**Validation of a flight crew licence (Regulation 21)**

13. When an application is made for the issue of a certificate of validation of a licence under Regulation 21, the following fees shall be paid in respect of the following examinations and tests (if required) conducted by or on behalf of the Directorate—

For an official medical examination (if required): In each case the fees appropriate to the grant of a licence equivalent to that
for which validation is sought.

For a technical examination (if required)
For an official flying test (if required)
For the issue of a certificate of validation 600.00

Copies of documents

14. The fee to be paid for the issue by the Minister of a copy or replacement of a document issued under these Regulations or Regulations made thereunder shall be:

Provided that for a copy or replacement of a flight manual or performance schedule relating to a certificate of airworthiness the fee shall be an amount equal to the cost of preparing the copy or replacement as the case may be, but shall not exceed.

Amendment to documents

$ 15. The fee to be paid for any amendment to any document issued under these Regulations or Regulations made thereunder shall be

Air Operator’s certificate (Regulation 6(2))

16. The fee to be paid upon an application being made for the issue of an air operator’s certificate in pursuance of Regulation 6(2) shall be

1,000.00

SCHEDULE 15
(Regulation 45)

THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS

Citation.
1. These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations.

Interpretation.
2. (1) In these Regulations—

“consignment” means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address for delivery to one consignee at one destination address and in respect of which there is not more than one air waybill;
“dangerous goods” means any article or substance which is capable of posing significant risk to health, safety or property when carried by air and which is classified in Part 2 of the Technical Instructions;

“dangerous goods transport document” means a document, not being an air waybill, which is required by Regulation 4 of these Regulations to accompany a consignment of dangerous goods;

“package” means the packaging and the articles and substances contained therein including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

“packing” means the art and operation whereby articles and substances are wrapped up, enclosed in containers or otherwise secured, and “packed” shall be construed accordingly;


“unit load device” means any type of freight container including any container designed for loading on an aircraft.

(2) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined, shall for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft respectively.

Carriage of dangerous goods.

3. (1) An aircraft shall not carry or have loaded therein or suspended thereunder any dangerous goods, unless such goods are carried, loaded or suspended—

(a) with the written permission of the Minister and in accordance with any conditions to which such permission may be subject; and

(b) in accordance with the Technical Instructions and any conditions specified therein.

(2) A person shall not—

(a) take or cause to be taken on board;

(b) suspend or cause to be suspended beneath; or

(c) deliver or cause to be delivered for loading on or suspension beneath, an aircraft any goods which he knows or ought to know or suspect to be dangerous goods unless the provisions of these Regulations are complied with.

(3) These Regulations shall not apply to dangerous goods of a type specified in Chapter 2.3 and 2.4.2 of Part 1 of the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of the aforesaid Chapters 2.3 and 2.4.2—

(a) for the purpose of ensuring the proper navigation or safety of the aircraft; or

(b) solely for the personal use of the passengers and crew members of the aircraft.
(4) Save for Regulations 4(2)(a), 8(1) (but only to the extent that it refers to the provisions in Chapter 2.1 of Part 5 of the Technical Instructions) and 8(2) of these Regulations, these Regulations shall not apply to dangerous goods of the classifications specified in Chapter 2.5 of Part 1 of the Technical Instructions provided that—

(a) the dangerous goods do not exceed the appropriate quantity limitations specified therein; and

(b) such other conditions as are specified therein are complied with.

Documentation.

4. (1) An aircraft shall not carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document, except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which a dangerous goods transport document is not required.

(2) The dangerous goods transport document shall be completed in duplicate by the shipper and shall—

(a) describe the dangerous goods in accordance with and contain such information as is required by the provisions of Chapter 4.1 of Part 4 of the Technical Instructions;

(b) contain a signed declaration that the Technical Instructions have been complied with in that the dangerous goods—

(i) are fully and accurately described; and

(ii) are correctly classified, packed, marked and labelled; and

(iii) are in a proper condition for carriage by air.

(3) The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document which has been furnished to him in accordance with this Regulation.

Shipper’s responsibilities.

5. Before consigning any package containing dangerous goods for carriage by air the shipper shall ensure that—

(a) the goods are not of a category whose carriage by air is prohibited by the provisions of Chapters 2.1 and 2.2 of Part 1 of the Technical Instructions;

(b) the goods are classified and packed in accordance with Parts 2 and 3 of the Technical Instructions and the packaging used are in accordance with such provisions of Part 7 of the Technical Instructions as apply to the goods;

(c) the package is marked and labelled in accordance with such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and in accordance with Chapters 2 and 3 of Part 4 of the Technical Instructions;

(d) the package is in a fit condition for carriage by air;
(e) the dangerous goods transport document required by Regulation 4 of these Regulations has been completed and that the declaration therein has been signed by him.

Operator’s responsibilities.

6. (1) The operator of an aircraft in which any package or unit load device containing dangerous goods is to be carried shall satisfy himself by making an inspection—

(a) that the package is marked and labelled in accordance with the provisions of these Regulations, such provisions of Chapter 11 of Part 2 and Part 3 as relate to making and labelling and Chapters 2 and 3 of Part 4 of the Technical Instructions before accepting the package;

(b) that the package is not leaking or damaged so that the contents may escape—

(i) before accepting the package;

(ii) before loading or causing the package to be loaded on board the aircraft or before suspending or causing the package to be suspended beneath the aircraft, as the case may be;

(iii) upon unloading the package from or from beneath the aircraft;

(c) that the unit load device is free from any evidence of leakage from or damage to any dangerous goods contained therein before loading or causing the unit load device to be loaded on board the aircraft or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.

(2) (a) For the purpose of each of the inspections required by Paragraphs 1(a) and 1(b)(i) of this Regulation, the operator of an aircraft shall use an acceptance check list and shall record thereon and in accordance with the form thereof the results of that inspection.

(b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that document.

(c) The operator of an aircraft shall preserve for not less than six months any acceptance check list used by him in accordance with this Regulation.

(3) The operator shall not load or cause to be loaded on an aircraft or suspend or cause to be suspended beneath an aircraft any package or unit load device containing dangerous goods which on inspection is found to be leaking or damaged so that the contents or the dangerous goods therein may escape or be damaged.

(4) The operator shall unload or cause to be unloaded any package containing dangerous goods which appears to be leaking or damaged on board or beneath an aircraft and shall ensure that other cargo or baggage loaded on or suspended beneath that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator shall after unloading inspect for signs of damage or contamination any part of the aircraft, or any sling or other apparatus which has been used to suspend goods beneath the aircraft, in which—

(a) a unit load device containing dangerous goods was stowed; or
(b) any damaged or leaking package containing dangerous goods was loaded,

and the operator shall remove or repair any contamination or damage.

(6) The operator of an aircraft shall not permit it to fly for the purpose of carrying passengers or cargo if he knows or suspects radioactive materials to have leaked in or contaminated the aircraft or any sling or other apparatus attached to the aircraft unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are less than the values specified in Chapter 3.2 of Part 5 of the Technical Instructions.

Method of loading by operator.

7. (1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath an aircraft in accordance with the provisions in Chapter 2 of Part 5 of the Technical Instructions which apply to that category of dangerous goods.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by passengers or in the flight crew compartment, except in circumstances permitted by the provisions of Chapter 2.1 of Part 5 of the Technical Instructions.

Provision of information and training programmes by operators and shippers.

8. (1) The operator of an aircraft in which dangerous goods are to be carried shall, before flight begins, provide the commander of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy thereof for not less than six months.

(2) The operator of an aircraft in which passengers are to be carried or his agent shall notify them of the categories of dangerous goods which may not be taken on board an aircraft either as checked baggage or accompanying a passenger by displaying notices at places at an airport where the operator or his agent issues tickets, checks in baggage or maintains areas to assemble passengers to board the aircraft.

(3) The operator of an aircraft and a shipper of dangerous goods by air or, in each case, the agent thereof shall inform any employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for this purpose shall establish and undertake training programmes, as required by Chapter 1 of Part 6 of the Technical Instructions, which shall be submitted to the Minister for approval on such occasions as the Minister may require and which shall be amended as the Minister may require.

Production of documents and records.

9. The operator of an aircraft shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person—

(a) the written permission referred to in Regulation 3(1) of these Regulations;

(b) the dangerous goods transport document in respect of any dangerous goods, referred to in Regulation 4 of these Regulations;
Dropping articles for agricultural, horticultural or forestry purposes.

10. Subject to the provisions of Regulation 3(1)(a) of these Regulations, nothing in these Regulations shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture or forestry.

THIRD SCHEDULE

(Section 50)

CIVIL AVIATION (SECURITY) REGULATIONS

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Civil Aviation (Security) Regulations.

Interpretation.

2. In these Regulations—

“Act” means the Civil Aviation Act, Cap. 8.03;

“act of unlawful interference” means an act which seeks to or jeopardizes the safety of civil aviation and air transport, including but not limited to—

(a) unlawful seizure of an aircraft;
(b) destruction of an aircraft in service;
(c) hostage taking on board an aircraft or at an airport;
(d) forcible intrusion on board an aircraft at an airport or at the premises of an aeronautical facility;
(e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
(f) use of an aircraft in service for the purpose of causing death, serious injury or serious damage to property or the environment; or
(g) communication of false information so as to jeopardize the safety of aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;
“aerial work” means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement;

“aeronautical facility” means any facility associated with air navigation;

“agreement” means the Agreement establishing the Eastern Caribbean Civil Aviation Authority made on the 21st day of October 2003, the text of which is set out in the Schedule I to the Act;

“air operations area” means a portion of an airport designed and used for landing, take-off or surface manoeuvring of aircraft;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“aircraft operator” means a person that operates an aircraft in commercial air transport service;

“Aircraft Operator Security Programme” means an Aircraft Operator Security Programme established pursuant to regulation 12(2);

“aircraft operator’s stores” means all items, other than catering supplies, associated with an air carrier’s passenger in-flight services, including newspapers, magazines, headphones, audio and video tapes, pillows and blankets and amenity kits;

“Aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

“Aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“airport” means any area of land, water or other supporting surface used, designed, prepared, equipped or set apart for use or designated either in whole or in part for the arrival, departure and surface movement of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;

“airport operator” means a person who operates an airport in Saint Christopher and Nevis, holding an airport certificate or other authorization issued pursuant to the Act and regularly serving scheduled, non-scheduled passenger operations, and/or cargo operations;

“airport security programme” means an airport Security Programme established pursuant to regulation 12(1);

“airport tenant” means any enterprise that is resident at an airport;

“apron” means a defined area, on an airport, intended to accommodate aircraft for the purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

“Authority” means the Eastern Caribbean Civil Aviation Authority established pursuant to the Agreement;

“authorised search” means a search carried out of persons or goods destined to or within a restricted area of an airport, or on board an aircraft, by a designated security officer carried out in such manner and under such circumstances as
may be prescribed by existing regulations or by regulations made under the
authority of the Act;
“aviation screening officer” means a person who by virtue of his or her training has
been employed by the airport operator or aircraft operator to carry out aviation
security screening duties;
“background check” means a check of a person’s identity and previous experience,
including where legally permissible, any criminal history, as part of the
assessment of an individual’s suitability to implement a security control and or
for unescorted access to a security restricted area;
“baggage” means personal property of passengers or crew carried on an aircraft by
agreement with the aircraft operator;
“cargo” means any property carried on an aircraft other than mail, stores and
accompanied or mishandled baggage;
“carry-on baggage” means luggage and personal belongings to which a person will
have access while on board an aircraft;
“catering supplies” means food, beverages, other dry stores and associated equipment
used on board an aircraft;
“checked baggage” means luggage and personal belongings accepted for
transportation by an aircraft operator and to which a person will not have
access while on board an aircraft;
“Civil Aviation Division” means the designated appropriate authority for Civil
Aviation Security in Saint Christopher and Nevis in the Ministry of Transport;
“commercial air transport” means an undertaking whose business includes the
carriage by air of passengers or cargo for remuneration, hire or reward that is
not considered aerial work;
“Contracting State” refers to a Contracting State to the Convention on International
Aviation also known as the Chicago Convention;
“Coordinator” means the person designated to be the Coordinator for National Civil
Aviation Security pursuant to regulation 4(1);
“diplomatic bag” means a properly documented sealed bag, briefcase, envelope or
other container used to transmit official correspondence, documents,
publications and other articles for official use by a state and its diplomatic
missions;
“Director-General” means the Director-General of Civil Aviation appointed under
Article 10 of the Agreement;
“escort officer” means person authorised by a state who has been trained to
accompany persons being removed from that state’s territory;
“exclusive area agreement” means a written agreement between an airport operator
and an aircraft operator in which the aircraft operator undertakes to exercise
exclusive security responsibility under a security programme for part of an air
operations area;
“firearm” has the meaning given to it in the Firearms Act, Cap. 19.05;
“foreign aircraft operator” means a person whose air operator certificate is issued and
controlled by a civil aviation authority in a state other than Saint Christopher
and Nevis;
“general aviation” means any aircraft flight operation other than for the purpose of business or commercial air transport or aerial work;

“goods” means personal belongings, baggage, cargo, mail, article, thing or conveyance that may be taken or placed on board an aircraft or taken into a restricted area;

“Implementing Standards” means standards which provide detailed requirements that support the intent of a Regulation presented in a Part and, by reference, have the force and effect of the governing Regulations;

“incendiary device” means an object, other than a match or pocket lighter, that is fabricated with combustible materials and when ignited may cause fire damage to property or inflict burn injuries on individuals;

“In-flight security officer” means a person who is employed and trained by the government of the State of the subject aircraft operator or by the government of another State to travel on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards;

“known consignor” means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow the carriage of cargo or mail on any aircraft;

“mail” means dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU);

“mishandled baggage” means baggage involuntarily, or inadvertently, separated from passengers or crew;

“National Civil Aviation Security Programme” means the National Civil Aviation Security Programme established pursuant to regulation 9(1);

“national programme” means the National Civil Aviation Security Programme, National Civil Aviation Training Programme, National Civil Aviation Security Quality Control Programme, where applicable;

“notice to captain” or “NOTOC” means a written notice or a verbal notice which is confirmed in writing, to the pilot-in-command, providing information on any passenger, escort officer, in-flight security officer, firearm, or, other person or thing embarked or to be embarked aboard the aircraft under his command, which could present a safety risk;

“participating state” means a State which is party to the Agreement;

“person” means an individual, corporation, company, association, firm, partnership, society, joint-stock company and includes a trustee, receiver, assignee, successor or similar representative of any of them;

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft during flight time;

“Police Force” means the Royal Saint Christopher and Nevis Police Force provided for under the Police Act, Cap. 19.07;

“prohibited item” means an item declared to be prohibited from carriage on commercial air transport aircraft in either—
(a) carry-on baggage or in the possession of the aircraft’s passengers or crew; or

(b) checked baggage or cargo,
pursuant to the Implementing Standards;

“regulated agent” means an agent, freight forwarder or any other entity who conducts business with an aircraft operator and provides security controls that are accepted or authorised by the Authority in respect of cargo, courier and express parcels or mail;

“restricted area” means any area of an airport that is identified as an area to which access is restricted to authorised persons and includes any aircraft or vehicle on that airport;

“scheduled passenger operations” means the provision of a commercial air transport service for passengers from identified air terminals at a set time announced by timetable or schedule published in a newspaper, magazine or other advertising medium;

“screening” means the application of technical or other means which are intended to identify and or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference. Screen and screened shall be construed accordingly;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

“security control” means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security equipment” means devices of a specialized nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

“security exercise” means a full-scale simulated act of unlawful interference with the objective of ensuring the adequacy of the contingency plan to cope with different types of emergencies or a partial simulated act of unlawful interference with the objective of ensuring the adequacy of the response of individual participating agencies and components of the contingency plan;

“security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by aircraft operator, airport operator or other entity involved in security;

“security investigation” means an inquiry into any act or attempted act of unlawful interference against civil aviation and/or any alleged or suspected instance of non-compliance with the National Civil Aviation Security Programme or other legal and/or regulatory requirements pertaining to civil aviation security;


“security screening checkpoint” means all points from which access to restricted areas may be gained;

“security sensitive information” means information related to civil aviation security the disclosure of which would result in an unwarranted invasion of personal
privacy; reveal a trade secret or privileged or confidential commercial or financial information; or be detrimental to the security of civil aviation;

“security survey” means an evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out acts of unlawful interference, and the recommendation of corrective actions;

“security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

“sterile area” means—

(a) an area within a restricted area to which access is controlled by the inspection of persons and property in accordance with Parts I and II of these Regulations;

(b) a facility within a restricted area of an airport accessible to screened persons and set apart to facilitate security control of persons embarking and disembarking aircraft;

“Technical Instructions” means the International Civil Aviation Organization Instructions for the transport of Dangerous Goods by air;

“transfer passenger” means a passenger making direct connection between two different flights;

“unaccompanied baggage” means baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;

“unidentified baggage” means baggage at an airport, with or without a tag, which is not picked up or identified with a passenger;

“weapon” means any thing designed, used or capable of inflicting bodily harm or death, and includes a firearm.

Purpose of these Regulations.

3. (1) The main purpose of the Regulations is to establish a regulatory framework to safeguard against unlawful interference with aviation.

(2) These Regulations establish minimum security requirements for civil aviation in Saint Christopher and Nevis by imposing obligations on persons engaged in civil aviation related activities and it obliges certain aviation industry participants to develop, and comply with, aviation security programmes.

(3) Another purpose of these Regulations is to meet Saint Christopher and Nevis obligations under the Convention on International Aviation also known as the Chicago Convention.

PART II

SECURITY AUTHORITY AND NATIONAL CIVIL AVIATION SECURITY PROGRAMME

Appropriate Authority.

4. The Minister shall be the appropriate authority responsible for the development maintenance and implementation of the National Civil Aviation Security Programme of Saint Christopher and Nevis and shall be responsible, inter alia, for—
(a) defining and allocating tasks and coordinating activities between the departments, agencies and other organizations in Saint Christopher and Nevis, aerodrome and aircraft operators, and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme;

(b) the implementation of the National Civil Aviation Security Programme by the Government agencies and bodies to which responsibilities have been assigned by the National Civil Aviation Security Committee;

(c) liaising with the National Civil Aviation Security Committee on all matters of civil aviation security and taking adequate measures to respond to different levels of threats;

(d) ensuring that airport security services at each airport serving civil aviation within Saint Christopher and Nevis are provided with the necessary supporting resources and facilities;

(e) establishing and implementing procedures to share relevant threat information with other states; and

(f) establishing and implementing procedures to exchange information concerning national civil aviation programmes, training programmes, security programmes and quality control programmes and other security information with other states ensuring that inappropriate use or disclosure of such information is avoided.

Coordinator for National Civil Aviation Security.

5. (1) The Civil Aviation Division shall be the Coordinator for National Civil Aviation Security.

(2) The Civil Aviation Division shall assist the Minister in the performance of his or her functions and shall—

(a) advise the Minister and the National Civil Aviation Security Committee on matters relating to aviation security;

(b) subject to the approval of the Minister develop, maintain and implement the National Civil Aviation Security Programme and the National Civil Aviation Security Training Programme;

(c) coordinate security measures and procedures with appropriate organisations and agencies;

(d) conduct security audits, inspections, tests and surveys in respect of approved security programmes; and

(e) notify the Authority of breaches of these Regulations or non-compliance with approved security programmes.

(3) The Civil Aviation Division shall in accordance with these Regulations report on its activities to the Minister.

(4) The Civil Aviation Division shall have access to all areas of any aerodrome which is under the control of the Government or a statutory body.
Responsibilities of the Authority.

6. The Authority shall have such functions and powers as may be conferred on it by the Act or these Regulations and without limiting such functions and powers shall have the power to—

   (a) develop Implementing Standards;
   
   (b) develop and establish training standards applicable to persons implementing security controls at airports or on behalf of aircraft operators including the screener certification programme;
   
   (c) conduct security audits, tests, surveys and inspections on a regular basis in Saint Christopher and Nevis and verify compliance with these Regulations and the National Civil Aviation Security Programme to provide for the rapid and effective rectification of any deficiencies;
   
   (d) enforce the provisions of these Regulations;
   
   (e) continuously liaise with international regulatory agencies to determine new requirements, threats and preventative security measures for civil aviation; and
   
   (f) review and approve security programmes in accordance with Part III of these Regulations.

Aviation Security Inspectorate.

7. (1) The Authority shall establish an Aviation Security Inspectorate comprised of qualified aviation security inspectors who shall conduct security tests, surveys and inspections in Saint Christopher and Nevis on a regular basis.

   (2) The Aviation Security Inspectorate shall be headed by the Director of Air Navigation Services Division who shall have the delegated authority to issue any certificate, approval or other written document in support of the functions assigned to it and to perform such acts on behalf of the Director-General pursuant to these Regulations.

   (3) An aviation security inspector shall have all the powers of an inspector appointed pursuant to section 13 of the Act.

   (4) Notwithstanding any other requirement in governing access control upon presentation of the appropriate credential an inspector shall have unrestricted access to any airport, any aircraft, or aviation facility located on an airport.

   (5) The Authority shall ensure that aviation security inspectors are trained to the appropriate standard in accordance with the National Civil Aviation Security Quality Control Programme.

National Civil Aviation Security Committee.

8. (1) There shall be a National Civil Aviation Security Committee for the purposes of—

   (a) advising Government and the aviation industry on Aviation Security measures required to meet threats to civil aviation and its facilities;
   
   (b) assigning responsibilities for the implementation of the National Civil Aviation Security Programme and establishing the means of ensuring coordination between the Ministries, Government departments and other relevant agencies for that purpose;
(c) reviewing and maintaining the effectiveness of the National Civil Aviation Security Programme, the National Civil Aviation Security Quality Control Programme and the National Civil Aviation Security Training Programme including re-evaluating security measures and procedures following an act of unlawful interference and taking such action as may be necessary to remedy weaknesses or vulnerabilities and prevent recurrence of any act of unlawful interference;

(d) considering recommendations made by the Airport Security Committee at designated airports in Saint Christopher and Nevis and, where appropriate, recommending changes to the Authority;

(e) coordinating the exchange and dissemination of information on incidents, threats and appropriate countermeasures relating to aviation security; and

(f) promoting security consideration in the design of new airports or the expansion of existing facilities.

(2) The National Civil Aviation Security Committee may issue advice not inconsistent with these Regulations to the Minister, and the Minister shall consider and implement such advice where necessary.

(3) The National Civil Aviation Security Committee shall consist of—

(a) the Permanent Secretary of the Ministry responsible for Civil Aviation (as Chairman);

(b) a Member of the Civil Aviation Division (as Deputy Chairman);

(c) the Permanent Secretary of the Ministry responsible for National Security;

(d) the Permanent Secretary of the Department of Homeland Security;

(e) the Attorney-General;

(f) the Commissioner of Police;

(g) the Commander of the Defence Force;

(h) the Comptroller of Customs;

(i) the Chief Immigration Officer;

(j) the Security Managers of Airports;

(k) a representative nominated by the airline industry; and

(l) the managers of airports serving international civil aviation.

(4) An official mentioned in sub-regulation (3) shall notify the Chairman in writing of an alternate who shall attend meetings of the National Civil Aviation Security Committee when that official is unable to attend.

(5) The Chairman may invite any other person with specialized knowledge of a matter under consideration by the National Civil Aviation Security Committee to be present at any meeting of the Committee.

(6) Subject to sub-regulation (7), the Committee shall regulate its own procedure.

(7) No less than seven members or their representatives of the National Civil Aviation Security Committee, including not less than six of the members referred to
paragraphs (a), (b), (c), (d), (e), (h), (i) and (k) of sub-regulation (3), shall constitute a quorum.

**National Civil Aviation Security Programme.**

9. (1) The Civil Aviation Division shall with the approval of the Minister, subject to sub-regulations (2) and (3), establish and implement a National Civil Aviation Security Programme.

    (2) A National Civil Aviation Security Programme established pursuant to this regulation shall—

    (a) set out the Government’s security policy in respect of civil aviation within Saint Christopher and Nevis and for aircraft registered in Saint Christopher and Nevis and provide, through standards and guidelines, the necessary safeguards against acts of unlawful interference;

    (b) define and allocate tasks and coordinate activities relating to civil aviation security between the departments, agencies and other organisations of the State, airport operators, air operators and air carriers and other entities concerned with or responsible for responding to threats or acts of unlawful interference within Saint Christopher and Nevis;

    (c) be set out in the manner prescribed in the Implementing Standards.

    (3) The Civil Aviation Division shall submit a draft National Civil Aviation Security Programme to the Authority for review, prior to submission to the Minister for approval in accordance with sub-regulation (1).

    (4) The Civil Aviation Division shall make the National Civil Aviation Security Programme or relevant parts of the National Civil Aviation Security Programme available to airport operators, air operators, and other persons as the Civil Aviation Division may determine.

**National Civil Aviation Security Quality Control Programme.**

10. (1) The Civil Aviation Division shall with the approval of the Minister, subject to sub-regulations (2) and (3), establish and implement a National Civil Aviation Security Quality Control Programme.

    (2) The National Civil Aviation Security Quality Control Programme established pursuant to this regulation shall be used to determine compliance with and validate the effectiveness of the National Civil Aviation Security Programme and these Regulations.

    (3) The National Civil Aviation Security Quality Control Programme shall be set out in the manner prescribed in the Implementing Standards.

**National Civil Aviation Security Training Programme.**

11. (1) The Civil Aviation Division shall with the approval of the Minister, subject to sub-regulations (2), (3) and (4) establish and implement a National Civil Aviation Security Training Programme.

    (2) The National Civil Aviation Security Training Programme established pursuant to this regulation shall ensure that personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme receive training in accordance with standards contained in the programme.
(3) The Civil Aviation Division shall submit a draft National Civil Aviation Security Training Programme to the Authority for review, prior to submission to the Minister for approval in accordance with sub-regulation (1).

(4) The National Civil Aviation Security Training Programme shall be set out in the manner prescribed in the Implementing Standards.

PART III
SECURITY PROGRAMMES

Security programmes.

12. (1) Any person intending to operate an airport serving international civil aviation in Saint Christopher and Nevis, after having obtained an airport certificate, shall first submit for such airport a proposed airport security programme which meets the requirements of these Regulations for acceptance and subsequent approval by the Authority, before operations of such airport may commence.

(2) Any person intending to commercially operate an aircraft registered in Saint Christopher and Nevis within Saint Christopher and Nevis or internationally shall first submit to the Authority for its acceptance and subsequent approval a proposed Aircraft Operator Security Programme for his operations, before such operations may commence.

(3) The Air Transport Licensing Board shall submit to the Authority for its acceptance and subsequent approval the relevant parts of the Aircraft Operator Security Programme of an operator applying for an Air Transport Licence pursuant to Part IV of the Act or a Foreign Operator Specific Operating Provision pursuant to the Civil Aviation Regulations, before such operations may commence.

(4) Any person intending to operate as a Regulated Agent in Saint Christopher and Nevis shall first submit to the Authority for acceptance and subsequent approval a proposed Regulated Agent Security Programme before such operations may commence.

(5) Any person intending to operate an enterprise or an organisation the purpose of which is the provision of catering supplies and stores for use in commercial air transport, within and through Saint Christopher and Nevis, shall first submit to the Authority for acceptance and subsequent approval a proposed Catering Operator Security Programme before such operations may commence.

(6) The Authority shall submit each proposed Security Programme to the Civil Aviation Division for review and recommendations prior to final approval.

(7) Where a person wishes his proposed Security Programme under this Regulation to be reviewed and accepted by the Authority he shall—

(a) submit such proposed Security Programme in writing at least 90 days before the intended date of operations;

(b) pay the prescribed fee; and

(c) meet the requirements of these Regulations.

(8) A proposed Security Programme referred to in these Regulations shall be signed by the applicant and shall provide for the safety and security of—

(a) passengers, crew and their property;
(b) aircraft; and
(c) related aviation support facilities,
against acts of unlawful interference.

(9) A person shall not operate an airport, aircraft in commercial air transport or operate as a regulated agent or catering operator under these Regulations unless its Security Programme has been—
(a) assessed by the Civil Aviation Division; and
(b) approved by the Authority.

Additional requirements for applications.
13. (1) Where a person, in accordance with regulation 12, submits a security programme as part of an application for—
(a) an airport certificate or other authorisation under the Act or Regulations;
(b) an air operator certificate; or
(c) an Air Transport Service Licence or foreign air operator Specific Operating Provision,
that person shall, in addition to meeting the requirements of the Act or of Regulations made pursuant to the Act for certification or other authorisation, meet the requirements for the Security Programme under these Regulations.

(2) For the purpose of these Regulations a Security Programme shall be assessed by the Civil Aviation Division for adequacy, prior to approval by the Authority.

Approval of a proposed security programme.
14. (1) Where the Civil Aviation Division is satisfied that a proposed security programme submitted in accordance with regulation 12 meets the requirements of these Regulations and does not conflict with the National Civil Aviation Security Programme, it may recommend the approval of the proposed security programme to the Authority.

(2) Where the Authority determines that a proposed security programme submitted in accordance with Regulation 12, requires modification it may direct the applicant to modify and re-submit the proposed security programme for acceptance by the Authority.

(3) An acceptance under this regulation does not authorise the airport operator, aircraft operator, regulated agent or catering operator to use his proposed security programme submitted for approval under these Regulations, in his operations until the implementation of such programme has been evaluated and the programme has been approved for use by the Authority.

Contents of an airport security programme.
15. (1) An airport security programme required under Regulations 12 and 13 in respect of a certified airport shall be designed to safeguard against acts of unlawful interference and shall include—
(a) security measures and procedures for the Air Traffic Control Services at the airport;
(b) the objective of the security programme;
(c) a description of the airport, including a description of the air operations area, the restricted area(s), and the sterile area(s) of the airport;
(d) the composition and responsibilities of the airport security committee;
(e) details of the security measures at the airport, including access control systems and perimeter security;
(f) the duties and responsibilities of persons who are required by the nature of their duties to be resident at the airport;
(g) details of the provision of adequate law enforcement support and response;
(h) details of the airport operator’s credentialing and background checks of persons who will have unescorted access privileges to the restricted area(s) of the airport;
(i) a description of the security and communication procedures;
(j) details of the procedures to be followed in response to acts of unlawful interference;
(k) details of security training for staff;
(l) the recruitment of staff; and
(m) such other matters as may be required by the Authority.

(2) An airport security programme referred to in sub-regulation (1), shall be accompanied by a current scale map of the airport referred to in regulation 44.

(3) An airport security programme referred to in sub-regulation (1) shall be in the form set out in the Implementing Standards.

Development of airport security programme.

16. In developing an airport security programme referred to in regulation 15, an airport operator shall take into consideration—

(a) the special needs of general aviation, including reasonable access to airport facilities and aircraft; and

(b) the optimizing of airport security arrangements in the development, renovation and expansion of the airport.

Approval of airport security programme.

17. (1) Where the Authority accepts a proposed airport operator security programme in accordance with these Regulations an airport operator shall within 30 days of such acceptance ensure that such airport security programme is implemented and in full operation.

(2) Where an airport operator has implemented his accepted airport operator security programme, he shall submit a copy of the Security Programme to the Authority and notify the Authority that—

(a) the accepted programme has been implemented; and

(b) the airport operator wishes to commence operations under such implemented programme once it is approved by the Authority.
(3) Where the Authority is satisfied that the programme implemented in the operations at the airport and the accepted programme of the airport operator are identical, the programme shall be approved for full operation in commercial air transport operations.

(4) Notwithstanding sub-regulation (3), where the programme implemented in the operations of the airport operator and the accepted programme are not identical, but the differences are within an acceptable level as determined by the Authority, the Authority may approve such programme subject to limitation(s) and amendment(s).

**Development of security measures for aircraft operators.**

18. A proposed aircraft operator security programme referred to in Regulations 12 and 13 shall meet the requirements of the National Civil Aviation Security Programme and shall contain measures to ensure that—

(a) passengers and their carry-on baggage are screened prior to boarding an aircraft engaged in civil aviation operations;

(b) transfer and transit passengers and the carry-on baggage of such passengers are subjected to adequate security controls aimed at preventing unauthorised articles from being taken on board an aircraft engaged in civil aviation operations;

(c) prohibited items, such as weapons, incendiary devices or any other dangerous device, the carriage or bearing of which is not authorised and which may be used to commit an act of unlawful interference, are not introduced, by any means whatsoever, on board an aircraft engaged in civil aviation operations;

(d) measures are taken, in respect of a flight, to ensure that disembarking passengers do not leave items on board the aircraft at transit stops for such flight;

(e) adequate measures are taken to ensure that during flight unauthorised persons are prevented from entering the flight crew compartment;

(f) there is no possibility, after the security screening checkpoints at airports serving international civil aviation operations have been passed, of mixing or contact between passengers subjected to screening and other security control and other persons not subjected to such control;

(g) checked baggage is subjected to screening and other appropriate security controls prior to being loaded into an aircraft engaged in civil aviation operations;

(h) checked baggage intended for carriage on passenger flights is protected from unauthorised access and tampering from the point it is checked in, whether at an airport or elsewhere, until it is placed on board an aircraft;

(i) the baggage of passengers who are not on board the aircraft are not transported unless such baggage are subjected to appropriate security controls, which may include additional screening;

(j) storage areas are established at airports through which the aircraft operator operates, where mishandled baggage may be held until forwarded, claimed or disposed of in accordance with the laws of Saint Christopher and Nevis to ensure that they are not tampered with;
(k) consignments checked in as baggage by courier services for carriage on passenger aircraft engaged in civil aviation operations are screened;

(l) transfer checked baggage are subjected to appropriate security controls to prevent unauthorised articles from being taken on board aircraft engaged in civil aviation operations;

(m) when providing a passenger service only checked baggage which is authorised for carriage in accordance with the requirements specified in the national civil aviation security programme are transported; and

(n) procedures are specified for the control of entry of firearms on board an aircraft which ensure that checked firearms are not loaded and are not accessible to passengers during flight time.

Contents of aircraft operator security programme.

19. (1) In addition to the matters set out in regulation 18 an aircraft operator shall ensure that the aircraft operator security programme required under regulation 12 contains provisions to meet—

(a) international obligations; and

(b) the requirement of the national civil aviation security programme and national obligations, under the Act or Regulations made thereunder.

(2) In addition to the requirements of sub-regulation (1), a national aircraft operator shall ensure that his aircraft operator security programme contains—

(a) a security policy and the procedures for ensuring—

(i) the security of passengers and passenger carry-on and checked baggage; and

(ii) the security of crew and crew carry-on and checked baggage;

(b) procedures for—

(i) passenger and checked baggage reconciliation;

(ii) ensuring security of the aircraft;

(iii) airline catering, stores and supplies;

(iv) aircraft cleaning operations;

(v) cargo, courier, express parcels and mail;

(vi) recruitment of staff;

(vii) training of staff; and

(viii) incident reporting;

(c) details of contingency planning;

(d) if performing screening operations, the procedures for screening, the methods and means of performing such screening, and other specifications as required under these Regulations; and

(e) supervision and performance monitoring procedures to meet the security requirements for airport(s) in Saint Christopher and Nevis through which the operator conducts business.
(3) An aircraft operator security programme referred to in sub-regulation (1) shall include details of how the aircraft operator plans to meet the requirements set out in the Implementing Standards.

Approval and implementation of aircraft operator security programme.

20. (1) Upon a proposed aircraft operator security programme required under regulation 12 being accepted by the Authority, the aircraft operator shall within 30 days of such acceptance ensure that such aircraft operator security programme is implemented and is in full operation.

(2) Where an aircraft operator has implemented his accepted aircraft operator security programme, he shall submit a copy of the Security Programme to the Authority and notify the Authority that he or she—

(a) has implemented such a programme; and

(b) wishes to commence operations under the programme once it is approved by the Authority.

(3) Where the Authority is satisfied that the programme implemented in the operations of the aircraft operator and the accepted programmes are identical, he may approve the programme for full operation in commercial air transport operations.

(4) Notwithstanding sub-regulation (3), where the aircraft operator security programme implemented in the operations of the aircraft operator and the accepted aircraft operator security programme are not identical, but the differences are within an acceptable level as determined by the Authority, the Authority may approve such programme subject to limitation(s) and amendment(s).

Contents of a regulated agent security programme.

21. (1) A regulated agent shall ensure that his regulated agent security programme, as required under regulation 12, contains—

(a) provisions to meet his international obligations;

(b) provisions to meet the requirement of the national civil aviation security programme and national obligations under the Act or Regulations made thereunder; and

(c) details of how he plans to meet the requirements set out in the Implementing Standards in the manner set out therein;

(d) procedures for—

(i) ensuring the security of his goods, buildings, premises, transport facilities and cargo buildings;  

(ii) recruitment and training of staff involved in the handling of goods; and

(iii) incident reporting.

(2) The programme referred to in sub-regulation (1), shall be set out in the form specified in the Implementing Standards.

Approval of regulated agent security programme.

22. (1) Upon the Authority accepting the regulated agent security programme required under regulation 12, the regulated agent shall within 30 days of such acceptance ensure that such programme is implemented and in full operation.
(2) Where the regulated agent has implemented his accepted programme in accordance with sub-regulation (1), he or she shall—

(a) submit a copy of the Security Programme to the Authority and notify the Authority that he has implemented his accepted programme; and

(b) commence operations under such implemented programme once it is approved by the Authority.

(3) Where the Authority is satisfied that the programme implemented in the operations of the regulated agent and the accepted regulated agent security programme are identical, he may approve the programme for full operation in the operations of the regulated agent.

(4) Notwithstanding sub-regulation (3), where the approved programme implemented in the operations of the regulated agent and the accepted programme are not identical, but the differences are within an acceptable level as determined by the Authority, the Authority may approve such programme subject to limitation(s) and amendment(s).

(5) An approved programme under sub-regulation (3) shall be referred to as “an approved Regulated Agent Security Programme”.

Contents of a catering operator security programme.

23. (1) A catering operator shall ensure that his or her catering operator security programme, required under regulation 12, contains—

(a) provisions to meet his or her international obligations

(b) provisions to meet the requirement of the national civil aviation security programme and the national obligations under the Act or Regulations made thereunder; and

(c) details of how he or she plans to meet the requirements set out in the Implementing Standards in the manner set out therein;

(d) procedures for—

   (i) ensuring the security of his or her goods, buildings, premises, transport facilities and catering buildings;

   (ii) recruitment and training of staff involved in the handling of goods; and

   (iii) incident reporting.

(2) A catering operator security programme referred to in sub-regulation (1), shall be set out in the manner specified in the Implementing Standards.

Acceptance of catering operator security programme.

24. (1) Upon the Authority accepting the catering operator security programme required under regulation 12, the catering operator shall within 30 days of such acceptance ensure that the programme is implemented and is in full operation.

(2) Where the catering operator has implemented the programme in accordance with sub-regulation (1), he shall notify the Authority that he has implemented the programme; and that he wishes to commence operations under such programme once it is approved by the Civil Aviation Division.

(3) Where the Authority is satisfied that the programme implemented in the operations of the catering operator and the accepted catering operator security
programme are identical, he may approve the catering operator security programme, for full operation in the operations of the catering operator.

(4) Notwithstanding sub-regulation (3), where the catering operator security programme implemented in the operations of the catering operator and the accepted catering operator security programme are not identical, but the differences are within an acceptable level as determined by the Authority, the Authority may approve such catering operator security programme subject to limitation(s) and amendment(s).

(5) A catering operator security programme which is approved under sub-regulation (3) shall be referred to as “an approved Catering Operator Security Programme”.

Changed conditions affecting security.

25. (1) Where a security programme has been approved in accordance with these Regulations, the airport operator, aircraft operator, regulated agent or catering operator where applicable shall follow the procedures set out in sub-regulation (2), where it is determined—

(a) in respect of an airport operator—

(i) any description of the airport area set out in such airport security programme is no longer accurate;

(ii) there are changes to the designation of the airport security manager or the composition of the airport security committee required by these Regulations;

(b) that any description of his operations no longer accurately describes the procedures, facilities and equipment described in such programme;

(c) that the location of equipment and facilities has been changed; or

(d) that the procedures, facilities and equipment are no longer adequate.

(2) Whenever a condition described in sub-regulation (1) occurs, the airport operator, aircraft operator, regulated agent or catering operator where applicable shall—

(a) immediately notify the Authority and the Civil Aviation Division in writing of the changed condition, and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment to the approved security programme; and

(b) within 30 days after notifying the Authority and the Civil Aviation Division in accordance with sub-regulation (2)(a), submit for approval in accordance with regulation 26 an amendment to the security programme to bring it into compliance with these Regulations.

(3) A security programme approved in accordance with these Regulations shall be referred to as “an approved Security Programme”.

Application for amendment of approved security programme.

26. (1) Where an airport operator, aircraft operator, regulated agent or catering operator wishes to amend an approved security programme, the operator shall submit the request for such amendment to the Authority for review at least 30 days before the proposed effective date of intended implementation of the amended approved security programme.
(2) When the Authority is satisfied that the proposed amendment to the security programme provides the level of security required by these Regulations, it may approve the proposed amendment.

(3) The Authority shall notify the Civil Aviation Division of any proposed amendment to an approved security programme prior to granting approval.

Authority may require amendment of approved security programme.

27.  (1) The Authority may require an airport operator, aircraft operator, regulated agent or catering operator to amend his approved security programme, where it is determined that safety and the public interest require the amendment.

(2) Except in an emergency as provided in sub-regulation (6), where the Authority requires an airport operator, aircraft operator, regulated agent or catering operator to amend his approved security programme referred to in sub-regulation (1), the Authority shall notify the airport operator, aircraft operator, regulated agent or catering agent in writing of the required amendment and allow a period of 30 days from the date contained in the notice, for a written response from such airport operator, aircraft operator, regulated agent or catering operator.

(3) Subject to sub-regulation (4), following the 30 day notice period and after considering any written responses received during that period, the Authority will issue a final amendment to the airport operator, aircraft operator, regulated agent or catering operator, as appropriate.

(4) Upon receipt of a notice of a proposed amendment under sub-regulation (2), the airport operator, aircraft operator, regulated agent or catering operator may submit an alternative amendment to his approved security programme which meets the intent of the required amendment referred to in sub-regulation (2) for consideration by the Authority.

(5) When the Authority is satisfied that the alternative amendment submitted in sub-regulation (4) would provide an overall level of security equal to that required, he may approve the alternative amendment to the approved security programme.

(6) Where the Authority determines that an emergency exists which requires immediate action that makes the procedure in sub-regulations (2) and (3) impracticable or contrary to the public interest and safety, he may direct the airport operator, aircraft operator, regulated agent or catering operator to deviate in a specified manner from his approved security programme in the area of concern for a period not exceeding thirty days.

(7) The Authority shall notify the Civil Aviation Division whenever it requires an airport operator, aircraft operator, regulated agent or catering operator to amend an approved security programme except in the case of an emergency as provided in sub-regulation (6).

PART IV
AIRPORT SECURITY

General responsibilities of airport operator.

28.  (1) An airport operator shall, prior to the implementation of any renovation and expansion works to his airport or the construction of additional airport facilities at the same location, submit to the Authority and the Civil Aviation Division a
revision of the measures designed to safeguard against acts of unlawful interference which may arise.

(2) Where a foreign aircraft operator uses the airport facilities of an airport operator, the Authority may, in co-ordination with the airport operator, approve an inspection by the authority responsible for aviation security of the Contracting State of such foreign aircraft operator in order to assess the adequacy of the security measures.

Airport security committee.

29. (1) An airport operator shall establish an airport security committee to ensure the implementation of any national civil aviation security initiatives that may be required by the Civil Aviation Division from time to time.

(2) The terms of reference for the airport security committee shall be as set out in the Implementing Standards.

Airport operator to provide aviation security and screening officers.

30. (1) An airport operator shall provide aviation security officers and aviation screening officers, in the number and in a manner adequate to support and carry out the requirements of—

(a) the airport security programme; and
(b) each passenger screening system required under these Regulations.

(2) An airport operator shall ensure that each aviation security officer or aviation screening officer employed by him or her—

(a) abstains from the consumption of alcoholic beverages or other intoxicating or controlled substances that may impair judgment, vision, cognition, or mobility while on duty at the airport;
(b) is readily identifiable by uniform, or displays or carries a badge or other identification of his authority while on duty;
(c) has completed a training programme that meets the requirements in sub-regulation (7); and
(d) is certified in accordance with the provisions of Part VIII of these Regulations.

(3) An airport operator shall ensure that an aviation security officer in his employ conducts security duties in accordance with the applicable provisions of these Regulations.

(4) An airport operator may request permission pursuant to the provisions of the Firearms Act Cap 19.05 for an aviation security officer to carry firearms while on duty at the airport and where an airport operator makes such a request, he shall immediately notify the Civil Aviation Division.

(5) An aviation security officer shall, while on duty at an airport, have the authority to arrest, with or without a warrant, any person who commits—

(a) an offence in his presence; or
(b) an offence, when he has reason to believe that such offence has been committed.

(6) The training programme referred to in sub-regulation (2)(c) must be approved by the Authority, shall outline training in the subjects specified in sub-
regulation (7) and shall meet the training requirements as set out in the National Civil Aviation Security Training Programme and the Implementing Standards.

(7) The training programme referred to in sub-regulation (2)(c) shall include training in—

(a) the courteous and efficient treatment of persons subject to inspection, detention, search, arrest, and other aviation security activities;

(b) the responsibilities of members of the Police Force under the approved airport security programme; and

(c) any other area the Authority determines to be necessary.

Employer responsibility for aviation security officers and aviation screening officers.

31. (1) No airport operator shall employ any person as an aviation security officer or aviation screening officer unless that person—

(a) meets the requirements of these Regulations;

(b) has been trained in accordance with the requirements of these Regulations, where his duties are in respect of the screening of passengers, crew, baggage, cargo, and mail; and

(c) is approved by the airport operator where he is employed by an airport tenant as an aviation security officer.

(2) An airport operator shall ensure that—

(a) initial and periodic background checks are performed in respect of each aviation security officer and aviation screening officer; and

(b) initial and recurrent training on aviation security is received by each aviation security officer and aviation screening officer in his employ.

(3) An airport operator shall keep an accurate record of the initial and periodic background checks, experience and training of an aviation security officer and aviation screening officer in his employ and such record shall be retained for the duration of his employment and thereafter for a period of one year. The airport operator shall make available such records for inspection and copying to the Civil Aviation Division and the Authority upon request.

Use of members of the Police Force.

32. (1) In cases of emergency where it may be necessary to replace or supplement the number of Aviation Security Officers at an airport with members of the Police Force or like agencies, the Airport Operator must ensure that the replacing officers are suitably trained and qualified to perform the duties and functions they are expected to perform.

(2) In response to a request submitted in accordance with this Regulation, the Civil Aviation Division may with the approval of the Commissioner of Police, approve the assignment of members of the Police Force at the airport.

Requirement to screen persons, carry-on baggage, goods and vehicles.

33. An aviation security officer or an aviation screening officer shall screen—

(a) every person seeking entry into the restricted or sterile area(s) of the airport;
(b) the carry-on baggage and goods of every person entering the restricted or sterile area(s) of the airport; and

(c) every vehicle driven by a person who enters or leaves a restricted or sterile area of the airport.

**Procedure on refusal of person to submit to screening.**

34.  (1) A person who enters a restricted or sterile area shall be subject to the screening of his person, goods, vehicle or means of conveyance in his possession by an aviation security officer or an aviation screening officer.

(2) Where a person refuses to be screened in accordance with sub-regulation (1) that person shall not be permitted to enter the restricted or sterile area, be ordered to leave the restricted or sterile area, and shall have the goods, vehicle or means of conveyance in his possession removed from the restricted or sterile area.

(3) Where after having boarded an aircraft, a passenger is required by an aviation security officer or aviation screening officer to submit to the screening of his person or the goods that he carried or had placed on board the aircraft, and he refuses such a screening, the aviation security officer or the aviation screening officer shall order that person to disembark the aircraft and remove the carry-on baggage, goods or checked baggage belonging to that person.

**Treatment of unaccompanied goods.**

35.  Where goods are received at an airport for transport on an aircraft and these goods are not accompanied by a person who may give the permission to screen the goods, an aviation security officer or aviation screening officer may carry out an authorised search of the goods in the presence of the aircraft operator concerned or a regulated agent, and in carrying out that search may use such force as may reasonably be necessary to gain access to the goods.

**Security measures of an airport tenant.**

36.  (1) An airport tenant shall develop security measures to manage access to restricted areas under his control in accordance with the airport security programme and shall submit the details in writing for the approval of the airport operator and such security measures shall become part of the airport security programme.

(2) An airport tenant shall ensure that his personnel receive airport security training or security awareness training as appropriate, in accordance with the approved airport security programme.

(3) No airport tenant shall use a person as an aviation security officer unless the person has been subject to a background check as required under regulation 31, received appropriate training as required under regulation 31, and the employment of such person has been approved by the airport operator.

**False statements, entries or unauthorised reproduction.**

37.  No person shall make, or cause to be made—

(a) a fraudulent or intentionally false statement in any airport security programme or an application for any security programme, access medium, or security restricted area permit;

(b) a fraudulent or intentionally false entry in any record or report that is kept, made or used to—
(i) show compliance with these Regulations; or
(ii) exercise any privileges under these Regulations; and
(c) a reproduction or alteration of any report, record, security programme, access medium or security restricted area permit issued pursuant to these Regulations without the approval of the airport operator.

Access control system.

38. (1) An airport operator shall ensure that the location and function of restricted areas at the airport are designated and properly defined.

(2) The level of access to a restricted or sterile area shall be clearly defined and made known to all persons at the airport whose duties require them to have restricted or sterile area access.

(3) An airport operator shall include in his approved airport security programme details of a system, method and procedure which shall ensure that—
(a) access points into restricted or sterile areas are limited in number, and physical access through those access points are strictly controlled;
(b) entry points which cannot be effectively controlled are locked or otherwise secured against entry by unauthorised persons;
(c) access by persons and vehicles to restricted and sterile areas is restricted only to persons who must have access by virtue of their duties;
(d) security restricted areas not subject to continual access control measures shall be subjected to a thorough search prior to being brought into use;
(e) a person whose duties require him to be in the restricted or sterile area(s) of the airport is required to have on display on his person, a valid airport security restricted area permit, and any baggage or item he carries shall be screened before being allowed access into a restricted or sterile area;
(f) the screening referred to in sub-regulation (e) shall be to the same standard as that required for passengers, pursuant to these Regulations; and
(g) persons at an airport are aware of what areas are restricted or sterile areas.

(4) Notwithstanding the screening requirements referred to in sub-regulation (3)(e), the airport operator may consider the screening of persons and goods at certain access points on a random basis depending on the assessed risk, where details of such risks are included in an approved airport security programme.

(5) The system referred to in sub-regulation (3), shall provide a means to differentiate between persons authorised to have access to only a particular portion of the restricted area and persons authorised to have access only to other portions or to the entire restricted area, and shall be capable of limiting the access of an individual by time and date.

(6) The system referred to in sub-regulation (3), shall describe the scope of initial and periodic background checks conducted on every applicant for all types of passes issued.
Airport operators to establish and use security restricted area permit system.

39. (1) An airport operator shall ensure that access to a restricted or sterile area of his airport is controlled by the use of security restricted area permit system to identify persons and vehicles and facilitate access where authorised.

(2) An airport operator shall ensure that all persons working at his airport are issued with an airport security restricted area permit by the organisation approved for such purpose and all such persons shall display such security restricted area permit on their person in a visible manner above the waist on the outer clothing at all times while entering and remaining in the restricted or sterile area of the airport.

(3) No airport operator shall issue to any person any security restricted area permit that provides unescorted access to a restricted area unless the person has successfully completed a background check required under regulation 31 and appropriate training in accordance with a curriculum specified in the approved airport security programme of the airport operator.

(4) The curriculum referred to in sub-regulation (3), shall detail the methods of instruction and shall include—

(a) control, use and display of approved security restricted area permit;

(b) procedures by aviation security officers, aviation screening officers and members of the Police Force for dealing with perceived unauthorised access;

(c) restrictions on disclosure of information concerning an act of unlawful interference with civil aviation where such information is likely to jeopardize the safety of domestic or international aviation;

(d) non-disclosure of information regarding the airport security system or any security system of an airport tenant to unauthorised persons; and

(e) any other topic deemed necessary by the airport operator or the Civil Aviation Division.

(5) No person shall use an airport security restricted area permit that provides unescorted access to a security restricted area to gain such access unless that badge was issued to such person by the airport operator.

(6) An airport operator shall keep a record of all training given to each person under this Regulation for 6 months after the termination of the unescorted access privileges of that person.

(7) The airport operator shall have in place, as part of its approved security programme, a system for conducting periodic audits of security restricted area permits issued by the airport operator, a process for tracking lost or stolen security restricted area permits, and procedures for control, reissuance and validation of security restricted area permits.

Security of air operations area.

40. (1) An operator of an airport serving scheduled passenger operations shall perform the following control functions—

(a) control the access to each air operations area, including methods for preventing the entry of unauthorised persons and ground vehicles;

(b) control the movement of persons and ground vehicles within each air operations area including when appropriate, requirements for the display of security identification; and
(c) detect and take action to control each entry, or attempted entry to an air operations area by a person whose entry is not authorised under his approved airport security programme.

(2) An airport operator is not required to comply with sub-regulation (1), with respect to an exclusive area under the control of the aircraft operator, where the airport operator has established an exclusive area agreement with an aircraft operator when the airport operator is satisfied that the aircraft operator has included the following in his or her approved aircraft operator security programme—

(a) a description of the procedure to satisfy the control functions referred to in sub-regulation (1);

(b) a description of the facilities and equipment, used by the aircraft operator to perform the control functions described in sub-regulation (1); and

(c) procedures by which the aircraft operator will notify the airport operator when his procedures, facilities, and equipment are not adequate to perform the control functions described in sub-regulation (1).

(3) The exclusive area agreement shall become a part of the airport security programme, and the airport operator is responsible for ensuring that the aircraft operator carries out the requirements for maintaining security as set out in the exclusive area agreement.

Airport operator to keep records.

41. (1) An airport operator shall ensure that a record is kept of every security incident at his airport.

(2) A record required to be kept in sub-regulation (1), shall—

(a) be kept for a minimum of 90 days;

(b) be made available to the Authority or the Civil Aviation Division upon request; and

(c) include the number—

(i) and type of prohibited item, such as weapons and incendiary devices, discovered during any screening process, and the method of detection of each;

(ii) of acts and attempted acts of air piracy;

(iii) of real and simulated bombs found at the airport;

(iv) of actual bombings at the airport; and

(v) of detentions and arrests and the immediate disposition of each person detained or arrested.

Evidence of compliance.

42. On the request of the Authority or the Civil Aviation Division an airport operator shall provide evidence of compliance with this Part and his approved airport security programme.
Designation of Airport Security Manager.

43. (1) An airport operator shall in accordance with his approved airport security programme, designate an officer in his organisation as the Airport Security Manager.

(2) The officer designated in accordance with sub-regulation (1) shall be available at all times.

(3) An Airport Security Manager shall serve as the primary contact of the airport operator for security-related activities and communications with the Authority and the Civil Aviation Division as set forth in the approved airport security programme.

Airport operator to keep map of airport.

44. An airport operator shall keep at the airport a current map to scale of the airport that identifies the restricted and sterile areas, security barriers and restricted area access points and sterile area access points.

Airport operator to provide Authority and the Civil Aviation Division with information.

45. (1) An airport operator shall provide the Authority and the Civil Aviation Division, on reasonable notice given by the Authority or the Civil Aviation Division, with written or electronic records or other information relevant to the security of the airport, including—

   (a) information concerning the method of implementing the security measures that apply to the airport; and

   (b) a copy of the scale map referred to in Regulation 44.

(2) An airport operator shall provide the Authority and the Civil Aviation Division with written notice of any new commercial air transportation service that is to commence operations at the airport no less than 30 days prior to the proposed commencement of service.

Persons authorised to carry weapons into Restricted Areas.

46. (1) The following persons are authorised to carry a weapon into a restricted area—

   (a) a person performing screening functions on duty who has detected a weapon during screening;

   (b) an aviation security officer if—

      (i) a weapon has been surrendered for the purpose of being carried in the hold of the aircraft;

      (ii) the aircraft operator has agreed to carry a weapon in the hold of the aircraft; and

      (iii) a weapon is carried in such a way that its presence is not apparent to members of the public;

   (c) an aviation security inspector on duty who is lawfully testing the screening system;

   (d) a person who with the written consent of the airport operator, is engaged in controlling wildlife or other animals on the airport; and
(e) an aviation security officer or a member of the police force on duty at the airport.

PART V

AIRCRAFT OPERATOR SECURITY

Aircraft operator security programme.

47. An aircraft operator having an approved aircraft operator security programme shall—

(a) maintain one complete copy of the approved aircraft operator security programme at his principal business office in Saint Christopher and Nevis;

(b) maintain a complete copy or the pertinent portions of the approved aircraft operator security programme at each airport where security screening is being conducted;

(c) make the documents referred to in sub-regulations (a) and (b), available for inspection upon request by the Authority or the Civil Aviation Division; and

(d) restrict the distribution, disclosure, and availability of sensitive security information only to persons who by their defined roles in the programme are required to have such information for the performance of their functions.

Pre-flight Security Check or Search.

48. (1) Before conducting a flight an aircraft operator must ensure that an aircraft security check of the aircraft is carried out in accordance with sub-regulations (2), (3), (4) and (5)—

(a) if the flight is the aircraft’s first flight since returning to service after maintenance carried out outside the restricted areas of an airport; or

(b) unless, since the aircraft’s previous flight, it has been continuously protected, in the way set out in the aircraft operator’s security programme from unauthorised access.

(2) The checks must include—

(a) a comprehensive inspection of the interior of the aircraft, including the passenger cabin, seats, overhead baggage lockers, toilets, catering and food preparation areas, flight deck and crew rest stations, and cargo hold;

(b) an inspection of any unlocked storage facilities in a part of the aircraft mentioned in paragraph (a); and

(c) an inspection of the parts of the aircraft’s exterior that are reasonably accessible.

(3) The check of the cargo holds must be done before any cargo is loaded.

(4) The check of the passenger cabin must be done before any passenger boards the aircraft.
(5) The check of the baggage compartments must be done before any baggage is loaded.

(6) Notwithstanding sub-regulations (4) to (5) the Civil Aviation Division or the aircraft operator may direct that an aircraft security search instead of a check be carried out if—

(a) a security risk assessment undertaken by the Civil Aviation Division reveals an increased likelihood of an act of unlawful interference being perpetrated upon the aircraft operator or at the airport;

(b) the Civil Aviation Division or the aircraft operator has received information of credible threat to aviation security; or

(c) the threat level in Saint Christopher and Nevis has been raised by the Minister.

(7) An aircraft security search shall require a thorough inspection of the interior and exterior of the aircraft including areas not normally accessible to passengers.

(8) An aircraft which has been the subject of an aircraft security check or search shall be protected from unauthorised access until its departure.

Screening of passengers and baggage.

49. (1) An aircraft operator shall conduct screening of—

(a) originating passengers, transit passengers, transfer passengers and crew travelling on his aircraft;

(b) the carry-on baggage belonging to persons referred to in sub-regulation (a);

(c) the hold baggage of persons referred to in sub-regulation (a); and

(d) any other goods in the hold of the aircraft.

(2) Notwithstanding sub-regulation (1), an aircraft operator may authorise in writing the airport operator of the airport from which he operates or any other person to conduct the screening functions set out in his approved aircraft operator security programme.

(3) In giving an authorisation to an airport operator or any other person referred to in sub-regulation (2), the aircraft operator shall further instruct in writing such airport operator or person, to prohibit any passenger refusing to be screened from entry onto any of its aircraft.

(4) An aircraft operator or an authorised person in sub-regulation (1), shall use the procedures, the facilities and equipment described in his aircraft operator security programme—

(a) to prevent or deter the carriage of any prohibited item, such as a weapon or incendiary device, on or about the person or in that person’s carry-on baggage and prevent the carriage of any unauthorised prohibited item in checked baggage on aircraft;

(b) to detect the existence of a prohibited item, such as a weapon or incendiary device, to inspect each person entering a sterile area at each pre-boarding screening checkpoint and to inspect all accessible property under the control of such person; and
(c) to perform the following control functions with respect to each aircraft operation for which screening is required—

(i) prohibit unauthorised access to the aircraft;

(ii) ensure that baggage carried in the aircraft is checked-in by a properly trained agent and that identification is obtained from all passengers and persons shipping goods or cargo on board the aircraft;

(iii) ensure that cargo and hold baggage carried on board the aircraft are handled in a manner that prohibits unauthorised access;

(iv) conduct an aircraft security check of the aircraft before placing it in service and after it has been left unattended; and

(v) conduct additional screening of all unidentified or unaccompanied baggage prior to transport.

Refusal to submit to screening.

50. (1) An aircraft operator shall refuse to transport—

(a) any person who does not consent to an authorised search of his person when required to do so by the aircraft operator or person authorised to conduct such searches on his behalf; and

(b) any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by sub-regulation (1).

(2) A foreign aircraft operator shall not conduct a flight—

(a) within Saint Christopher and Nevis with a passenger on board who refuses to submit to a screening, required under these Regulations; or

(b) while the carry-on or checked baggage of that passenger is on board the aircraft.

(3) Notwithstanding being in possession of a boarding pass, where the pilot in command of an aircraft has reasonable grounds to believe that a person is in violation of these Regulations, the pilot in command shall—

(a) refuse to transport such person;

(b) order that person to disembark the aircraft; and

(c) order that the hold and cabin baggage of such person be removed from the aircraft.

(4) An aircraft operator shall ensure that screening check point areas are properly served with properly trained supervisory and non-supervisory personnel in adequate numbers and in accordance with the standards specified in the aircraft operator security programme.

Separation of passengers.

51. (1) Departing passengers screened pursuant to these Regulations shall not mix or come into contact with arriving passengers or other persons who may not have been screened in accordance with these Regulations and the Implementing Standards.
(2) If mixing or contact does take place contrary to sub-regulation (1), the passengers concerned and their cabin baggage shall be re-screened before boarding an aircraft.

**Items on board aircraft at transit stops.**

52. An aircraft operator shall establish measures to ensure disembarking passengers do not leave items on board an aircraft at transit stops.

**Protection of hold baggage.**

53. (1) An aircraft operator shall protect hold baggage from unauthorised access from the point at which it is accepted into the care of the aircraft operator until departure of the aircraft on which it is to be carried.

(2) An aircraft operator shall re-screen all hold baggage if it knows or suspects that the integrity of such baggage has been jeopardised by unauthorised access.

**Reconciliation of hold baggage.**

54. (1) Subject to sub-regulation (4), an aircraft operator shall not place hold baggage on board an aircraft unless the passenger has checked in and is on board the aircraft.

(2) An aircraft operator shall not place hold baggage on board an aircraft unless that baggage has been screened in accordance with regulation 49.

(3) An aircraft operator shall establish a secure storage area at the airport where mishandled baggage will be held until forwarded, claimed or disposed of.

(4) An aircraft operator shall not place mishandled baggage on an aircraft without subjecting such baggage to additional screening.

**Cargo, mail and other goods.**

55. (1) An aircraft operator shall screen cargo, courier consignments, express parcels and mail intended for carriage on passenger aircraft in accordance with the aircraft operator’s security programme.

(2) An aircraft operator may carry cargo, courier consignments and express parcels and mail on a passenger aircraft without additional security controls if satisfied that the cargo, courier consignments and express parcels or mail is tendered for carriage by a regulated agent in accordance with its approved security programme.

(3) An aircraft operator shall ensure that cargo, courier consignments and express parcels and mail intended to be carried on any passenger aircraft are protected from unauthorised access from the point at which they are accepted into the care of the aircraft operator until departure of the aircraft on which it is to be carried.

(4) An aircraft operator shall re-screen all cargo, courier consignments and express parcels and mail if it knows or suspects that their integrity has been jeopardized by unauthorised access.

**Procedures for the carriage of passengers in the custody of escort officers.**

56. (1) An aircraft operator may carry a passenger who is required to travel in the custody of an escort officer on board an aircraft.

(2) An aircraft operator shall ensure that prior to departure—
(a) the escort officer, referred to in sub-regulation (1), is equipped with adequate restraining devices to be used in the event restraint of the passenger under his control becomes necessary;

(b) every passenger under the control of the escort officer referred to in sub-regulation (1), has been searched and does not have on or about his person or property anything that can be used as a weapon;

(c) a passenger under the control of an escort officer is—

(i) boarded before any other passengers when boarding at the airport from which the flight originates and deplaned at the destination after all other deplaning passengers have deplaned;

(ii) seated in the rear-most passenger seat when boarding at the airport from which the flight originates; and

(iii) seated in a seat that is neither located in any lounge area nor located close to or directly across from any exit; and

(d) an escort officer and his escorted passenger shall be seated only in a row of two or more seats and at least one escort officer shall sit between the escorted passenger and any aisle.

(3) An aircraft operator operating an aircraft pursuant to sub-regulation (1), shall not—

(a) serve food, beverage, or provide eating utensils made of metal to a passenger under the control of an escort officer while on board such aircraft unless unauthorised to do so by the escort officer; or

(b) serve an escort officer or the passenger under the control of the escort officer any alcoholic beverages while on board such aircraft.

(4) An escort officer on board an aircraft pursuant to sub-regulation (1), shall, at all times, accompany the passenger under his control and keep the passenger under surveillance while on board the aircraft including visits to the lavatory.

(5) This Regulation shall not apply to the carriage of passengers who are voluntarily under the protection of an escort officer.

(6) The pilot-in-command of the aircraft shall be notified of the presence of a passenger under the control of an escort officer on board the aircraft prior to departure by means of a Notice to Captain (NOTOC).

In-Flight Security Officers.

57. (1) The Minister may authorise the appointment of members of the Police Force or Saint Christopher and Nevis Defence Force as In-Flight Security Officers who shall receive training as specified in the National Civil Aviation Security Training Programme.

(2) An aircraft operator shall, where directed by the Civil Aviation Division, permit and facilitate the carriage of an In-Flight Security Officer on specific flights to prevent—

(a) unauthorised persons from gaining access to the flight deck; and

(b) acts of unlawful interference, and other criminal acts on board an aircraft.
(3) The Minister may by agreement with another State permit the carriage of armed In-Flight Security Officers on board aircraft registered in that State travelling to or from Saint Christopher and Nevis.

(4) An In-Flight Security Officer under this regulation, where deployed on a flight, shall—

(a) prevent unauthorised persons from gaining access to the flight deck and prevent hijackings and other acts of unlawful interference on board the aircraft; and

(b) conduct crew briefings prior to departure to ensure the flight crew and cabin crew understand his role on board the aircraft.

(5) The pilot-in-command shall be notified of the number and seat location of any In-Flight Security Officers on board the aircraft prior to departure by means of a Notice to Captain (NOTOC).

(6) Except as provided in these Regulations the deployment of an In-Flight Security Officer shall be kept confidential.

Carriage of weapons.

58. (1) This regulation shall not apply to In-Flight Security Officers deployed on flights as provided by regulation 57.

(2) An aircraft operator shall not permit any person to have on or about his person or property, a weapon, either concealed or unconcealed, accessible to him while on board an aircraft.

(3) No person shall carry a weapon on or about his person, either concealed or unconcealed, while on board an aircraft operated by an aircraft operator.

(4) No aircraft operator shall knowingly permit any person to transport, nor shall any person transport or tender for transport, a weapon, incendiary device or loaded firearm in checked baggage on board an aircraft.

(5) For the purpose of this Regulation, “a loaded firearm” means a firearm, which has inserted in it a live round of ammunition, cartridge, detonator or powder in the chamber or in a clip, magazine or cylinder.

(6) No aircraft operator shall knowingly permit any person to transport, nor may any person transport or tender for transport, any firearm in checked baggage on board an aircraft unless—

(a) such person declares to the aircraft operator, either orally or in writing before tendering the baggage for the purpose of being checked in that he has a firearm carried in his checked baggage and it is unloaded;

(b) the firearm is in a hard-sided and locked container;

(c) the hold baggage or container containing the firearm is loaded on the aircraft in an area that is inaccessible to passengers; and

(d) such person presents a licence for such firearm from the State that permits him to have in his possession such firearm, an export licence for such firearm from the State of departure and an import licence for such firearm issued by the State of destination.

(7) The aircraft operator shall ensure that the firearm is inspected by an aviation security officer who is the holder of a firearm’s licence issued in Saint Christopher and Nevis to determine that the firearm is not loaded.
(8) The firearm shall be transported to the aircraft in the custody of the aviation security officer who inspected the firearm.

(9) The pilot-in-command of the aircraft shall be notified of the presence of a firearm on board the aircraft prior to departure through a Notice to Captain (NOTOC).

**Ground Security Coordinator.**

59. (1) An aircraft operator shall assign an appropriately qualified and trained person as a ground security co-ordinator to co-ordinate the ground security duties specified in his approved aircraft operator security programme.

(2) In applying security measures for the prevention and management of acts of unlawful interference under these Regulations, both the aircraft operator and the airport operator shall ensure that the items in the Implementing Standards and other items prescribed by the Authority from time to time are controlled in the manner specified therein.

**Training.**

60. (1) An aircraft operator shall not use any person as a ground security co-ordinator unless, within the preceding 12 months, that person has satisfactorily completed the required security training specified in his approved aircraft operator security programme.

(2) An aircraft operator shall not use any person as a crew member on any domestic or international flight unless within the preceding 12 months that person has satisfactorily completed the security training required by these Regulations as specified in his approved aircraft operator security programme.

**Authority or Civil Aviation Division may request information.**

61. An aircraft operator or a foreign aircraft operator shall where the Authority or the Civil Aviation Division provides reasonable notice, provide the Authority or the Civil Aviation Division with a written or electronic record or other information relevant to the security of its operations, including—

(a) information concerning the method of implementing the security measures that apply to the Aircraft Operator pursuant to these Regulations; and

(b) a description of the nature of operations related to a particular flight and the services provided in respect of the flight.

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**PART VI**

**REGULATED AGENT SECURITY**

**Responsibilities of a regulated agent.**

62. (1) In order to accept goods for transport on passenger aircraft, a regulated agent shall establish a known consignor programme.

(2) A regulated agent prior to accepting goods for transport on board a passenger aircraft shall—

(a) establish the identity of the known consignor;
(b) establish the credentials of the person who delivers the goods as an agent of the consignor;

(c) ensure on the basis of security screening that such goods do not contain any prohibited items;

(d) ensure the safeguarding of such goods from unauthorised interference after acceptance until tendered to an aircraft operator for transport by air;

(e) ensure the goods are received by staff who are properly recruited and trained by him;

(f) designate a person to implement and supervise the screening process;

(g) ensure that the following categories of goods are not carried by air unless they have been subjected to screening—

(i) unaccompanied baggage;

(ii) goods from unknown consignors; and

(iii) goods for which the contents do not coincide with the description delivered; and

(h) ensure that each shipment of goods be accompanied by documentation stating that the goods were screened and do not contain prohibited items of such shipment.

(3) An approved regulated agent who offers goods to an aircraft operator for transport by air shall produce and make available to the aircraft operator, and the Civil Aviation Division on demand, shipping documents, records of goods accepted and offered for air transport, employee training records and airway bills.

Responsibility of the aircraft operator receiving goods from a regulated agent.

63. (1) An aircraft operator accepting goods from a regulated agent for transport on his aircraft—

(a) may conduct screening of such shipments of goods; and

(b) shall ensure—

(i) the safeguarding of such goods against unlawful interference from the time of acceptance until such goods have been placed in the aircraft;

(ii) that his shipments of goods are recorded; and

(iii) that whenever the goods are received from an approved regulated agent such goods are delivered by an authorised employee of such regulated agent.

(2) No aircraft operator shall accept any goods for transport by aircraft unless the documentation for such goods is examined for inconsistencies and is accompanied by documentation stating that the goods were screened and that they do not contain any prohibited items.

(3) No aircraft operator shall accept any goods from a regulated agent for transport by aircraft unless initially and within the preceding 12 months prior to accepting the goods, the aircraft operator—

(a) has inspected the facilities and security procedures of such regulated agent;
(b) has issued a letter to the regulated agent either accepting him or renewing his acceptance as a regulated agent for the purposes of the transport of goods through the aircraft operator; and

(c) assures the security of the goods in accordance with the procedures approved by the aircraft operator.

(4) An aircraft operator shall require an approved regulated agent to comply with the Technical Instructions.

(5) An aircraft operator shall submit to the Civil Aviation Division a report of any incident where an airway bill or equivalent document does not provide an accurate record of the goods being offered for air transport, or where other anomalies, inconsistencies, or suspicious conditions exist relating to a particular shipment.

(6) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any goods that are not acceptable.

(7) An aircraft operator shall maintain a current list of its approved regulated agents and the list shall contain a record of the requirements carried out under sub-regulation (3)(a), (b) and (c), and make such list available to the Civil Aviation Division and the Authority upon request.

(8) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part, and make such records available to the Civil Aviation Division and the Authority upon request.

Screening of goods offered for transport by regulated agent.

64. (1) An aircraft operator may screen any goods or any package or container having goods offered for transport by air by a regulated agent.

(2) Where an inspection is conducted pursuant to sub-regulation (1), a regulated agent or a representative of the regulated agent may observe the inspection.

(3) In the absence of a regulated agent, or a representative of a regulated agent, an aircraft operator may use such force as is necessary to access the contents of any package or container containing goods offered for transport by air by such regulated agent, representative of a regulated agent or aircraft operator.

(4) Where an inspection is conducted by an aircraft operator pursuant to sub-regulation (1), the package, container or goods shall remain in possession of the aircraft operator until after the inspection is complete.

(5) Where an inspection of goods under this Regulation provides evidence of a breach of this Part, the aircraft operator shall maintain possession of the goods offered for air transport by a regulated agent and the airway bill and inform the Civil Aviation Division in the prescribed form.

PART VII
CATHERING OPERATOR SECURITY

Responsibilities of a catering operator.

65. (1) A catering operator prior to accepting raw materials and equipment for preparation as catering supplies for transport by air shall—
(a) verify and register the name and address of each supplier of such raw materials and equipment;

(b) verify the credentials of the person who delivers the raw materials and equipment as an agent of the supplier of such raw materials and equipment;

(c) ensure on the basis of security screening that such raw materials and equipment do not contain any prohibited items;

(d) ensure the safeguarding of such raw materials and equipment from unauthorised interference after acceptance;

(e) ensure the raw materials and equipment are received by staff who are properly recruited and trained by him; and

(f) designate a person to implement and supervise the screening process.

(2) A catering operator, before tendering catering stores and supplies to an aircraft operator for transport by air, shall—

(a) ensure that all catering stores and supplies are not tendered for transport by air unless they have been subjected to screening; and

(b) ensure that each shipment of catering stores and supplies is accompanied by documentation stating that the catering stores and supplies have been screened and do not contain any prohibited items.

(3) An approved catering operator who offers catering stores and supplies to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Civil Aviation Division upon request, shipping documents, records of raw materials and equipment accepted and catering stores and supplies offered for air transport, employee training records and other accountable catering documents.

Responsibility of the aircraft operator receiving goods from a catering operator.

66. (1) An aircraft operator accepting catering stores and supplies for transport on his aircraft—

(a) may conduct screening of such shipments of catering stores and supplies; and

(b) shall ensure—

(i) that the catering stores and supplies are secured and have not been tampered with prior to acceptance;

(ii) the safeguarding of such catering supplies and stores against unlawful interference or unauthorised access until such catering supplies and stores have been placed in the aircraft;

(iii) that his shipments of catering supplies and stores are recorded; and

(iv) that whenever the catering supplies and stores are received, such catering supplies and stores are delivered by an authorised employee of the catering operator.

(2) No aircraft operator shall accept any catering supplies and stores for transport by aircraft unless the documentation for such catering supplies and stores is examined for inconsistencies and is accompanied by a valid security declaration.
stating that the supplies and stores have been screened by the catering operator and do not contain prohibited items.

(3) No aircraft operator shall accept any catering supplies and stores, from a catering operator, for transport by aircraft unless initially and within the preceding 12 months prior to accepting the catering supplies and stores, the aircraft operator—

(a) has inspected the facilities and security procedures of such catering operator;

(b) has issued a letter to the catering operator either accepting him or renewing his acceptance as a catering operator for the purposes of the transport of catering supplies and stores through the aircraft operator; and

(c) assures the security of the catering supplies and stores in accordance with the procedures approved by the aircraft operator.

(4) An aircraft operator shall require and ensure that its approved catering operator(s) complies with the Technical Instructions.

(5) An aircraft operator shall submit to the Civil Aviation Division a report of any incident where a catering or equivalent document did not provide an accurate record of the catering supplies and stores being offered for air transport, or where other anomalies, inconsistencies, or suspicious conditions exist relating to particular supplies or stores.

(6) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any catering supplies and stores that are not acceptable.

(7) An aircraft operator shall maintain a current list of its approved catering operator(s) which contains a record of the requirements carried out under sub-regulation (3)(a), (b) and (c), and make such list available to the Civil Aviation Division and the Authority upon request.

(8) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under this Part, and make such records available to the Civil Aviation Division and the Authority upon request.

Screening of catering supplies and stores.

67. (1) An aircraft operator may screen any catering supplies and stores or any package, or container having catering supplies and stores offered for transport by air by an approved catering operator.

(2) Where screening is conducted pursuant to sub-regulation (1), a catering operator or a representative of the catering operator may observe the screening.

(3) In the absence of a catering operator, or a representative of a catering operator, an aircraft operator may use such force as is necessary to access the contents of any package or container containing catering supplies and stores offered for transport by air by such catering operator, or representative of a catering operator.

(4) Where screening is conducted by an aircraft operator pursuant to sub-regulation (3), the package, container or catering supplies and stores shall remain in possession of the aircraft operator until after the screening is complete.

(5) Where screening of catering supplies and stores under this regulation provides evidence of a breach of this Part, the aircraft operator shall maintain possession of the catering supplies and stores offered for air transport by a catering operator and inform the Civil Aviation Division in the prescribed form.
PART VIII
SCREENING STANDARDS, EQUIPMENT AND SECURITY CONTROLS

Aviation Security Instructor.
68. (1) A person shall not engage in any programme of aviation security training on behalf of a holder of an approved security programme issued pursuant to these Regulations unless that person is the holder of a valid aviation security instructor certificate issued by the Authority pursuant to these Regulations and any Implementing Standards and the conditions subject to which the certificate was issued are complied with.

(2) A person intending to engage, in any programme of aviation security training on behalf of a holder of an approved security programme issued pursuant to these Regulations may apply to the Authority for an aviation security instructor certificate.

(3) An aviation security instructor certificate shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined from time to time by the Authority by Implementing Standards.

(4) An aviation security instructor certificate may be suspended or cancelled pursuant to the provisions of Part VIII of the Act.

Aviation Screener Certificate.
69. (1) No person shall perform screening operations or supervise persons performing screening operations pursuant to an approved security programme unless that person is the holder of an aviation screener certificate issued by the holder of the approved security programme on behalf of the Authority.

(2) An aviation screener certificate shall be issued subject to such conditions as the Director-General sees fit and shall remain in force for the period of two years.

(3) Notwithstanding the provisions of sub-regulation (1), a person may perform screening operations during the on-the-job portion of training provided that the person is closely supervised by the holder of an aviation screener certificate and does not make any independent screening decisions.

(4) No person shall perform a screening operation after that person has failed an operational test related to that operation, until such person has successfully completed the remedial training specified in the screening certification programme and has passed a re-test related to that operation.

(5) An Aviation Screener Certificate may be suspended or cancelled pursuant to the provisions of Part VIII of the Act.

Screener Certification Programme.
70. (1) The Director-General shall develop and maintain a Screener Certification Programme to ensure that persons carrying out screening operations have received training designed to ensure competence in—

(a) maintaining the integrity of a restricted area;

(b) using screening equipment;

(c) the methods and techniques to be used for screening persons, baggage and other goods; and
(d) dealing with weapons and prohibited items that are detected or surrendered.

(2) The Authority shall designate suitably qualified persons to conduct such examinations or assessments as may be prescribed in the Screener Certification Programme.

Content of the Screener Certification Programme.

71. The Screener Certification Programme shall be set out in the Implementing Standards and shall specify—

(a) the recruitment, selection and hiring criteria for persons selected to perform screening;
(b) the medical and physical requirements applicable to persons performing screening operations;
(c) the requirements for initial and recurrent screener training;
(d) testing and evaluation methodology;
(e) the retention of employment records including training records, competency testing and performance appraisals; and
(f) the form of an aviation screening certificate.

Approved Training Programme.

72. (1) An applicant for approval of a security programme pursuant to Part III of these Regulations who intends to hire, contract or otherwise engage persons to perform screening operations shall submit a training programme to the Director-General for approval.

(2) The Director-General shall assess the training programme and if satisfied that the programme satisfies the requirements of the Screener Certification Programme shall approve the programme.

(3) A person who—

(a) has completed an approved training programme;
(b) satisfies any tests or examinations specified by the Director-General;
(c) satisfies all applicable provisions of the Screener Certification Programme and these Regulations; and
(d) has not been found to be a security risk based on the results of any background check,

shall be issued with an Aviation Screener Certificate.

Qualifications of Screening Personnel.

73. (1) A holder of an approved security programme conducting operations in Saint Christopher and Nevis shall not employ, contract or otherwise engage a person to perform screening functions unless that person is a citizen or lawful resident of Saint Christopher and Nevis.

(2) A holder of an approved security programme conducting operations in Saint Christopher and Nevis shall not use any person to perform any required screening function, unless that person has—
(a) a combination of education and experience as specified by the Director-General in the Screener Certification Programme; and

(b) the basic aptitudes and physical abilities for aviation screening officers outlined in Implementing Standards.

Internal Quality Control of Screening Functions.

74. (1) The holder of an approved security programme shall conduct annual evaluation of each person assigned screening duties to determine whether that person—

(a) has not suffered a significant diminution of any physical ability required to perform a screening function since the last evaluation of those abilities;

(b) has a satisfactory record of performance and attention to duty;

(c) demonstrates the current knowledge and skills necessary to courteous, vigilant, and effective perform screening functions; and

(d) has not been determined to pose a risk to security as based on the results of any background check.

(2) A person who does not satisfy the requirements of sub-regulation (1) shall not perform screening functions.

(3) At locations outside the participating States where an aircraft operator has operational control over a screening function, he may use aviation security screeners who do not hold an aviation security certificate issued pursuant to these Regulations, provided that the persons performing screening on the aircraft operator’s behalf meet the minimum standards for the certification of screeners prescribed by that State.

(4) An aircraft operator shall ensure in locations outside the participating States that at least one of his representatives who has the ability to functionally read and speak the English Language is present while the passengers of the aircraft operator are undergoing security processing.

Security Controls other than Screening.

75. (1) The holder of a security programme approved pursuant to these Regulations shall ensure that a person authorised to perform and performing a security related function other than screening on his behalf has knowledge of—

(a) the provisions of these Regulations and applicable security directives;

(b) elements of the approved security programme required for the performance of his functions; and

(c) has received training according to the standards contained in the National Civil Aviation Security Training Programme.

(2) The requirements referred to in sub-regulation (1), shall apply to all security-related functions performed for the holder of a security programme or whether by his employee or an employee of a contractor.

Use of X-ray Systems.

76. (1) A holder of an approved security programme or person authorised to conduct screening on behalf of a holder, shall not use an X-ray system within Saint
Christopher and Nevis to inspect carry-on or hold baggage unless specifically authorised under an approved aircraft operator security programme to use such a system.

(2) A holder of an approved security programme may be authorised by the Civil Aviation Division, to use X-ray systems for inspecting carry-on or checked baggage under an approved security programme where he shows that—

(a) his X-ray system complies with the standards for X-ray systems designed primarily for the inspection of cargo, carry-on and hold baggage and meets the performance requirements set out in the Implementing Standards;

(b) a programme for initial and recurrent training of operators of the system is established, which includes training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles; and

(c) the system meets the imaging requirements described in the approved aircraft operator security programme in accordance with the combined test requirements set out in the Implementing Standards.

(3) A holder of an approved security programme shall ensure that screening staff comply with the X-ray operator duty time limitations specified in his aircraft operator security programme.

Use of explosive detection system to screen checked baggage.

77. Where required by the Authority, an aircraft operator required to conduct screening under a security programme shall use an explosive detection system that has been approved by the Authority to screen checked baggage in accordance with the aircraft operator security programme.

Equipment, research, and development.

78. (1) The Authority shall continuously promote research and development of new security equipment, processes and procedures which will better achieve the objectives of the national civil aviation security programme and cooperate with other States in this matter.

(2) Where the Authority has recommended the adoption of new security equipment, processes and procedures in Saint Christopher and Nevis the Authority shall refer these recommendations to the Minister who may authorise the Director-General to develop new implementing standards, training standards or amendments to the Screener Certification Programme as necessary.

(3) A holder of an approved security programme shall not implement new security equipment, processes and procedures without the prior written approval of the Authority.

Prohibited Items List.

79. (1) The Authority shall from time to time publish a list of items which items shall not ever be carried in the cabin of an aircraft.

(2) The Civil Aviation Division shall ensure that the list of prohibited items is transmitted to all holders of approved security programmes in Saint Christopher and Nevis.
Exemption from Screening.

80. (1) The Minister may establish a list or persons of categories of persons who are to be exempted from screening.

(2) The Civil Aviation Division shall transmit this list to the airport operators and aircraft operators in Saint Christopher and Nevis.

(3) The Minister may direct that persons on the list created pursuant to sub-regulation (1) are to be screened if he determines that there is an increased threat to the civil aviation in Saint Christopher and Nevis.

Screening of Diplomats and their baggage.

81. (1) Subject to the provisions of the Vienna Convention on Diplomatic Relations, diplomats and other privileged persons and their baggage, except for diplomatic bags, shall be subject to screening.

(2) Under normal conditions, diplomatic bags bearing visible external insignia of a State shall not be screened provided that they are sealed and the individual transporting the pouch produces appropriate diplomatic identification and official authorisation from the Embassy, Consulate, Mission, International Organisation, or Legation tendering the diplomatic bag for transport.

(3) Where there is a reasonable doubt as to the validity of a diplomatic bag, an aviation security officer or an aviation screening officer may, prior to the carriage of the diplomatic bags on board an aircraft, request to screen a diplomatic bag but the diplomatic bag may be withdrawn from the system without having been screened.

PART IX
MANAGEMENT OF RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

Aircraft Operator Contingency Plans.

82. An aircraft operator shall establish contingency plans in accordance with the Implementing Standards to coordinate the response to threats or acts of unlawful interference of an aircraft at an airport or in flight.

Airport Contingency Plans.

83. An airport operator shall establish contingency plans in accordance with the Implementing Standards to coordinate the response to threats or acts of unlawful interference occurring at an airport or in its vicinity.

Approval of Contingency Plans.

84. (1) Contingency Plans shall be submitted to the Authority for approval.

(2) The Authority shall refer the draft contingency plan to the Civil Aviation Division for review prior to approval.

Testing of Contingency Plans.

85. (1) The Civil Aviation Division shall arrange for the conduct of security exercises to take place at regular intervals not exceeding two years.
(2) The exercises shall be evaluated by the Authority who shall submit a written report to the Civil Aviation Division within thirty days after the conclusion of the exercise.

Response to security incidents during screening.

86. (1) A person authorised to conduct screening activities shall immediately notify the Airport Security Manager or his designate if any of the following is detected at a restricted area access point or any other part of an airport where screening of persons, carry-on baggage or other things in their possession or control, or vehicles under their care and control, is conducted—

(a) a weapon, other than a firearm allowed pursuant to the powers of a police officer, escort officer or in-flight security officer to carry a firearm while on duty as prescribed in these Regulations;

(b) an explosive substance, other than an authorised explosive substance or incendiary device allowed by the airport operator and the aircraft operator.

(2) A person authorised to conduct screening activities shall immediately notify the appropriate aircraft operator, the airport operator, the Police Force and the Civil Aviation Division when any of the following is detected in checked baggage—

(a) a loaded firearm;

(b) an explosive substance or ammunition; or

(c) an incendiary device or the components of an incendiary device.

Mandatory Reporting of Security Incidents.

87. (1) An airport operator shall immediately notify the Civil Aviation Division when the following incidents occur, namely—

(a) the discovery, at the airport, of a weapon, other than a weapon or firearm allowed pursuant to the power of a police officer to carry a firearm while on duty;

(b) the discovery, at the airport, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed by the airport operator or the aircraft operator;

(c) an explosion at the airport, unless the explosion is known to be the result of an accident, or an authorised excavation, demolition, or construction, or the authorised use of fireworks displays;

(d) a specific threat against the airport; or

(e) an aviation security incident that involves a member of the Police Force anywhere at the airport.

(2) An aircraft operator shall immediately notify the Civil Aviation Division when there is—

(a) a hijacking or attempted hijacking of an aircraft or other act of unlawful interference;

(b) the discovery, on board an aircraft, of a weapon;

(c) the discovery, on board an aircraft, of an explosive substance or an incendiary device, other than an authorised explosive substance or
incendiary device allowed on board the aircraft by the aircraft operator;

(d) an explosion on an aircraft; or

(e) a specific threat against an aircraft, a flight or a facility or part of an airport of which it becomes aware.

(3) An aircraft operator shall immediately notify the airport operator when a weapon, other than a firearm allowed pursuant to the power of a police to carry a firearm, is detected in any part of the airport under its control.

(4) The holder of any approved security programme shall inform the Civil Aviation Division of any act of unlawful interference or any instance of non-compliance with the approved security programme which is likely to endanger the public.

(5) The Civil Aviation Division shall as soon as is reasonably practicable report any incident described in sub-regulation (4) to the Authority.

PART X
MISCELLANEOUS

Security Risk Assessment.

88. (1) The Authority shall develop and review methodology for the carrying out of security risk assessments by the Civil Aviation Division and law enforcement agencies in Saint Christopher and Nevis.

(2) A security risk assessment referred to in paragraph (1) shall—

(a) identify all potential security threats, vulnerabilities and exposures;

(b) measure the degree of actual security risks applicable to each aspect of the proposed operation; and

(c) make recommendations as to the measures to be employed to reduce such risks.

Domestic Operations.

89. (1) Except as otherwise provided, these Regulations and Implementing Standards made pursuant to these Regulations shall apply to domestic airports provided that an airport operator shall notify the Civil Aviation Division or in writing at least 90 days before the intended commencement of operations.

(2) The Civil Aviation Division shall conduct a security risk assessment of the proposed operation to be undertaken in conjunction with all relevant law enforcement agencies in Saint Christopher and Nevis to determine reasonable measures which are necessary to ensure aviation security.

(3) A report of the risk assessment with recommendations shall be forwarded to the Authority who shall pursuant to section 55 of the Act exempt the proposed operation from such provisions these Regulations, Implementing Standards or Security Directives as are reasonably practicable to ensure aviation security.

(4) The Authority shall forthwith inform the Minister of any exemption granted under subsection (1).
Implementing Standards.
90. (1) The Director-General shall, from time to time, issue the Implementing Standards which are applicable to these Regulations.

   (2) Implementing Standards issued pursuant to sub-regulation (1) are legally binding and a contravention of any provision of the Implementing Standards is a contravention of these Regulations.

Security Directives.
91. (1) The Director-General may issue security directives where necessary.

   (2) An airport operator, aircraft operator, a regulated agent and catering operator shall comply with a security directive issued pursuant to sub-regulation (1) within the time specified in the directive.

Sensitive security information.
92. (1) Only persons who have a need to know sensitive security information in order to carry out the functions of their employment may have access to sensitive security information, and only to the extent necessary to carry out such functions.

   (2) No person may disclose sensitive security information to persons who do not have a need to know the information.

   (3) Each airport operator, aircraft operator, regulated agent, and catering operator shall develop procedures, included in its security programme, for the marking, handling and protection of sensitive security information to safeguard such information from unauthorised disclosure.

   (4) All employees, contractors, and agents of the airport operator, aircraft operator, regulated agent, and catering operator shall be trained in the procedures for marking, handling and protecting sensitive security information.

   (5) Sensitive security information includes—

       (a) an approved national programme and any comments, instructions or implementing guidance pertaining thereto;

       (b) an approved security programme and any comments, instructions or implementing guidance pertaining thereto;

       (c) security directives, information circulars and any comments, instructions or implementing guidance pertaining thereto;

       (d) any profile used in any security screening process, including for persons, baggage or cargo;

       (e) any security contingency plan or information and any comments, instructions, or implementing guidance pertaining thereto;

       (f) technical specifications of any device used for the detection of any deadly or dangerous weapon, explosive, incendiary device, or destructive substance;

       (g) a description of, or technical specifications of, objects used to test screening equipment;

       (h) communication procedures and technical specifications of any security communication equipment;
(i) information concerning threats against civil aviation released by the Authority;
(j) specific details of aviation security measures whether applied directly by the Authority or the holder of an approved security programme and includes information concerning specific numbers of aviation security officers and aviation security officers, deployments or missions, and the methods involved in such operations;
(k) any draft, proposed or recommended change to the information and records identified in these Regulations;
(l) any information contained in a national programme or a security programme;
(m) any other information, the disclosure of which the Authority has prohibited; and
(n) any information that the Director-General has determined may reveal a systemic vulnerability of the aviation system or a vulnerability of aviation facilities, to attack.

Confidential Reporting of Security Information.

93. (1) The Authority shall establish a system designed to permit the reporting of breaches of these Regulations, threats or other information relevant to aviation security by members of the public including passengers, crew and ground personnel.

(2) The system shall be designed to permit reports to be submitted anonymously or to protect the identity of persons who submit such reports if their identity is known.

General security compliance.

94. (1) A person shall not tamper or interfere with, compromise, modify or attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify or attempt to circumvent any security system, measure, or procedure established under these Regulations.

(2) A person shall not interfere with an aviation security officer or aviation screening officer in the performance of their duties.

(3) No person may enter or be present in a restricted area, air operations area, or sterile area without complying with the systems, measures, or procedures being applied to control access to, or presence or movement in, such areas.

(4) A person who has been issued a security restricted area permit issued by an airport operator or other appropriate authority, which provides access to the restricted area(s) or sterile area(s) of an airport, shall not use such security restricted area permit for any purpose other than to carry out the duties of their employment for which such person was issued the security restricted area permit.

Offence of non-compliance with Regulations.

95. (1) In accordance with the provisions of regulation 96, a person who contravenes any of these Regulations commits an offence and is liable to a fine not exceeding two thousand five hundred dollars.

(2) Any holder of an approved Security Programme who wilfully or intentionally contravenes any of these Regulations, or who demonstrates an
unwillingness or inability to adequately carry out the respective requirements of these Regulations or the holder’s approved Security Programme, and whose continued operations are determined by the Authority as posing a threat to civil aviation security shall be subject to the suspension or revocation of the holder’s Security Programme approval in accordance with the provisions of Part VIII of the Act.

Penalty Notice Section 51 Procedure.

96. An offence under these Regulations shall be deemed to be a penalty notice under Section 51 of the Act and may be dealt with in accordance with the procedure set out in that section of the Act.

Transitional provision.

97. (1) Where the provisions of any other regulations related to civil aviation security is inconsistent with the provision of these Regulations, these Regulations shall take precedence over all such provisions.

(2) Notwithstanding any provision of these Regulations, compliance with the provisions of these Regulations shall be required within 120 days of the commencement of these Regulations.

(Inserted by S.R.O. 13/2012)

FOURTH SCHEDULE

(Section 50)

CIVIL AVIATION (FLIGHT SAFETY) REGULATIONS

CHAPTER 1

PRELIMINARY MATTERS

Citation.

1. These Regulations may be cited as the Civil Aviation (Flight Safety) Regulations.

Interpretation and construction.

2. (1) For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule – “General Policies, Procedures and Definitions.”

(2) Reserved.

(3) An aircraft shall be deemed to be in flight from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing; and the expressions “a flight,” “to fly” and “flight time” shall be construed accordingly.

(4) Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.
(5) References in these Regulations to the operator of an aircraft are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly.

(6) A power to issue directions under these Regulations shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Saint Christopher and Nevis and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of these Regulations.

(7) For the purpose of these Regulations, the term “instrument” means a document issued by the Government of Saint Christopher and Nevis and includes any Regulations, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorisations, logbook record or other document.

(8) Any power conferred by these Regulations to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.

(9) The term “instruments” means aircraft components used by the flight crew for the purpose of flight and navigation.

Application of Convention.

3. For the purposes of the Act and of these Regulations, the provisions of the Chicago Convention and the Annexes thereto together with the Standards and Recommended Practices established by the International Civil Aviation Organisation thereunder, and such other internationally recognised standards and practices shall be adopted and applied, as appropriate, in Saint Christopher and Nevis.

Application of Part 1 of Schedule.

4. The provisions of Part 1 of the Schedule apply in relation to general policies, procedures and definitions for the purposes of these Regulations.

CHAPTER 2

PERSONNEL LICENSING

Application of Part 2 of Schedule.

5. Subject to the provisions of this Chapter, the provisions of Part 2 of the Schedule apply in relation to the following—

(a) the requirements for issuing licences, ratings and authorisations;

(b) the conditions under which those licences, ratings, and authorisations are necessary; and

(c) the privileges and limitations of holders of those licences, ratings and authorisations.
Requirement for licence, rating or authorisation.

6. A person shall not act as a pilot, a flight engineer, an aviation maintenance technician or an air traffic controller of a civil aircraft unless that person is the holder of a valid licence, rating or authorisation for that purpose issued or validated by—

(a) the Authority in accordance with these Regulations; or

(b) the State in which the aircraft is registered,

and any conditions subject to which the licence, rating or authorisation was issued or rendered valid are complied with.

Approval of training or instruction by the Authority.

7. (1) Without prejudice to any other provision of these Regulations the Authority may, for the purpose of personnel licensing as provided in this Chapter and in Part 2 of the Schedule, and subject to such conditions as the Authority thinks fit—

(a) approve any course of training or instruction;

(b) authorise a person to conduct such examinations or tests as the Authority may specify;

(c) approve a person to provide or conduct any course of training or instruction;

(d) approve a person as qualified to furnish reports to the Authority and to accept such reports; and

(e) certify an aviation training organisation.

(2) Where any provision of these Regulations permits a test to be conducted in a flight simulator approved by the Authority, that approval may be granted subject to such conditions as the Authority thinks fit.

Grant of licence, rating or authorisation.

8. The Authority shall grant licences, ratings or authorisations pursuant to this Chapter and to Part 2 of the Schedule, subject to such conditions as the Authority thinks fit, if satisfied that the applicant is a fit person to hold the licence, having regard in particular to his previous conduct, or if there is evidence of unlawful conduct in aviation or previous breaches of aviation regulations, and is qualified by reason of his or her knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, 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 Authority may require of that person.

Requirement for signature of holder.

9. (1) Upon receiving a licence, rating or authorisation granted pursuant to this Chapter and Part 2 of the Schedule, the holder thereof shall forthwith sign his or her name thereon in ink with his or her ordinary signature.

(2) A licence, rating or authorisation granted pursuant to this Chapter and Part 2 of the Schedule shall not be valid unless it bears thereon the ordinary signature of the holder in ink.
Duration of licence, rating or authorisation.

10. A licence, rating or authorisation shall remain in force for the period specified in the licence, rating or authorisation but may be reviewed by the Authority from time to time to determine that the holder is fit and qualified in accordance with the applicable Regulations.

Requirement for currency.

11. (1) The holder of a licence, rating or authorisation granted pursuant to these Regulations shall not be entitled to exercise the privileges of that licence, rating or authorisation on a flight unless the holder is qualified and current for the functions the holder is to perform on that flight in accordance with these Regulations.

(2) A person who, on the last occasion when he or she took a test for the purposes of qualification, competency or currency, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him or her had he or she passed it.

Medical examination and certificate.

12. (1) The holder of a licence, rating or authorisation granted pursuant to these Regulations for which a current medical certificate is also a prerequisite to perform any of the functions authorised, shall have a current medical certificate when engaged in those functions.

(2) An applicant for or holder of a licence, rating or authorisation shall upon such occasions as the Authority may require, submit himself or herself to a medical examination by a person approved by the Authority who shall make a report to the Authority in such form as the Authority may require.

(3) On the basis of a medical examination pursuant to sub-regulation (2), the Authority or any person approved by the Authority as competent to do so may issue to the holder of the licence, rating or authorisation, a medical certificate subject to the requirements of Part 2 of the Schedule and such conditions as the Authority thinks fit, as being medically fit to perform the functions to which the licence, rating or authorisation relates and the medical certificate shall be valid for such period as is therein specified and shall be deemed to form part of the licence, rating or authorisation.

(4) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in Saint Christopher and Nevis if he or she knows or suspects that his or her physical or mental condition renders him or her temporarily or permanently unfit to perform such functions or to act in such capacity.

(5) A holder of a medical certificate issued pursuant to these Regulations who—

(a) suffers any personal injury involving incapacity to undertake his or her functions as a member of the flight crew; or

(b) suffers any illness involving incapacity to undertake those functions throughout a period of twenty days or more,

shall inform the Authority in writing of such injury or illness, as soon as possible in the case of injury and as soon as the period of twenty days has elapsed in the case of illness and the medical certificate shall be deemed to be suspended upon the occurrence of such injury or the illness.
(6) A suspension pursuant to sub-regulation (5) shall cease upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his or her functions as a member of the flight crew or upon the Authority exempting, subject to such conditions as the Authority thinks fit, the holder from the requirement of a medical examination.

(7) The Authority may issue a certificate of validation rendering valid for the purposes of these Regulations any licence as a member of the flight crew of aircraft granted under the law of any State other than Saint Christopher and Nevis.

Certificate of validation.

13. A certificate of validation may be issued in accordance with Part 2 of the Schedule and subject to such conditions and for such periods as the Authority thinks fit.

Logbook.

14. A member of the flight crew of an aircraft registered in Saint Christopher and Nevis and a person who engages in flying for the purpose of qualifying for the grant of a licence, rating or authorisation or of establishing currency pursuant to these Regulations shall keep a personal flying logbook in which the information specified in Part 2 of the Schedule shall be recorded.

CHAPTER 3
AVIATION TRAINING ORGANISATION

Application of Part 3 of the Schedule.

15. Subject to the provisions of this Chapter, the provisions of Part 3 of the Schedule apply to the requirements for certifying and administering aviation training organizations.

Requirement for aviation training organisation certificate.

16. A person shall not engage in any programme of aviation training on behalf of a holder of an air operator certificate issued pursuant to these Regulations unless that person is the holder of a valid aviation training organisation certificate issued pursuant to these Regulations and the conditions subject to which the aviation training organisation certificate was issued are complied with.

Application for aviation training organisation certificate.

17. An organisation intending to engage, in any programme of aviation training on behalf of a holder of an air operator certificate issued pursuant to these Regulations may apply to the Authority for an aviation training organisation certificate.

Grant of aviation training organisation certificate.

18. (1) In granting an aviation training organisation certificate to an organisation situated in a Contracting State other than Saint Christopher and Nevis, the Authority may take into account, in relation to such organisation, the possession of a certificate of approval issued by the licensing authority of the State in which the organisation is located.
(2) The Authority may grant an aviation training organisation certificate to an organization which complies with the requirements of Part 3 of the Schedule in respect of the activities applied for.

Form of aviation training organisation certificate.

19. An aviation training organisation certificate shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined from time to time by the Authority.

Training and checking manual.

20. An aviation training organisation shall use a training and checking manual approved by the Authority that lays out the processes, procedures and quality systems applicable to its activities.

CHAPTER 4
REGISTRATION AND MARKING OF AIRCRAFT

Application of Part 4 of the Schedule.

21. Subject to the provisions of this Chapter, the provisions of Part 4 of the Schedule apply to the requirement for registration and marking of an aircraft.

Aircraft to be registered.

22. (1) A person shall not fly or operate an aircraft in or over Saint Christopher and Nevis unless it is registered in—

(a) Saint Christopher and Nevis in accordance with these Regulations;

(b) a Contracting State;

(c) some other State in relation to which there is in force an agreement between the Government of Saint Christopher and Nevis and the Government of that State which makes provision for the flight over Saint Christopher and Nevis of aircraft registered in that State, and there is a valid certificate of registration in force for that aircraft and any conditions of that registration are complied with.

(2) Sub-regulation (1) shall not apply to a kite or captive balloon.

Application for registration.

23. A person may apply to the Authority for the registration of an aircraft, in the form and in the manner specified in Part 4 of the Schedule.

Registration of aircraft.

24. (1) Upon receiving an application for the registration of an aircraft in Saint Christopher and Nevis and on being satisfied that the aircraft may be properly so registered, the Authority shall, subject to the provisions of these Regulations including Part 4 of the Schedule, register the aircraft in Saint Christopher and Nevis in a register to be kept for that purpose and to be known as the Register of Aircraft.
(2) The Register of Aircraft shall include the following particulars in relation to an aircraft registered—

(a) the number of the certificate;
(b) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
(c) the name of the constructor of the aircraft and its designation;
(d) the serial number of the aircraft; and
(e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
(f) in the case of an aircraft registered pursuant to sub-regulations (3) and (4) of Regulation 26, an indication that it is so registered.

Certificate of registration.

25. The Authority shall furnish to the person in whose name the aircraft is registered (in these Regulations referred to as “the registered owner”) a certificate of registration.

Refusal or discontinuance of registration.

26. (1) Subject to the provisions of this Regulation, an aircraft shall not be registered or continue to be registered in Saint Christopher and Nevis if it appears to the Authority that—

(a) the aircraft is registered outside Saint Christopher and Nevis and that such registration does not cease by operation of law upon the aircraft being registered in Saint Christopher and Nevis;
(b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
(c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Saint Christopher and Nevis; or
(d) the aircraft does not qualify for the issue of a certificate of airworthiness in accordance with the provisions of Regulation 33.

(2) Subject to sub-regulation (3), the following persons shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Saint Christopher and Nevis or a share therein—

(a) the Government of Saint Christopher and Nevis;
(b) a citizen or permanent resident of Saint Christopher and Nevis or other such persons as the Authority shall approve;
(c) a company incorporated in Saint Christopher and Nevis under the Companies Act, Cap. 21.03 and having its principal place of business in Saint Christopher and Nevis.

(3) If a person, other than a person referred to in sub-regulation (2), holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in Saint Christopher and Nevis and such person
shall not cause or permit the aircraft, while it is registered pursuant to this paragraph to be used for the purpose of commercial air transport or aerial work.

(4) If an aircraft is sold under a contract of hire-purchase, let on hire or chartered by demise to a person qualified under sub-regulation (2), the Authority may, whether or not that person is entitled as owner to a legal or beneficial interest therein, register the aircraft in Saint Christopher and Nevis in the name of the hire purchaser, lessee or charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this Regulation the aircraft may remain so registered during the continuation of the contract, lease or charter.

(5) Subject to sub-regulations (3) and (4), if at any time after an aircraft has been registered in Saint Christopher and Nevis a person referred to in sub-regulation (3) becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority.

(6) In this Regulation references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his or her membership of a flying club and the reference in sub-regulation (5) to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

Change in particulars of registration.

27. (1) The registered owner of an aircraft registered in Saint Christopher and Nevis shall inform the Authority forthwith in writing of—

(a) any change in the particulars which were furnished to the Authority on the date of the application for the registration of the aircraft;

(b) the destruction of the aircraft, or its permanent withdrawal from use; or

(c) in the case of an aircraft registered pursuant to sub-regulation (4) of Regulation 26, the termination of the demise charter.

(2) Any person who becomes the owner of an aircraft registered in Saint Christopher and Nevis shall within twenty-eight days thereof inform the Authority in writing to that effect.

Amendment of register.

28. The Authority may, whenever it appears to be necessary or appropriate to do so for giving effect to these Regulations for bringing up to date or otherwise correcting the particulars entered on the Register of Aircraft, amend the Register of Aircraft or, if the Authority thinks fit, cancel the registration of the aircraft, and shall cancel that registration within two months of being satisfied that there has been a change in the ownership of the aircraft.

Cancellation of registration in public interest.

29. Nothing in this Chapter shall require the Authority to cancel the registration of an aircraft unless in its opinion it would be in the public interest to do so.
Nationality and registration marks.

30. (1) An aircraft, other than aircraft permitted pursuant to these Regulations to fly without being registered, shall not fly in or over Saint Christopher and Nevis unless it bears painted thereon or affixed thereto, in the manner required by the law of the State in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in Saint Christopher and Nevis shall comply with Part 4 of the Schedule.

(3) An aircraft shall not bear any marks which purport to indicate—

(a) that the aircraft is registered in a State in which it is not in fact registered; or

(b) that the aircraft is a State aircraft (as defined in Article 3 of the Chicago Convention) of a particular State if it is not in fact such an aircraft, unless the appropriate authority of that State has sanctioned the bearing of such marks.

CHAPTER 5
AIRWORTHINESS

Application of Part 5 of the Schedule.

31. Subject to the provisions of this Chapter, the provisions of Part 5 of the Schedule shall apply to the following—

(a) certification of an aircraft and aeronautical components;

(b) issuance of airworthiness certificates and other certifications for aeronautical components;

(c) continued airworthiness of aircraft and aeronautical components;

(d) rebuilding and modifications of aircraft and aeronautical components;

(e) maintenance and preventative maintenance of aircraft;

(f) aircraft inspection requirements;

(g) air operator aircraft maintenance and inspection requirements; and

(h) any other matters provided for in that Part of the Schedule.

Type certificate.

32. (1) For the purposes of this Regulation a type certificate with respect to an aircraft, engine or propeller means a document issued by the manufacturer, and approved by the appropriate authority of the State of manufacture, certifying that the type design of the aircraft, engine or propeller and of the variants specified on the type data sheet, comply with the certification basis to which the certificate refers and it includes the type certificate data sheet, the type design, the operating limitations and any other conditions or limitations prescribed for the aircraft.

(2) A person shall not operate an aircraft registered in Saint Christopher and Nevis for commercial air transport or aerial work unless—
(a) the Authority has issued, accepted or validated, a type certificate for that aircraft as provided for in Part 5 of the Schedule and in accordance with this Regulation; and

(b) the person maintains or operates the aircraft in accordance with the type certificate that was used in the issuance of the certificate of airworthiness for that aircraft.

(3) A person who intends to operate an aircraft to be registered in Saint Christopher and Nevis for commercial air transport or aerial work shall apply to the Authority for the issue, acceptance or validation of a type certificate as provided in Part 5 of the Schedule for that aircraft, in accordance with this Regulation and the requirements of the Authority from time to time.

(4) An applicant for a type certificate of an aircraft, or for the acceptance or validation thereof, shall submit, with the application, detailed data identifying the airworthiness standards to which the aircraft was designed and data which describes the design, construction and performance of that aircraft.

(5) The Authority shall accept or validate a type certificate, in respect of any aircraft, engine or propeller that is imported into Saint Christopher and Nevis, subject to such conditions or limitations as it shall consider appropriate and in accordance with Part 5 of the Schedule, provided that—

(a) the airworthiness authority of the State of manufacture has issued a type certificate on the basis of the Federal Aviation Regulations, the Joint Aviation Authorities Air Regulations or the Canadian Aviation Regulations; and

(b) the type certificate approval basis meets the airworthiness requirements laid down by the Authority.

(6) In any other case, other than that mentioned in sub-regulation (5), the Authority may in its discretion accept or validate a type certificate that is issued by the airworthiness authority of the State of manufacture and the type certificate approval basis meets the airworthiness requirements laid down by the Authority.

Certificate of airworthiness.

33. (1) Subject to sub-regulation (2), a person shall not fly or operate an aircraft in or over Saint Christopher and Nevis unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid in under the law of the State in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) Sub-regulation (1) shall not apply to flights of the following aircraft, beginning and ending in Saint Christopher and Nevis without passing over any other State—

(a) an aircraft flying in accordance with a special airworthiness certificate issued pursuant to Part 5 of the Schedule; or

(b) an aircraft flying in accordance with the conditions of a permit to fly issued by the Authority in respect of that aircraft.

(3) In the case of an aircraft registered in Saint Christopher and Nevis the certificate of airworthiness referred to in sub-regulation (1) shall be a certificate of airworthiness issued in accordance with the provisions of these Regulations including Part 5 of the Schedule.
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Civil Aviation Act
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AND NEVIS
Revision Date: 31 Dec 2017

(4) The Authority shall issue in respect of any aircraft a certificate of airworthiness if the Authority is satisfied that the aircraft is fit to fly having regard to—

(a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which the Authority considers necessary for the airworthiness of the aircraft; and

(b) subject to sub-regulation (4) the results of flying trials, and such other tests of the aircraft as the Authority may require.

(5) If the Authority has issued a certificate of airworthiness in respect of an aircraft which, in the Authority's opinion, is a prototype aircraft or a modification of a prototype aircraft, the Authority may dispense with flying trials in the case of any other aircraft if the Authority is satisfied that it conforms to such prototype or modification.

(6) A certificate of airworthiness shall specify such conditions as are, in the opinion of the Authority, appropriate to the aircraft in accordance with Part 5 of the Schedule and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated on that certificate or associated certificates.

(7) The Authority may issue a certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as the Authority thinks fit.

(8) A certificate of airworthiness may designate the performance group of the aircraft.

(9) The Authority may, subject to such conditions as the Authority thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the law of any State other than Saint Christopher and Nevis.

(10) Subject to the provisions of these Regulations, a certificate of airworthiness or validation issued under this Regulation shall remain in force for such period as may be specified on the certificate, but may be reviewed by the Authority from time to time to determine that the aircraft conforms to the applicable airworthiness requirements.

(11) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force—

(a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;

(b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and—

(i) classified as mandatory by the Authority; or

(ii) required by a maintenance programme approved by the Authority in relation to that aircraft; or
(c) until the completion to the satisfaction of the Authority of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Authority for the purpose of ensuring that the aircraft remains airworthy.

(12) Nothing in these Regulations shall oblige the Authority to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Authority may specify, either generally or in a particular case or class of cases.

Compliance with Part 5 of Schedule in performing maintenance.

34. A person shall not perform maintenance, preventative maintenance, or modifications on an aircraft except in accordance with Part 5 of the Schedule.

Compliance with airworthiness directives; and modifications and repairs.

35. (1) Airworthiness directives, or equivalent, issued by the State of manufacture and mandatory service bulletins issued by an aircraft manufacturer shall be complied with.

(2) In the interest of safety, the Authority may order that an aircraft registered in Saint Christopher and Nevis or operated by a holder of an air operator certificate issued under these Regulations, aircraft engine, propeller or component shall be modified or undergo special inspections.

(3) An order pursuant to Regulation (2), shall constitute an airworthiness directive and compliance is mandatory.

(4) An owner or operator of an aircraft registered in Saint Christopher and Nevis and the holder of an air operator certificate issued pursuant to these Regulations shall ensure that such owner or operator receives all airworthiness directives and mandatory service bulletins that affect his or her aircraft and that are issued by the Authority, the licensing authority in the State of manufacture or the State of design.

(5) On the issue of an applicable airworthiness directive or mandatory service bulletin the owner or operator of a Saint Christopher and Nevis registered aircraft and each holder of an air operator certificate issued under these Regulations shall take such action as shall be prescribed therein and shall record the details of all actions taken in the log book and other technical records of the aircraft.

(6) Mandatory or optional repairs or modifications shall be embodied only in accordance with approved data specified and in accordance with the instructions issued by the Authority or the State of manufacture, the State of design, the type certificate holder or the manufacturer, as the case may be.

(7) All modifications or repairs carried out shall be subject to approval by the Authority in accordance with detailed drawings and other technical data adequate to define completely the proposed modification and using approved materials, parts and processes conforming to the manufacturer’s specifications and in accordance with a technical assessment showing compliance with an approved design standard.

Continued airworthiness.

36. (1) A person shall not fly an aircraft registered in Saint Christopher and Nevis in respect of which a certificate of airworthiness is in force unless—
(a) the aircraft, including in particular its engines and propellers, together with its equipment and radio station, is maintained in accordance with a maintenance program developed in accordance with the Regulations applicable to the type of operation;

(b) the required inspections of the aircraft have been completed in accordance with the Regulations applicable to the type of operation; and

(c) there is a flight manual or other approved document carried on, and available in, the aircraft, in such form as shall be approved by the Authority, for the use of the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to show compliance with the Regulations relating to performance and for the safe operation of the aircraft.

(2) The holder of an air operator certificate issued pursuant to these Regulations, or other operator of an aircraft, shall ensure that an aircraft registered in Saint Christopher and Nevis shall be maintained and periodically inspected in accordance with the requirements of the approved data and manuals issued by the manufacturer and in accordance with the maintenance program issued by the manufacturer and approved by the Authority and that all airworthiness directives and mandatory service bulletins are complied with, and shall ensure that an approved maintenance organisation maintains its aircraft in an airworthy condition and in accordance with the approved maintenance programme.

(3) The approved maintenance programme referred to in sub-regulation (1) shall specify the occasions on which an inspection must be carried out for the purpose of issuing a release to service in accordance with this Regulation and the applicable Parts of the Schedule.

(4) A release to service may be issued for the purposes of these Regulations only by—

(a) the holder of an aviation maintenance technician licence—

(i) granted under these Regulations and the applicable Parts and entitling the holder to issue that release to service; or

(ii) granted under the law of a State other than Saint Christopher and Nevis and rendered valid under these Regulations in accordance with the ratings, privileges and limitations of the licence;

(b) a person whom the Authority has authorised to issue a release to service in a particular case, and in accordance with that authority;

(c) an approved maintenance organisation; or

(d) subject to sub-regulation (5), a person approved by the Authority as being competent to issue such a release to service, and in accordance with that approval.

(5) In approving a maintenance programme, the Authority may direct that a release to service relating to that programme, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(6) A person referred to in sub-regulation (4) shall not issue a release to service unless the person has first verified that—
(a) maintenance has been carried out on the aircraft in accordance with the
maintenance programme approved for that aircraft;
(b) inspections and modifications required by the Authority and the
applicable requirements have been completed as certified in the
relevant release to service;
(c) defects entered in the aircraft logbook or technical log of the aircraft in
accordance with the Regulations have been rectified or the
rectification thereof has been deferred in accordance with procedures
approved by the Authority; and
(d) other releases to service have been issued in accordance with the
Regulations,
and for this purpose the operator of the aircraft shall make available to that person
such information as is necessary.

(7) A release to service shall be issued in duplicate and one copy of the most
recently issued release to service shall be carried in the aircraft when the Regulations
so require, and the other shall be kept by the operator elsewhere than in the aircraft.

(8) Subject to the provisions regarding retention of documents in this
Regulation and its applicable Parts, each release to service shall be preserved by the
operator of the aircraft for a period of two years after it has been issued.

Aircraft records.

37. (1) An aircraft log book or technical log shall be kept in respect of an aircraft
registered in Saint Christopher and Nevis or an aircraft operated by the holder of an
air operator certificate issued pursuant to these Regulations.

(2) At the end of every flight by an aircraft operated by the holder of an air
operator certificate issued pursuant to these Regulations, the pilot-in-command shall
enter in the aircraft log book or technical log, the information required under these
Regulations applicable to the type of operation, and sign and date such entries.

(3) Upon the rectification of any defect which has been entered in a technical
log in accordance with sub-regulation (2), a person issuing a release to service
required by these Regulations in respect of that defect shall enter that information in
the aircraft log book or technical log in such a position as to be readily identifiable
with the defect to which it relates.

(4) Subject to sub-regulation (5), the aircraft technical log referred to in this
Regulation shall be carried in the aircraft as required by the applicable Regulation
and Parts, and copies of the entries referred to in this Regulation shall be kept on the
ground.

(5) In the case of an aeroplane of which the maximum total weight authorised
does not exceed 2,730 kg, or a helicopter, if it is not reasonably practicable for the
copy of the technical log to be kept on the ground the copy may be carried in the
aeroplane or helicopter, as the case may be, in a container approved by the Authority
for that purpose.

Inspection, overhaul, repair, replacement and modification.

38. (1) Except as provided in sub-regulation (2), an aircraft registered in Saint
Christopher and Nevis, being an aircraft in respect of which a certificate of
airworthiness issued or rendered valid pursuant to these Regulations is in force, shall
not fly unless there is in force a release to service issued in accordance with this
Regulation if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as required by the Regulations, as the case may be.

(2) The following items, namely—

(a) equipment provided in compliance with Part 7 of the Schedule;

(b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with these Regulations,

shall not be installed or placed on board for use in an aircraft registered in Saint Christopher and Nevis or operated by a holder of an air operator certificate issued under these Regulations after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a release to service issued in accordance with this Regulation.

(3) A release to service shall—

(a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type accepted or approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or

(b) certify in relation to any inspection required by the Authority that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Authority and that any consequential repair, replacement or modification has been carried out as aforesaid.

(4) Subject to the provisions of these Regulations regarding retention of certifying documents required under sub-regulation (3), a release to service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(5) In this Regulation, the expression “repair” includes, in relation to a compass, the adjustment and compensation thereof and the expression “repaired” shall be construed accordingly.

**Aircraft, engine and propeller log books.**

39. (1) In addition to any other log books required pursuant to these Regulations the following log books shall be kept in respect of an aircraft registered in Saint Christopher and Nevis—

(a) an aircraft logbook;

(b) a separate log book in respect of each engine fitted in the aircraft; and

(c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

(2) The log books shall include the particulars respectively specified in Part 5 of the Schedule.
(3) An entry in the log book, other than an entry as is referred to in Part 5 of the Schedule shall be made as soon as practicable after the occurrence to which it relates.

(4) An entry in the log book, being such an entry as is referred to in Part 5 of the Schedule shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(5) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of these Regulations, to be part of the log book.

(6) The operator of every aircraft in respect of which log books are required to be kept pursuant to this Regulation, shall keep the log books or cause them to be kept in accordance with the provisions of this Regulation.

(7) Subject to the provisions regarding retention of documents, every log book shall be preserved by the operator of an aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule.

40. (1) An aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Authority may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed pursuant to sub-regulation (1), the operator of the aircraft shall prepare a weight schedule showing—

(a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Authority in the case of that aircraft; and

(b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(3) Subject to the provisions for retention of documents, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this Regulation.

CHAPTER 6
APPROVED MAINTENANCE ORGANISATION

Application of Part 6 of the Schedule.

41. Subject to the provisions of this Chapter, the provisions of Part 6 of the Schedule apply to the issuing of approvals to organisations for maintenance,
preventative maintenance and modifications of aircraft and aeronautical products and the general operating rules for an approved maintenance organisation.

**Requirement for approved maintenance organisation certificate.**

42. A person shall not carry on the design, manufacture, distribution, maintenance, modification or repair of aircraft, aircraft components or aircraft materials, or any training activities associated therewith unless that person holds a valid approved maintenance organisation certificate in accordance with these Regulations and Part 6 of the Schedule and the conditions subject to which the approved maintenance organisation certificate was issued are complied with.

**Application for approved maintenance organisation certificate.**

43. An organisation intending to engage, in any stage of the design, manufacture, distribution, maintenance, modification or repair of aircraft, aircraft components or aircraft materials, or in training activities associated therewith, may in the form prescribed by the Authority apply to the Authority for an approved maintenance organisation certificate in respect of those activities.

**Grant of approved maintenance organisation certificate.**

44. (1) In granting an approved maintenance organisation certificate to an organisation situated outside Saint Christopher and Nevis, the Authority may take into account, in relation to such organisation, the possession of a certificate of approval issued by the manufacturer of the aircraft, aircraft components or materials and by the licensing authority of the State in which the organisation is located.

(2) The Authority may issue an approved maintenance organisation certificate to an organisation which it is satisfied is fit, having regard in particular to its previous conduct, or if there is evidence of unlawful conduct in aviation or previous breaches of aviation regulations and which complies with the requirements of Part 6 of the Schedule as to facilities, resources, tools and equipment, data and documentation, and systems of quality control, adequate for the activities applied for and shall have in place a maintenance manual approved by the Authority that lays out the processes, procedures and quality systems applicable to its activities.

**Form and conditions of approved maintenance organisation certificate.**

45. An approved maintenance organisation certificate shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined from time to time by the Authority.

**Duration of approved maintenance organisation certificate.**

46. An approved maintenance organisation certificate shall remain in force for such period as may be specified in the certificate, but may be reviewed by the Authority from time to time to determine that the holder remains fit and qualified in accordance with the requirements of Part 6 of the Schedule.
CHAPTER 7
AIRCRAFT INSTRUMENTS AND EQUIPMENT

Application of Part 7 of the Schedule.

47. Subject to the provisions of this Chapter, the provisions of Part 7 of the Schedule apply to the minimum instrument and equipment requirements for all aircraft in all operations.

Requirement for instruments and equipment.

48. (1) A person shall not fly or operate an aircraft in or over Saint Christopher and Nevis unless it is so equipped as to comply with the law of the State in which it is registered.

(2) In the case of an aircraft registered in Saint Christopher and Nevis or operated by the holder of an air operator certificate issued pursuant to these Regulations, the instruments and equipment required to be provided, in addition to any other equipment required by or under these Regulations, shall be that specified in Part 7 of the Schedule as are applicable in the circumstances and shall comply with the provisions of that Part and the equipment, shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Authority may direct that an aircraft registered in Saint Christopher and Nevis or operated by the holder of an air operator certificate issued pursuant to these Regulations shall carry such additional or special equipment or supplies as the Authority may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft and in particular in every aircraft operated by the holder of an air operator certificate issued pursuant to these Regulations.

(6) The holder of an air operator certificate shall provide for each passenger individually, or if the Authority so permits in writing, exhibited in a prominent position in every passenger compartment, a notice relevant to the aircraft in question containing the pictorial required by the provisions of Part 9 of the Schedule.

(7) All instruments and equipment installed or carried in an aircraft, whether or not in compliance with this Regulation, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(8) Without prejudice to sub-regulation (2), all navigational equipment when carried in an aircraft registered in Saint Christopher and Nevis (whether or not in compliance with these Regulations) shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(9) An aircraft registered in Saint Christopher and Nevis, or operated by the holder of an air operator certificate issued pursuant to these Regulations, engaged on
a flight for the purpose of commercial air transport shall carry navigational equipment in accordance with the requirements or air traffic services in the areas of operation as required by Part 7 of the Schedule, approved by the Authority under the requirements of the applicable Parts and used in accordance with any conditions subject to which that approval may have been given.

Radio equipment and requirements.

49. (1) A person shall not fly or operate an aircraft in or over Saint Christopher and Nevis unless it is so equipped with radio and radio navigation equipment as to comply with these Regulations or the law of the State in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of these Regulations.

(2) An aircraft shall be equipped with radio and radio navigation equipment in accordance with Part 7 of the Schedule.

(3) In any particular case the Authority may direct that an aircraft registered in Saint Christopher and Nevis or operated by the holder of an air operator certificate issued pursuant to these Regulations shall carry such additional or special radio or radio navigation equipment as the Authority may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed, the radio and radio navigation equipment provided in compliance with this Regulation in an aircraft registered in Saint Christopher and Nevis or operated by the holder of an air operator certificate issued pursuant to these Regulations shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in Saint Christopher and Nevis or operated by the holder of an air operator certificate issued pursuant to these Regulations or carried on such an aircraft for use in connection with the aircraft shall be of a type approved by the Authority in relation to the purpose for which it is to be used, and shall, be installed in a manner approved by the Authority and neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Authority.

Minimum equipment requirements.

50. (1) A person shall not operate an aircraft pursuant to these Regulations unless the aircraft complies with the minimum instrument and equipment requirements of Part 7 of the Schedule, and in the case of a holder of an air operator certificate, the approved minimum equipment list, for the route, altitude, and type of operations being conducted.

(2) The Authority may, subject to such conditions as the Authority thinks fit, grant in respect of any aircraft or class of aircraft registered in Saint Christopher and Nevis an authorisation to allow such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment, including radio apparatus, required pursuant to these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(3) An aircraft registered in Saint Christopher and Nevis or operated by the holder of an air operator certificate issued pursuant to these Regulations shall not commence a flight if any of the equipment, including radio apparatus, required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use—
(a) otherwise than under and in accordance with the terms of a special authorisation which has been granted to the operator;

(b) unless in the case of an aircraft to which the flight and operations manuals required thereby contain the particulars specified for such operations; and

(c) in accordance with a minimum equipment list approved by the Authority, identifying the minimum equipment and condition for an aircraft to maintain the certificate of airworthiness in force and defining operational procedures necessary to deal with inoperative equipment and prescribing maintenance procedures necessary to maintain the required level of safety and secure any inoperative equipment.

CHAPTER 8
OPERATIONS

Application of Part 8 of the Schedule.

51. Subject to the provisions of this Chapter, the provisions of Part 8 of the Schedule apply to the requirements for—

(a) operations conducted by an airman licensed in Saint Christopher and Nevis while operating an aircraft registered in Saint Christopher and Nevis;

(b) operations of an aircraft registered in a State other than Saint Christopher and Nevis by a holder of an air operator certificate issued in Saint Christopher and Nevis;

(c) operations of an aircraft within Saint Christopher and Nevis by an airman or an air operator holding a certificate issued by a State other than Saint Christopher and Nevis;

(d) for operations outside of Saint Christopher and Nevis by an airman or operator registered in Saint Christopher and Nevis unless compliance would result in a violation of the laws of the State in which the operation is conducted; and

(e) any other matter specified in that Part.

Prohibition on operations.

52. (1) A person shall not operate an aircraft—

(a) registered in Saint Christopher and Nevis;

(b) in or over Saint Christopher and Nevis;

(c) outside of Saint Christopher and Nevis, in the case of a person who is the holder of a valid air operator certificate issued pursuant to these Regulations,

unless the person complies with the requirements specified in sub-regulation (2).

(2) The requirements referred to in sub-regulation (1) are that—
(a) the aircraft is in compliance with the aircraft requirements specified in these Regulations and Part 8 of the Schedule;

(b) the flight crew comply with the flight crew requirements, duties and responsibilities specified in these Regulations including Part 8 of the Schedule;

(c) the flight complies with the requirements specified in these Regulations including Part 8 of the Schedule for all passenger-carrying operations;

(d) the flight plans, flight planning and other pre-flight preparations comply with the requirements specified in these Regulations and Part 8 of the Schedule;

(e) the flight is conducted in compliance with the flight rules specified in these Regulations including Part 8 of the Schedule unless, in the case of an aircraft being flown outside of Saint Christopher and Nevis, such compliance would result in non-compliance with a law or Regulation of the State over which it being flown;

(f) the flight is conducted in compliance with the requirements specified in these Regulations for operations in controlled flight unless, in the case of an aircraft being flown outside of Saint Christopher and Nevis, such compliance would result in non-compliance with a law or Regulation of the State over which the aircraft is being flown.

(3) A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

(4) A person in an aircraft registered in Saint Christopher and Nevis or elsewhere, shall obey all lawful commands which the pilot-in-command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

(5) A person shall not while in an aircraft—

(a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;

(b) behave in a threatening, abusive, insulting or disorderly manner towards a member or the crew of the aircraft; or

(c) intentionally interfere with the performance of the crew of an aircraft of his duties.

(6) A person shall not tamper with or remove any safety equipment on board an aircraft, unless so instructed by a crew member.

CHAPTER 9

AIR OPERATOR CERTIFICATION AND OPERATIONS

Application of Part 9 of the Schedule.

53. Subject to the provisions of this Chapter, the provisions of Part 9 of the Schedule apply to—
(a) the carriage of passengers, cargo or mail for remuneration, hire or reward by persons whose principal place of business or permanent residence is located in Saint Christopher and Nevis;

(b) the requirements for the original certification and continued validity of air operator certificates issued in Saint Christopher and Nevis; and

(c) all commercial air transport operations by holders of air operator certificates for which Saint Christopher and Nevis is the State of the operator pursuant to the definitions provided in Annex 6 to the Chicago Convention.

Requirement for an air operator certificate.

54. (1) For the purposes of these Regulations a person shall be deemed to be engaged in providing commercial air transport to, from, in or over Saint Christopher and Nevis if that person or agent of that person—

(a) has undertaken any form of advertising to carry passengers or property by aircraft to, from, in or over Saint Christopher and Nevis for remuneration or valuable consideration;

(b) offers verbally or otherwise to carry passengers or property by aircraft to, from, in or over Saint Christopher and Nevis for remuneration or valuable consideration;

(c) provides or advertises an arrangement for meals, lodging or travel, or any other “all-inclusive” method of pricing, for compensation, in which the travel by aircraft to, from, in or over Saint Christopher and Nevis is included at gratis or is compensated;

(d) carries passengers or property by aircraft to, from, in or over Saint Christopher and Nevis for remuneration or valuable consideration.

(2) A person shall not engage in commercial air transport to, from, in or over Saint Christopher and Nevis, unless that person is a foreign air carrier in which case Chapter 10 applies or holds a valid air operator certificate issued in accordance with these Regulations and Part 9 of the Schedule and the conditions subject to which the air operator certificate was issued are complied with and—

(a) the initial certification requirements for commercial air transport operations pursuant to Part 9 of the Schedule are complete;

(b) the operations are in conformity with the authorisations and limitations of the air operator certificate issued pursuant to the requirements of Part 9 of the Schedule;

(c) the aircraft is specifically authorised by serial and registration number for the operations of the holder of the air operator certificate in accordance with Part 9 of the Schedule;

(d) the operations are in conformity with the applicable requirements of the security programme specified in Part 9 of the Schedule;

(e) the aircraft is maintained in accordance with the applicable maintenance requirements of Parts 5, 6 and 9 of the Schedule;

(f) the passenger-carrying requirements are complied with pursuant to Part 9 of the Schedule;
(g) the assigned aviation personnel are qualified and current in conformity with the minimum qualification, training and checking of Part 9 of the Schedule;

(h) the assigned aviation personnel are in conformity with the duty and flight time and minimum rest periods specified in Part 9 of the Schedule;

(i) the flight is released in conformity with the flight release requirements specified in Part 9 of the Schedule;

(j) the mass and balance and performance requirements specified in Part 9 of the Schedule are complied with.

Application for an air operator certificate.

55. A person wishing to engage in commercial air transport to, from, in or over Saint Christopher and Nevis may in the form prescribed by the Authority apply to the Authority for an air operator certificate.

Grant of an air operator certificate.

56. (1) The Authority may grant to a person applying, an air operator certificate if the Authority is satisfied that person is fit, having regard in particular to his previous conduct, or if there is evidence of unlawful conduct in aviation or previous breaches of aviation regulations, is competent and capable, having regard to the person’s previous conduct and experience, equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified.

(2) In exercising the functions pursuant to sub-regulation (1), the Authority shall have regard to such of the following as are applicable—

(a) the nationality of the applicant and whether the grant or refusal of the application is in the public interest;

(b) any uneconomic duplication or uneconomic overlapping of air services that might result from the grant of the application;

(c) the ability of the applicant to meet its financial obligations, actual or potential;

(d) the likelihood of the applicant being able to provide air services which are satisfactory from the point of view of safety, regularity, frequency of operation, level of charges and general standard and efficiency and, in the case of an application for renewal or variation of a certificate, whether the applicant’s existing air services are satisfactory;

(e) whether or not the aircraft proposed to be used and the air services proposed to be provided are suited to the airports and airport facilities to be used;

(f) any obligations imposed upon Saint Christopher and Nevis by international agreement or treaty;

(g) any other matter which is, in the opinion of the Authority, relevant to the application.

(3) Without prejudice to the generality of sub-regulations (1) and (2)—
(a) the applicant must possess a management organisation capable of exercising operational control and supervision over any flight operated under the terms of its air operator certificate;

(b) the applicant must have nominated an accountable manager, acceptable to the Authority, who has responsibility for ensuring that all maintenance relating to the operator’s aircraft is carried out in accordance with the approved maintenance programme and to the standard required by the Authority; and

(c) the applicant shall produce evidence that he has capacity to comply with the provisions of the Parts of the Schedule specifically applicable to a holder of an air operator certificate prior to issuance of the air operator certificate, including Parts 7, 8, 9 & 10 of the Schedule.

Conditions of an air operator certificate.

57.  (1) An air operator certificate may be granted subject to such conditions as the Authority considers appropriate.

(2) An air operator certificate shall remain in force for the period specified in Part 9 of the Schedule, but may be reviewed by the Authority from time to time to determine that the holder is fit and qualified in accordance with the requirements of Part 9 of the Schedule.

(3) A holder of an air operator certificate shall maintain the required standards of operations established in these Regulations in the conduct of its commercial air transport operations.

Authority to maintain system of continued surveillance.

58. The Authority shall establish a system of continued surveillance to ensure that the holder of an air operator certificate maintains the required standards of operations established in these Regulations.

Shipping and acceptance of dangerous goods.

59.  (1) A person shall not on an aircraft, ship, cause to be shipped, accept for shipment or allow to be carried, any dangerous goods unless so authorised by the Authority.

(2) A person shipping articles or substances that may be dangerous goods shall declare such goods in the shipping papers and cause such articles to be so marked.

(3) A person shall not operate or cause to be operated an aircraft carrying dangerous goods unless such carriage is approved by the Authority.

(4) The approval of the Authority pursuant to this Regulation shall not have the effect of dispensing with any permission required under any other law in force in Saint Christopher and Nevis.

Munitions of war.

60.  (1) An operator shall not carry or cause or allow to be carried on an aircraft, any munitions of war unless—

(a) the munitions of war are carried with the written permission of the Authority and in accordance with any conditions relating thereto; and
(b) the pilot-in-command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munitions of war on board or suspended beneath the aircraft and any conditions of the permission of the Authority.

(2) Notwithstanding sub-regulation (1) an operator shall not carry or cause or allow to be carried any weapon or munitions of war in any compartment or apparatus to which passengers have access.

(3) A person shall not carry or have in his or her possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munitions of war unless—

(a) the weapon or munitions of war—

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon;

(ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; or

(iii) in the case of a firearm, is unloaded; and

(b) particulars of the weapon or munitions of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and

(c) the operator consents to the carriage of such weapon or munitions of war by the aircraft.

(4) Nothing in this Regulation shall apply to any weapon or munitions of war taken or carried on board an aircraft in Saint Christopher and Nevis registered in a State other than Saint Christopher and Nevis, if the weapon or munitions of war, as the case may be, may under the law of the State in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this Regulation a “munitions of war” means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, and includes parts, whether components or accessories, for such weapon, ammunition or article.

(6) The approval of the Authority pursuant to this Regulation shall not have the effect of dispensing with any permission required under any other law in force in Saint Christopher and Nevis.

CHAPTER 10

COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS WITHIN SAINT CHRISTOPHER AND NEVIS

Application of Part 10 of the Schedule.

61. (1) Subject to sub-regulation (2), the provisions of Part 10 of the Schedule apply to the operation of any civil aircraft for the purpose of commercial air
transportation operations by a person whose air operator certificate is issued or controlled by a licensing authority in a State other than Saint Christopher and Nevis (in these Regulations referred to as a “foreign air operator”).

(2) The provisions of Part 10 of the Schedule do not apply to aircraft when used by military, customs, and police services, which are not used for hire or reward.

**Foreign air operator commercial air transport requirements.**

62. A foreign air operator shall not engage in commercial air transportation operations to, from, in or over Saint Christopher and Nevis contrary to the requirements of—

(a) Part 10 of the Schedule;
(b) the applicable paragraphs of Parts 7 and 8 of the Schedule; and
(c) the standards contained in ICAO Annex 6, Parts I and III.

**CHAPTER 11**

**AERIAL WORK**

**Application of Part 11 of the Schedule.**

63. Subject to the provisions of this Chapter, the provisions of Part 11 of the Schedule apply to aerial work within Saint Christopher and Nevis.

**Requirement for certificate.**

64. A person shall not operate an aircraft in aerial work within Saint Christopher and Nevis, unless the person is the holder of a valid certificate for the purpose of that aerial work issued pursuant to these Regulations and to Part 11 of the Schedule and the conditions subject to which the certificate was issued are complied with.

**Prohibition on dropping of articles.**

65. An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than in accordance with the terms of a certificate granted to the operator of the aircraft for the purposes of that aerial work pursuant to these Regulations.

**Grant of certificate for aerial work.**

66. (1) The Authority may grant a certificate for the purpose of aerial work to any person applying therefor if the Authority is satisfied that person is a fit person, having regard in particular to his previous conduct, or if there is evidence of unlawful conduct in aviation or previous breaches of aviation regulations, is a competent person to hold the certificate, having regard in particular to that person’s previous conduct and experience, the equipment, organisation, staffing and other arrangements for that purpose, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in the certificate.

(2) A certificate for the purpose of aerial work may be granted subject to such conditions as the Authority thinks fit including, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.
Duration of certificate for aerial work.

67. A certificate for the purpose of aerial work shall remain in force for the period specified in the issued authorisation, but may be reviewed by the Authority from time to time to determine whether the holder is fit and qualified in accordance with requirements of Part 11.

Aerial application manual.

68. (1) An applicant for and holder of a certificate for the purpose of aerial work shall make available to the Authority upon application and to every member of the operating staff upon the certificate being granted, an aerial application manual containing all such information and instructions as may be necessary to enable the operating staff to perform their duties.

(2) The holder of a certificate shall make such amendments of or additions to the manual as the Authority may require.

Towing, picking up and raising of persons and articles.

69. (1) Subject to the provisions of this Regulation and the requirements of Part 11 of the Schedule, an aircraft in flight over Saint Christopher and Nevis shall not, by means external to the aircraft, tow any article, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the State in which the aircraft is registered, includes an express provision that it may be used for that purpose.

(2) Nothing in this Regulation shall—

(a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal apparatus required or permitted pursuant to these Regulations to be towed or displayed by an aircraft in flight;

(b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life.

Dropping of animals and articles.

70. (1) Subject to sub-regulation (3), articles and animals, whether or not attached to a parachute, shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to sub-regulation (3), except in accordance with the terms of a certificate for the purpose of aerial work and the requirements of Part 11 of the Schedule, articles and animals, whether or not attached to a parachute, shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Saint Christopher and Nevis.

(3) This Regulation shall not apply to the dropping of articles by, or with the authority of, the pilot-in-command of the aircraft in any of the following circumstances—

(a) the dropping of articles for the purpose of saving life;

(b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
(c) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;

(d) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by the aircraft;

(e) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given;

(f) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

(4) For the purposes of this Regulation dropping includes projecting and lowering.

(5) Nothing in this Regulation shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the State in which it is registered includes an express provision that it may be used for that purpose.

Dropping of persons.

71. (1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over Saint Christopher and Nevis except under and in accordance with the terms of an authorisation granted by the Authority for that purpose.

(2) For the purposes of this Regulation dropping includes projecting and lowering.

(3) Notwithstanding the grant of an authorisation pursuant to sub-regulation (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the State in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the authorisation granted by the Authority for that purpose.

(5) Every applicant for and every holder of an authorisation pursuant to sub regulation (1) shall make available to the Authority if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Authority may require.

(6) The holder of an authorisation shall make available to every employee or person who is or may engage in parachuting activities conducted by that holder, the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(7) Without prejudice to any other provision of these Regulations the Authority may, for the purpose of this Regulation, accept reports furnished to the
Authority by a person whom the Authority may approve, subject to such conditions as the Authority thinks fit, as qualified to furnish such reports.

(8) Nothing in this Regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this Regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this Regulation shall prohibit the lowering of any person from a helicopter to the surface in Saint Christopher and Nevis, if the certificate of airworthiness in respect of the helicopter under the law of the State in which it is registered includes an express provision that it may be used for that purpose.

Aerial photography and survey from aircraft.

72. (1) A person shall not operate an aircraft over Saint Christopher and Nevis for the purpose of aerial photography, aerial survey or for the purpose of any other form of aerial work except with an authorisation of the Authority granted for that purpose to the operator or the charterer of the aircraft and in accordance with any conditions to which such authorisation may be subject.

(2) Any breach by a person to whom an authorisation has been granted pursuant to this Regulation of any condition to which that authorisation is subject shall constitute a contravention of this Regulation.

Exhibitions of flying aircraft races or contests.

73. (1) A person shall not act as the organiser (in this Regulation referred to as ‘the exhibition organiser’) of an exhibition of flying, an aircraft race or contest at an organised event (in this Regulation referred to as an ‘organised event’) which event the exhibition organiser reasonably believes is likely to be attended by more than two hundred persons and which event consists wholly or partly of an exhibition of flying, aircraft race or contest unless at the time at which such an organised event commences the exhibition organiser has obtained the permission in writing of the Authority for that organised event and complies with any conditions therein specified and the requirements of Part 8 of the Schedule.

(2) The pilot-in-command of an aircraft intending to participate in an organised event for which a permission is required by virtue of sub-regulation (1) shall take all reasonable steps to satisfy himself or herself before he or she participates that—

(a) the exhibition organiser has been granted such permission;

(b) the flight can comply with any relevant conditions subject to which that permission is granted; and

(c) the pilot has been granted an authorisation appropriate to the intended flight.

(3) The pilot-in-command of an aircraft participating in an organised event for which permission required by sub-regulation(1) has been granted shall comply with any conditions subject to which that permission is granted.

(4) A person shall not act as pilot of an aircraft participating in an organised event for which permission is required pursuant to sub-regulation (1) unless the person holds an authorisation appropriate to the intended flight granted to him or her by the Authority and he or she complies with any conditions thereof.
(5) The exhibition organiser shall not permit any person to act as pilot of an aircraft which participates in an organised event for which permission is required pursuant to sub-regulation(1) unless such person holds a display authorisation appropriate to the intended flight granted by the Authority.

(6) The Authority shall grant the permission required pursuant to sub-regulation (1) to any person applying therefor if the Authority is satisfied that that person is a fit and competent person, having regard in particular to that person’s previous conduct and experience, the organisation, staffing and other arrangements for the activity, to safely organise the proposed exhibition of flying.

(7) The permission pursuant to sub-regulation (1) may be granted subject to such conditions, which may include conditions in respect of military aircraft, as the Authority thinks fit and shall, if there is continued compliance, remain in force for the period specified in the permission.

(8) The Authority shall, for the purposes of this Regulation, either unconditionally or subject to such conditions as the Authority thinks fit—

(a) grant a display authorisation authorising the holder to act as pilot of an aircraft taking part in an exhibition of flying in respect of which a permission is required pursuant to sub-regulation (1) upon the Authority being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his or her knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Authority may require of him or her; and

(b) authorise a person to conduct such examinations or tests as the Authority may specify.

(9) A display authorisation granted in accordance with this Regulation shall, if the Authority is satisfied that the person to whom it was granted remains in compliance with the authorisation, remain in force for the period indicated in the display authorisation.

(10) An exhibition organiser shall not permit any military aircraft to participate in an exhibition of flying for which permission is required pursuant to sub-regulation (1) unless the organiser complies with the conditions specified in respect of military aircraft subject to which such permission is granted.

CHAPTER 12

AIRCRAFT ACCIDENT REPORTING AND INVESTIGATION REQUIREMENTS

Application of Part 12 of the Schedule.

74. Subject to the provisions of this Chapter, the provisions of Part 12 of the Schedule apply to the requirements for—

(a) initial notification and later reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft—

(i) when they involve a civil aircraft registered in Saint Christopher and Nevis wherever they occur;

(ii) when they involve public aircraft, wherever they occur; and
(iii) when they involve a foreign civil aircraft where the events occur in Saint Christopher and Nevis;

(b) preservation of aircraft wreckage, mail, cargo, and records involving all civil and certain public aircraft accidents, as specified in Part 12 of the Schedule.

**Requirement for accident reporting and investigation.**

75. (1) The operator or pilot-in-command of—

(a) an aircraft which is registered in Saint Christopher and Nevis; or

(b) a commercial air transport aircraft not registered in Saint Christopher and Nevis but operated by the holder of an air operator certificate issued in Saint Christopher and Nevis,

who is involved in, observes or knows of an aircraft accident shall make the report to the Authority as prescribed in Part 12 of the Schedule.

(2) A person shall not make any report pursuant to this Regulation which is false in any material particular.

(3) A person shall comply with the necessary steps of accident investigation of Part 12 of the Schedule as requested by the Authority or an authorised person assigned to investigate the accident.

**CHAPTER 13**

**FLIGHT SAFETY DIVISION**

**Establishment and functions of a Flight Safety Division.**

76. The Authority shall establish a Flight Safety Division comprised of technically qualified aviation safety inspectors to conduct the necessary technical evaluations, inspections and investigations required to meet Saint Christopher and Nevis’s ICAO responsibilities for safety oversight for—

(a) registration of aircraft;

(b) airworthiness of aircraft;

(c) personnel licensing;

(d) operations of aircraft;

(e) aerial work;

(f) commercial air transport;

(g) carriage of dangerous goods; and

(h) accident investigation.

**Delegation of powers to Director.**

77. The Authority shall appoint a person to be the Director of the Flight Safety Division and the Director of the Flight Safety Division shall have the delegated authority to issue any licence, authorisation, rating, certificate, approval or other written document in support of the functions assigned to it and to perform such acts
and to conduct such investigations on behalf of the Director-General pursuant to these Regulations.

**Issue of circulars, notices etc.**

78. The Flight Safety Division may by means of aviation information circulars, advisory circulars, aeronautical information publications, notices to airmen, notices of non-compliance, and other documents develop, issue and revise instructions, directions, rules and procedures or prescribe requirements to give effect to the provisions of the Chicago Convention and the Annexes thereto and the Standards and Recommended Practices of ICAO as well as the provisions of the Act and of these Regulations, relating to the operation, use, possession, maintenance or operations of aircraft flying in or over Saint Christopher and Nevis or of aircraft registered in Saint Christopher and Nevis or of aircraft operated by the holder of an air operator certificate issued pursuant to these Regulations.

**Authorising credential.**

79. (1) The aviation safety inspectors assigned to the Flight Safety Division shall have the status of authorised persons pursuant to these Regulations and shall be issued a unique credential for the performance of their functions.

(2) A person shall not possess or use these aviation safety inspector credentials unless—

   (a) that person is employed by the Eastern Caribbean Civil Aviation Authority to perform the functions of the Flight Safety Division; and

   (b) the person is using the credential in the performance of a specific function of the Flight Safety Division.

**Powers and duties of authorised persons.**

80. (1) An authorised person, may carry out audits or surveillance or require any person to produce documents or any other article for the purpose of investigating or enforcing compliance with these Regulations.

(2) A person who is required in terms of sub-regulation (1) to produce a document or other article—

   (a) shall not make a statement that is false in any material particular;

   (b) shall produce the document or other article which is in his or her possession or control or to which he or she has access.

(3) An authorised person may—

   (a) enter and inspect—

      (i) any aerodrome, hangar or other place at which an aircraft is located or stored;

      (ii) an aircraft; or

      (iii) any organisation performing tasks and services related to aviation safety; and

   (b) to inspect aircraft equipment, components, materials, facilities, personnel or crewmembers,

for the purpose of ensuring that the provisions of the Act and these Regulations have been, or are being complied with.
(4) Where it appears to an authorised person that an aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, the person may detain the aircraft or take such other action necessary for the purpose of inspecting the aircraft or causing the circumstances of the flight to be investigated.

(5) Where an aircraft has been detained pursuant to sub-regulation (4) it shall not be operated until the Authority, being satisfied that these Regulations are being complied with, approves or until such modifications or repairs have been effected as the Authority considers necessary to render the aircraft fit for flight.

(6) For the purpose of exercising his or her responsibilities under these Regulations any authorised person shall be issued with and carry at all times a means of identification specifying the unique credential referred to in Regulation 79(1);

(7) A person shall not intentionally obstruct or impede any authorised person acting in the exercise of his powers or the performance of his or her duties pursuant to these Regulations.

Access and inspection.

81. (1) The Authority may cause such evaluations, inspections, investigations, tests, experiments, or flight trials to be made as it considers necessary for the purposes of these Regulations.

(2) A person authorised in writing by the Authority to conduct inspections, investigations and observations referred to in sub-regulation (1) may, at any reasonable time, with free and uninterrupted access, inspect any aircraft, personnel, facilities, and records in operations subject to these Regulations.

(3) The Director-General or any person authorised by the Director-General in writing shall have the right of access at all reasonable times—

(a) to any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document which the Director-General may, in terms of these Regulations, demand, or for the purpose of detaining the aircraft in terms of these Regulations;

(b) to any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document which it or such person has power, in terms of these Regulations, to demand or for the purpose of detaining the aircraft in terms of these Regulations;

(c) to any aircraft, for the purpose of checking, whilst in flight, the performance of the aircraft or any of its equipment and the efficiency of flight crew members in the performance of their duties:

Provided that the safety of commercial operations of the aircraft shall not be unduly prejudiced by the exercise of the right of access in terms of this Regulation.

Power to inspect and copy.

82. (1) An authorised person may inspect and copy any document issued pursuant to these Regulations.

(2) A person shall not obstruct, impede or otherwise interfere with the copying of the documents referred to in sub-regulation (1) by an authorised person.
Production of documents and records.

83. (1) A person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person the documents which he or she is required to have, carry, complete or preserve during the course of his or her activities including airmen licences and medical certificates, operational and maintenance manuals and records as required by these Regulations and the Parts of the Schedule applicable to that activity.

(2) The holder of a document under these Regulations shall, within a reasonable time after being requested to do so by an authorised person, cause the document to be produced to that person.

(3) The requirements of sub-regulation (2) shall be deemed to have been complied with, except in relation to documents required by these Regulations to be carried in the aircraft or kept at an aerodrome, if the document requested is produced to the Flight Safety Division within five days after the request has been made.

Power to prevent aircraft flying.

84. (1) If it appears to the Authority or an authorised person that any aircraft is intended or likely to be flown—

(a) in such circumstances that the flight would be a cause of danger to any person or property whether or not in the aircraft and in contravention of any provision of these Regulations or any directions issued pursuant to these Regulations; or

(b) while in a condition unfit for the flight; or

(c) in such circumstances that any provision under these Regulations or provision relating to the licensing of air transport in Saint Christopher and Nevis would be contravened in relation to the flight,

the Authority or the authorised person may direct the operator or the pilot-in-command of the aircraft that he or she is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Authority or by an authorised person, and the Authority or the authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of sub-regulation (1), the Authority or any authorised person may enter upon an aerodrome and inspect any aircraft.

CHAPTER 14
REPORTS, DOCUMENTS AND RECORDS

Mandatory reporting.

85. (1) The operator or pilot-in-command of an aircraft or a person who carries on the business of inspecting, manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or who signs a release to service, or release to service in respect of such an aircraft, part or equipment shall make the reports to the Authority—
(a) which are specified in these Regulations including the applicable Parts of the Schedule; or

(b) upon the Authority’s request for such information as specified in a notice in writing served upon the person, where the information is in this person’s possession or control and relates to a reportable occurrence which has been reported by the person or by another person to the Authority in accordance with this Regulation.

(2) The reports pursuant to sub-regulation (1), shall be made within such time, by such means, and shall contain such information as is so specified by the Authority and it shall be presented in such form as the Authority may require.

(3) In this Regulation “reportable occurrence” means the following—

(a) an incident relating to the aircraft or any defect in or malfunctioning of the aircraft or any part or equipment of the aircraft, being an incident, malfunctioning or defect endangering, or which, if not corrected, would endanger, the aircraft, its occupants, or any other person;

(b) a defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of an aircraft, being a defect or malfunctioning endangering, or which, if not corrected, would endanger, an aircraft or its occupants.

(4) Subject to sub-regulation (1)(a), nothing in this Regulation shall require a person to report any occurrence which the person has reason to believe has been or will be reported by another person to the Authority in accordance with this Regulation.

(5) A person shall not make any report under this Regulation which he or she knows or has reason to believe is false in any material particular.

Documents to be carried.

86. The operator or pilot in command of an aircraft shall not fly in or over Saint Christopher and Nevis unless the aircraft carries the documents which it is required to carry under these Regulations or the law of the State in which it is registered:

Provided that in the case of an aircraft registered in Saint Christopher and Nevis, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any State other than Saint Christopher and Nevis, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Preservation of documents.

87. (1) A person required pursuant to these Regulations and the applicable Parts of the Schedule to preserve any document or record shall continue to preserve that document or record, and in the event of his or her death the duty to preserve the document or record shall fall upon his or her designated representative.

(2) A person assigned under these Regulations and the applicable Parts to preserve any document or record shall continue to preserve that document or record until such time as the responsibility may be transferred to another assigned person.

Offences relating to documents and records.

88. (1) A person shall not with intent to deceive—
(a) use any certificate, licence, rating, authorisation, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he or she is not entitled; or

(b) lend any certificate, licence, rating, authorisation, approval, permission, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or

(c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, rating, authorisation, approval, permission or exemption or other document.

(2) A person shall not intentionally—

(a) damage, alter or render illegible any record; or

(b) knowingly make, or procure or assist in the making of, any false entry in or material omission from a; or

(c) destroy a record during the period for which it is required under these Regulations to be preserved.

(3) All entries made in hand writing in a record shall be made in ink or indelible pencil.

(4) A person shall not issue or purport to issue any certificate for the purposes of these Regulations or any directions made thereunder unless the person is authorised to do so under these Regulations and has satisfied himself that all statements in the certificate are correct.

CHAPTER 15
ENFORCEMENT OF REGULATIONS

Provisional action by Authority.

89. Where any of these Regulations are contravened the Director-General may, if the Director-General thinks fit, provisionally and pending inquiry take action to enforce the Regulations that have been contravened, including—

(a) the re-examination of the original certification basis or competence;

(b) the imposition of monetary penalties for the contravention of Regulations made under section 51 of the Act;

(c) the variation, suspension or revocation of a document; and

(d) the prevention of flying.

Variation, suspension cancellation and refusal to renew documents.

90. (1) Subject to sub-regulation (5), the Director-General may, on sufficient ground being shown to his satisfaction after due inquiry, vary, suspend or revoke a document.
(2) Save as provided by paragraph (3), the Director-General may exercise his or her powers under sub-regulation (1) only after notifying the holder of a document of the intention to do so and after due consideration of the case.

(3) The holder or any person having the possession or custody of any document, which has been varied, suspended or revoked pursuant to these Regulations shall surrender it to the Director-General within the time specified by the Director-General.

(4) The breach of any condition subject to which any document was issued, other than a licence issued in respect of an aerodrome, shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) Notwithstanding Regulation 89 the Director-General may vary a document if he is satisfied that it is in the interests of aviation safety to do so, whether or not there has been a contravention of these Regulations.

(6) In particular, and without prejudice to the generality of the foregoing, the Authority may exercise its powers pursuant to sub-regulation (1) if it appears to the Authority that the person to whom the document was granted has committed a breach of any condition to which it is subject.

Breaches, offences and penalties.

91.  (1) If any provision of these Regulations or any directions issued pursuant to these Regulations is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command thereof shall without prejudice to the liability of any other person under these Regulations for that contravention be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he or she proves that the contravention occurred without his consent or connivance and that he or she exercised all due diligence to prevent that contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention of these Regulations was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening any provision of these Regulations by reason of that person having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose if he or she proves that he or she did not know or suspect that the flight was for that purpose.

(4) A person who contravenes any of these Regulations commits an offence and is liable on summary conviction to imprisonment for six months or a fine of $5,000 or both.

Reviews and Appeals under Civil Aviation Act Cap 8.03.

92. A person affected by the determination of either the Director-General or a person appointed by the Minister to conduct a review shall have the right of appeal in accordance with section 39 of the Act.
CHAPTER 16

GENERAL

Fees.

93. (1) The Minister on the recommendation of the Authority shall by notice published in the Gazette prescribe the fees for the issue, validation, renewal, extension or variation of any document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations.

(2) Where an application is made in connection with which a fee is chargeable pursuant to these Regulations, the applicant shall be required before the application is considered to pay the whole fee or fees so chargeable.

(3) If, after a fee has been paid, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Authority, the Authority may, subject to the following sub-regulations refund the amount of the fee or part of the fee.

(4) Subject to sub-regulation (5), where the fee paid is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the Authority may refund the amount of the fee so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Authority is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal.

(5) If in any case the amount paid by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Director General, the amount representing the balance of such fee shall be payable by the applicant.

Validation of documents.

94. The Authority shall be able to make reasonable requirements regarding the validation of documents issued by another contracting State as provided for in Part 1 of the Schedule.

Extra-territorial effect of regulations.

95. Except where the context otherwise requires, the provisions of these Regulations shall be applied in accordance with section 3 of the Act

Application of regulations to aircraft not registered in Saint Christopher and Nevis.

96. The Director-General may by directions in writing addressed to the owner or operator of an aircraft, being an aircraft not registered in Saint Christopher and Nevis, but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Saint Christopher and Nevis, ensure compliance with these Regulations.
Waiver.

97. The Authority may issue a waiver from any of the requirements of these Regulations in accordance with sections 54 and 55 of the Act.

Deviation.

98. The Authority may issue a deviation from any of the requirements of these Regulations in accordance with sections 54 and 55 of the Act.

Exemption.

99. The Authority may issue an exemption from any of the requirements of these Regulations in accordance with sections 54 and 55 of the Act.

Power to prohibit or restrict flying.

100. (1) Where the Authority deems it necessary in the public interest to prohibit flying by reason of—

   (a) the intended gathering or movement of a large number of persons;
   
   (b) the intended holding of an aircraft race or contest or of an exhibition in flying; or
   
   (c) national defense or any other reason affecting the public interest,

the Authority may by notice in writing published in the Gazette issue directions prohibiting, restricting or imposing conditions on flight by any aircraft, whether or not registered in Saint Christopher and Nevis, in any airspace over Saint Christopher and Nevis, or by aircraft registered in Saint Christopher and Nevis, in any other airspace, being airspace in respect of which the Government of Saint Christopher and Nevis has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

   (2) Directions issued pursuant to this Regulation may apply either generally or in relation to any class of aircraft.

Non-application to ultra small aircraft.

101. The provisions of these Regulations shall not apply to or in relation to—

   (a) a balloon which at any stage of its flight is not more than 2 meters in any linear dimension including any basket or other equipment attached to the balloon;
   
   (b) a kite weighing not more than 2 kg;
   
   (c) an aircraft weighing not more than 7 kg without its fuel; or
   
   (d) a parascending parachute.

Implementing Standards.

102. (1) The Director shall, from time to time, issue the Implementing Standards which are applicable to these Regulations and which are referred to in the Schedule.

   (2) Implementing Standards issued pursuant to sub-regulation (1) are legally binding and a contravention of any provision of the Implementing Standards is a contravention of these Regulations.
Repeal of Civil Aviation Regulations.

103. (1) The Civil Aviation (Air Navigation) Regulations, set out as the Second Schedule to the Act, other than the provisions set out in sub-regulation (2), are repealed.

(2) The following are the provisions referred to in sub-regulation (1)—

(a) Regulation 31: Aircraft not registered in the Territory – aerodrome operating minima;
(b) Regulation 53: Stowaways;
(c) Regulation 66: Rules of the air and air traffic control;
(d) Regulation 67: Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers;
(e) Regulation 68: Prohibition of unlicensed air traffic controllers, student air traffic controllers and aerodrome flight information service officers;
(f) Regulation 69: Flight information service manual;
(g) Regulation 70: Incapacity of air traffic controllers;
(h) Regulation 72: Balloons, kites, airships, gliders and parascending parachutes;
(i) Regulation 73: Aerodromes: public transport of passengers and instruction in flying;
(j) Regulation 74: Use of Government aerodromes;
(k) Regulation 75: Licensing of aerodromes;
(l) Regulation 76: Radio equipment at aerodromes;
(m) Regulation 77: Records at aerodromes;
(n) Regulation 78: Charges at aerodromes licensed for public use;
(o) Regulation 79: Use of aerodromes by aircraft of Contracting States;
(p) Regulation 80: Noise and vibration caused by aircraft on aerodromes;
(q) Regulation 81: Aeronautical lights;
(r) Regulation 82: Dangerous lights;
(s) Regulation 83: Customs airports;
(t) Regulation 84: Aviation fuel at aerodromes;
(u) Regulation 85: Restriction with respect to carriage for hire or reward in aircraft registered outside the Territory;
(v) Regulation 86: Restriction with respect to aerial photography and survey from aircraft registered outside the Territory;
(w) Regulation 87: Flights over any foreign country;
(x) Schedule 9: Air Traffic Controllers: Ratings;
(y) Schedule 13: Rules of the Air and Air Traffic Control;
(z) Schedule 16: Fees.
SCHEDULE

(Parts 1-12)

PART 1
GENERAL POLICIES, PROCEDURES, AND DEFINITIONS

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PART 1 - GENERAL POLICIES, PROCEDURES, AND DEFINITIONS

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1.1 RULES OF CONSTRUCTION

1.1.1.1 Applicability

(a) These regulations shall apply to all persons operating or maintaining the following—

(1) an aircraft registered in Saint Christopher and Nevis;

(2) an aircraft registered in another Contracting State that is operated by a person licensed by Saint Christopher and Nevis, and must be maintained in accordance with the standards of the aircraft State of Registry, wherever that maintenance is performed;

(3) an aircraft of other Contracting States operating in Saint Christopher and Nevis.

(b) Those regulations addressing persons certificated under any Part of these regulations apply also to any person who engages in an operation governed by any Part of these regulations without the appropriate certificate, operations specification, or similar document required as part of the certification.

(c) The regulations addressing general matters establish minimum standards for all aircraft operated in Saint Christopher and Nevis. Specific standards applicable to the holder of a certificate shall apply if they conflict with a more general regulation.

(d) All foreign air operators who conduct commercial air transport into, from or within Saint Christopher and Nevis, shall be governed by the provisions of the Operations Specification issued by the Authority, and by those provisions in Parts 7, 8, and 10 that specifically address commercial air transport. Regulations that address AOC holders apply only to operators certificated by Saint Christopher and Nevis.

1.1.1.2 Organisation of Regulations

(a) This Schedule is subdivided into five hierarchical categories—

(1) Part refers to the primary subject area.

(2) Subpart refers to any subdivision of a Part.

(3) Section refers to any subdivision of a Subpart.

(4) Subsection refers to the title of a regulation and can be a subdivision of a Subpart or Section.

(5) Paragraph refers to the text describing the regulations. All paragraphs are outlined alphanumerically in the following hierarchical order: (a), (1), (i), (A).

(b) Definitions used throughout these regulations are organised as follows—

(1) all Definitions appear in Part 1, Subsection 1.1.13; and

(2) definitions contained in the Civil Aviation Act of Saint Christopher and Nevis are presented therein, and not in these regulations.

(c) Acronyms used within each Part are defined at the beginning of those Parts and if a definition is supplied, a note will indicate the Part where the definition is located.
(d) Notes appear in Subsections to provide exceptions, explanations and examples to individual requirements.

(e) Subsections may refer to Implementing Standards, which provide additional detailed requirements that support the purpose of the subsection, and where specifically referenced by the subsection, gain the legal force and effect of the referring subsection. The rules of construction, Subsection 1.1.1.1, apply to Implementing Standards.

1.1.1.3 Definitions

(a) For the purpose of these regulations, the following definitions shall apply—

(1) “Acceptable means of compliance” means a method of accomplishing a specific task where the method has been approved by the Authority;

(2) “Acceptance checklist” as it relates to dangerous goods means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

(3) “Acclimatised” means when a crewmember has spent 3 consecutive local nights on the ground within a time zone, which is 2 hours wide and is able to take uninterrupted nights sleep. The crewmember will remain acclimatised thereafter until a duty period finishes at a place where local time differs by more than 2 hours from that at the point of departure;

(4) “Accountable manager” means—

(a) the person who has corporate authority for ensuring that all prescribed actions are performed to the standard required by the Authority; and

(b) any other person within the organisation who the accountable manager, upon approval by the Authority, may delegate in writing all or part of his responsibility;

(5) “Accountable manager (Maintenance)” means the manager who has corporate authority for ensuring that all maintenance, preventive maintenance, and modification required by the aircraft owner/operator can be financed and carried out to the standard required by the Authority. The accountable manager may delegate to another person in the organisation, in writing, to become the accountable manager, when authorised by the Authority;

(6) “Accountable manager (training)” means the manager who has corporate authority for ensuring that all training can be financed and carried out to the standard required by the Authority. The accountable manager may delegate, in writing, to another person in the organisation to become the accountable manager when authorised by the Authority;

(7) “Accredited medical conclusion” means the conclusion reached by one or more medical experts acceptable to the Authority for
the purposes of the case concerned, in consultation with other experts as necessary;

(8) “Accredited representative” As it relates to an aircraft accident, means a person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another party;

(9) “ADS agreement” means an ADS reporting plan that establishes the conditions of ADS data reporting (i.e. data required by the air traffic services or control unit and frequency of ADS reports that have to be agreed to prior to the provision of the ADS services);

(10) “ADS contract” means by which the terms of an ADS agreement will be exchanged between the ground system and the aircraft, specifying under what conditions ADS reports would be initiated, and what data would be contained in the reports.

Note.— The term “ADS contract” is a generic term meaning variously, ADS event contract, ADS demand contract, ADS periodic contract or an emergency mode. Ground forwarding of ADS reports may be implemented between ground systems;

(11) “Advanced flight training device” means a flight training device that has a cockpit that accurately replicates a specific make, model, and type of aircraft cockpit, and handling characteristics that accurately model the aircraft handling characteristics;

(12) “Advisor” As it relates to an aircraft accident, means a person appointed by a State on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;

(13) “Advisory airspace” means an airspace of defined dimensions, or designated route, within which air traffic advisory service is available;

(14) “Advisory route” means a designated route along which air traffic advisory service is available;

(15) “Aerial work” means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc;

(16) “Aerobatic / acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed not necessary for normal flight;

(17) “Aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part, for the arrival, departure and surface movement of aircraft;

(18) “Aerodrome control service” means air traffic control service for aerodrome traffic;

(19) “Aerodrome control tower” means a unit established to provide air traffic control service to aerodrome traffic;
(20) “Aerodrome operating minima” means the limits of usability of an aerodrome for—
   a) take-off, expressed in terms of runway visual range and/or visibility and, if necessary, cloud conditions;
   b) landing in precision approach and landing operations, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation;
   c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H); and
   d) landing in non-precision approach and landing operations, expressed in terms of visibility and/or runway visual range, minimum descent altitude/height (MDA/H) and, if necessary, cloud conditions;

(21) “Aerodrome traffic zone” means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

(22) “Aeronautical experience” means pilot time obtained in an aircraft, approved flight simulator, or approved flight-training device for meeting the training and flight time requirements of these regulations;

(23) “Aeronautical Information Publication (AIP)” is a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

(24) “Aeronautical product” means any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon;

(25) “Aeronautical Station” is a land station in the aeronautical mobile service. In certain instances, an aeronautical station may be located, for example, on board ship or on a platform at sea;

(26) “Aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

(27) “Aeroplane flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crew members on the safe operation of the aeroplane;

(28) “Agricultural aircraft operation” means the operation of an aircraft for the purpose of—
   i) dispensing any substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or
   ii) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects;

(29) “Air-ground control radio station” means an aeronautical telecommunication station having primary responsibility for handling communications pertaining to the operation and control of aircraft in a given area;

(30) “Air navigation facility” means any facility used in, available for use in, or designed for use in aid of air navigation, including aerodromes, landing areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio directional finding, or for radio or other electrical
communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft;

(31) “Air Operator” means any organisation which undertakes to engage in commercial air transport, whether directly or indirectly or by a lease or any other arrangement;

(32) “Air operator certificate (AOC)” means a certificate authorizing an operator to carry out specified commercial air transport operations;

(33) Air-taxiing” means movement of a helicopter/VTOL above the surface of an aerodrome, normally in ground effect and at a ground speed normally less than 37km/h (20kt);

Note – the actual height may vary, and some helicopters may require airtaxiiing above 8m (25ft) AGL to reduce ground effect turbulence or provide clearance for cargo slingloads;

(34) “Air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

(35) “Air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on IFR flight plans;

(36) “Air Traffic Control” means a service that promotes the safe, orderly, and expeditious flow of air traffic at aerodromes and during the approach, departure, and en route environments;

(37) “Air traffic control clearance” means authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

(38) “Air Traffic Control (ATC) facility” means a building holding the persons and equipment responsible for providing ATC services (e.g., airport tower, approach control, centre). May also be called air traffic control unit;

(39) “Air traffic control service” means a service provided for the purpose of—

(a) preventing collisions between—

1. between aircraft;

2. on the manoeuvring area, between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

(40) “Air traffic control unit” is a generic term meaning variously, area control centre, approach control unit or aerodrome control tower;

(41) “Air traffic services airspaces” means airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

(42) “Air traffic services reporting office” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

(43) “Air traffic services unit” is a generic term meaning variously, air traffic control unit, flight information centre or air traffic services reporting office;

(44) “Airborne collision avoidance system (ACAS)” is an aircraft system based on secondary surveillance radar (SSR) transponder signals which operates independently of ground based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders;
(45) “Aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

(46) “Aircraft accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

- A person is fatally or seriously injured as a result of—
  - Being in the aircraft;
  - Direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
  - Direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew.

- The aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or the aircraft is missing or is completely inaccessible;

(47) “Aircraft avionics” means a term designating any electronic device – including its electrical part – for use in an aircraft, including radio, automatic flight control and instrument systems;

(48) “Aircraft category” means the classification of aircraft according to specified basic characteristics (e.g., aeroplane, helicopter, glider, free balloon);

(49) “Aircraft certificated for single-pilot operation” means a type of aircraft which the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of one pilot;

(50) “Aircraft certificated for multi-pilot operation” means a type of aircraft which the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of two pilots;

(51) “Aircraft component” means any component part of an aircraft up to and including a complete powerplant and/or any operational/emergency equipment;

(52) “Aircraft engine” means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers;

(53) “Aircraft operating manual” means a manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft;

(54) “Aircraft piracy” means any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of Saint Christopher and Nevis;
(55) “Aircraft required to be operated with a co-pilot” means a type of aircraft that is required to be operated with a co-pilot as specified in the flight manual or by the air operator certificate;

(56) “Aircraft type” means all aircraft of the same basic design;

(57) “Aircraft Technical Log” means a document carried on an aircraft for recording defects and malfunctions discovered during operation and for recording details of all maintenance carried out whilst the aircraft is operating between scheduled visits to the base maintenance facility. It also contains operating information relevant to flight safety and maintenance data that the operating crew need to know. A technical log contains two independent sections: a journey record section and an aircraft maintenance record section;

(58) “Airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of a power plant), and landing gear of an aircraft and their accessories and controls;

(59) Airman” This term refers to—

• Any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, or who navigates an aircraft while the aircraft is underway;

• Any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, and any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; or

• Any individual who serves in the capacity of flight operations officer;

(60) “Airmanship” means the consistent use of good judgement and well developed knowledge, skills and attitudes to accomplish flight objectives;

(61) “Airship” means a power driven lighter-than-air aircraft;

(62) “Airway” A control area or portion thereof established in the form of a corridor;

(63) “Airworthiness data” means any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment, as appropriate, is assured;

(64) “Airworthiness directive” is continuing airworthiness information that applies to the following products: aircraft, aircraft engines, propellers, and appliances. An airworthiness directive is mandatory if issued by the State of Design;

(65) “Airworthiness release” is a certification signed by a licensed mechanic indicating that work was performed in accordance with the maintenance manual, was inspected by a licensed mechanic, and the aircraft was found satisfactory for safe operation;

(66) “Alerting service” means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required;

(67) “Alteration” The alteration of an aircraft/aeronautical product in conformity with an approved standard;

(68) “Alternate Aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing. Alternate aerodromes include the following:
Take-off alternate. An alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure.

En-route alternate. An aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;

ETOPS en-route alternate. A suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en route in an ETOPS operation;

Destination alternate. An alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing.

Note.— The aerodrome from which a flight departs may also be an enroute or a destination alternate aerodrome for that flight;

(69) “Alternate Heliport” means a heliport to which a helicopter may proceed when it becomes either impossible or inadvisable to proceed to or to land at the heliport of intended landing. Alternate heliports include the following:

Take-off alternate. An alternate heliport at which a helicopter can land should this become necessary shortly after takeoff and it is not possible to use the heliport of departure.

En-route alternate. A heliport at which a helicopter would be able to land after experiencing an abnormal or emergency condition while en route.

Destination alternate. An alternate heliport to which a helicopter may proceed should it become either impossible or inadvisable to land at the heliport of intended landing.

Note.— The heliport from which a flight departs may be an en-route or a destination alternate heliport for that flight;

(70) “Altimetry system error (ASE)” means the difference between the altitude indicated by the altimeter display, assuming a correct altimeter barometric setting, and the pressure altitude corresponding to the undisturbed ambient pressure;

(71) “Altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level (MSL);

(72) “AMT Course” means a training course for AMT maintenance ratings (airframe/power plant);

(73) “Annexes to the Chicago Convention” means the documents issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation;

(74) “Anticipated operating conditions” means those conditions which are known from experience or which can be reasonably envisaged to occur during the operational life of the aircraft, taking into account the operations for which the aircraft is made eligible, the conditions so considered being relative to the meteorological state of the atmosphere, to the configuration of terrain, to the functioning of the aircraft, to the efficiency of personnel and to all the factors affecting safety in flight. Anticipated operating conditions do not include—
(75) “Anti-collision light” means:
   a) in relation to a rotorcraft, a flashing red light;
   b) in relation to any other aircraft, a flashing red or flashing white light;

   Note.— in both cases, the light shall be showing in all directions for the purpose of enabling the aircraft to be more readily detected by pilots of distant aircraft;

(76) “Appliances” means Instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, or propellers;

(77) “Approach and landing phase — helicopters” means that part of the flight from 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or from the commencement of the descent in the other cases, to landing or to the balked landing point;

(78) “Appropriate authority”;

   Regarding flight over the high seas, means the relevant authority of the State of Registry;

   Regarding flight other than over the high seas, means the relevant authority of the State having sovereignty over the territory being overflown;

(79) “Approach and landing operations using instrument approach procedures”. Instrument approach and landing operations are classified as follows:

   Non-precision approach and landing operations, means an instrument approach and landing which utilizes lateral guidance but does not utilize vertical guidance;

   Approach and landing operations with vertical guidance, means an instrument approach and landing which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations;

   Precision approach and landing operations, means an instrument approach and landing using precision lateral and vertical guidance with minima as determined by the category of operation.

   Note— Lateral and vertical guidance refers to the guidance provided either by:
      a) ground-based navigation aid; or
      b) computer generated navigation data.

Categories of precision approach and landing operations:

   Category I (CAT I) operation, means a precision instrument approach and landing with a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;
Category II (CAT II) operation, means a precision instrument approach and landing with a decision height lower than 60 m (200 ft), but not lower than 30 m (100 ft), and a runway visual range not less than 350 m;

Category IIIA (CAT IIIA) operation, means a precision instrument approach and landing with:

- a) decision height lower than 30 m (100 ft) or no decision height; and
- b) runway visual range not less than 200 m;

Category IIIB (CAT IIIB) operation, means a precision instrument approach and landing with:

- a) decision height lower than 15 m (50 ft) or no decision height; and
- b) runway visual range less than 200 m but not less than 50 m;

Category IIIC (CAT IIIC) operation, means a precision instrument approach and landing with no decision height and no runway visual range limitations;

Note.— Where decision height (DH) and runway visual range (RVR) fall into different categories of operation, the instrument approach and landing operation would be conducted in accordance with the requirements of the most demanding category (e.g. an operation with a DH in the range of CAT IIIA but with an RVR in the range of CAT IIIB would be considered a CAT IIIB operation or an operation with a DH in the range of CAT II but with an RVR in the range of CAT I would be considered a CAT II operation);

(80) “Approach control service” means air traffic control service for arriving or departing controlled flights;

(81) “Approach control unit” means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

(82) “Appropriate airworthiness requirements” means the comprehensive and detailed airworthiness codes established, adopted or accepted by a Contracting State for the class of aircraft, engine or propeller under consideration;

(83) “Appropriate ATS or ATC authority” means the relevant authority designated by Saint Christopher and Nevis responsible for providing air traffic services in the airspace concerned;

(84) “Approval for return to service” means a certification by an appropriately approved person that the maintenance, preventive maintenance, or modification performed on an aircraft, airframe, aircraft engine, propeller, appliance, or component part thereof was accomplished using the methods, techniques, and practices, prescribed in the current manufacturer’s maintenance manual or instructions for continued airworthiness prepared by its manufacturer, or by using other methods, techniques, and practices approved by the Authority;

(85) “Approved” means the Authority has reviewed the method, procedure, or policy in question and issued a formal written approval;

(86) “Approved by the Authority” means approved by the Authority directly or in accordance with a procedure approved by the Authority;

(87) “Approved data” means technical information approved by the Authority;

(88) “Approved continuous maintenance programme” means a maintenance programme approved by the State of Registry;
(89) “Approved Maintenance Organisation (AMO)” means an organisation approved to perform specific aircraft maintenance activities by the Authority. These activities may include the inspection, overhaul, maintenance, repair and/or modification and release to service of aircraft or aeronautical products;

(90) “Approved standard” means a manufacturing, design, maintenance, or quality standard approved by the Authority;

(91) “Approved Training Organisation (ATO)” means an organisation approved by the Authority, to perform flight crew training and other training approved by the Authority;

(92) “Approved training” means training carried out under special curricula and supervision approved by the Authority;

(93) “Apron” means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of fuelling, parking, maintenance, loading or unloading passengers, mail or cargo;

(94) “Area control centre” means a unit established to provide air traffic control service to controlled flights in control areas under its jurisdiction;

(95) “Area control service” means air traffic control service for controlled flights in control areas;

(96) “Area Navigation (RNAV)” means a method of navigation that permits aircraft operations on any desired flight path within the coverage of stationreferenced navigation aids or within the limits of the capability of selfcontained aids, or a combination of these;

(97) “Article” means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product, or part;

(98) “ATS or ATC route” means a specified route designed for channeling the flow of air traffic as necessary for the provision of air traffic services, defined by route specifications that include an ATS or ATC route designator, the track to or from significant points (way points), distance between significant points, reporting requirements, and as determined by the appropriate ATS or ATC authority, the lowest safe altitude;

(99) “Authorised instructor” means a person who—

(i) holds a valid ground instructor certificate issued under Part 2 when conducting ground training;

(ii) holds a current flight instructor certificate issued under Part 2 when conducting ground training or flight training; or

(iii) is authorised by the Authority to provide ground training or flight training under Part 2 and Part 3;

(100) “Authorised person” means any person authorised by the Minister either generally or in relation to a particular case of class of cases, and references to a person authorised by the Minister include reference to the holder, for the time being, of any office designated by the Minister;

(101) “Authority” means the civil aviation authority responsible for the oversight of civil aviation in Saint Christopher and Nevis;

(102) “Automatic dependent surveillance (ADS)” means a surveillance technique in which aircraft automatically provide, via a data link, data derived from on-
board navigation and position-fixing systems, including aircraft identification, four-dimensional position and additional data as appropriate;

(103) “Automatic dependent surveillance – broadcast (ADS-B)” is a means by which aircraft, aerodrome vehicles and other objects can automatically transmit and/or receive data such as identification, position and additional data, as appropriate, in broadcast mode via a data link;

(104) “Automatic dependent surveillance – contract (ADS-C)” is a means by which the terms of an ADS-C agreement will be exchanged between the ground system and the aircraft, via a data link, specifying under what conditions ADS-C reports would be initiated, and what data would be contained in the reports;

(105) “Aviation Maintenance Technician” means a person approved by the Authority to perform defined maintenance upon aeronautical products; the term “aviation maintenance technician” as used herein can include persons similarly qualified and referred to as “licensed mechanic,” “certificated (certified) mechanic,” “aviation maintenance engineer,” “licensed engineer,” or by other terms, all of which mean an aviation maintenance licence holder;

(106) “Balloon” means a non-power-driven lighter-than-air aircraft;

(107) “Banner” means an advertising medium supported by a temporary framework attached externally to the aircraft and towed behind the aircraft;

(108) “Cabin Crew” means a person employed to facilitate the safety of passengers, whose duties are detailed by the AOC holder or the aircraft commander;

(109) “Cabin crew member” means a crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who shall not act as a flight crew member;

(110) “Calendar day” means the period of elapsed time, using Co-ordinated Universal Time or local time, that begins at midnight and ends 24 hours later in the next midnight;

(111) “Calendar month” means a period of a month beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered month (as January 1 through January 31 in the Gregorian calendar);

(112) “Calendar year” means a period of a year beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered year (as January 1 through December 31 in the Gregorian calendar);

(113) “Calibration” means a set of operations, performed in accordance with a definite documented procedure that compares the measurement performed by a measurement device or working standard with a recognised bureau of standards for the purpose of detecting and reporting or eliminating adjustment errors in the measurement device, working standard, or aeronautical product tested;

(114) “Cargo” includes mail and animals;

(115) “Cargo aircraft” means any aircraft carrying goods or property but not passengers. In this context the following are not considered to be passengers—

(i) a crewmember;

(ii) an operator’s employee permitted by, and carried in accordance with, the instructions contained in the Operations Manual;
(iii) an authorised representative of an Authority;

(iv) a person with duties in respect of a particular shipment on board;

(116) “Causes” as it relates to an aircraft accident or incident means actions, omissions, events, conditions, or a combination thereof which led to the accident or incident. (ICAO Annex 13);

(117) “Ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6,000 metres (20,000 feet) covering more than half the sky;

(118) “Certificated Approved Maintenance Organisation” means approved by the Authority;

(119) “Certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

(120) “Certify as airworthy” means the required maintenance record entry completed by a properly authorised person after the modification, overhaul, repair, or the inspection of an aircraft, or aeronautical product required by the Authority;

(121) “Certifying staff” means those personnel who are appropriately authorised by a procedure approved by the Authority to certify aircraft or aircraft components for release to service;

(122) “CFIT (Controlled flight into terrain)” Occurs when an airworthy aircraft is flown, under the control of a qualified pilot, into terrain (water or obstacles) with inadequate awareness on the part of the pilot of the impending collision;

(123) “Change-over- point” means the point at which an aircraft navigating on an ATC route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational references from the facility behind the aircraft to the next facility ahead of the aircraft;

(124) “Chicago Convention” (“Convention”) means the Convention on International Civil Aviation concluded in Chicago, U.S.A. in 1944, in effect, 1947. The Articles of the Chicago Convention govern the actions of the contracting States in matters of international civil aviation directly and through the Annexes to the Convention, which set forth ICAO Standards and Recommended Practices;

(125) “Check airman (aeroplane)” means a person who is qualified and permitted, to conduct flight checks or instruction in an aeroplane and evaluations only in a flight simulator, or in a flight training device for a particular type aeroplane, for a particular AOC holder;

(126) “Check airman (helicopter)” means a person who is qualified and permitted, to conduct flight checks or instruction in a helicopter and evaluations only in a flight simulator, or in a flight training device for a particular type helicopter, for a particular AOC holder;

(127) “Check airman (simulator)” means a person who is qualified to conduct flight checks or instruction only in a flight simulator or a flight training device for a particular type aircraft, for a particular AOC holder;

(128) “Civil aircraft” means any aircraft other than a public aircraft;
(129) “Civil aviation” means the operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations;

(130) “Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” means airspace respectively notified as such, in accordance with the appropriate International Civil Aviation Organisation definition;

(131) “Clearance limit” means the point to which an aircraft is granted an air traffic control clearance;

(132) “Commercial air transport” means an aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire that is not considered aerial work;

(133) “Competency” means a combination of skills, knowledge and attitudes required to perform a task to the prescribed standard;

(134) “Competency element” is an action that constitutes a task that has a triggering event and a terminating event that clearly defines its limits, and an observable outcome;

(135) “Competency unit” is a discrete function consisting of a number of competency elements;

(136) “Complex aeroplane” means any aeroplane that has retractable landing gear, flaps, and a controllable pitch propeller; or a turbo-jet powered aircraft; or in the case of a seaplane, flaps and a controllable pitch propeller;

(137) “Competent authority” means, in relation to any State, the authority responsible under the law of that State for promoting the safety of civil aviation;

(138) “Composite” means structural materials made of substances, including, but not limited to, wood, metal, ceramic, plastic, fiber-reinforced materials, graphite, boron, or epoxy, with built-in strengthening agents that may be in the form of filaments, foils, powders, or flakes, of a different material;

(139) “Computer system” means any electronic or automated system capable of receiving, storing, and processing external data, and transmitting and presenting such data in a usable form for the accomplishment of a specific function;

(140) “Configuration” (as applied to the aeroplane). means a particular combination of the positions of the moveable elements, such as wing flaps and landing gear, etc., that affect the aerodynamic characteristics of the aeroplane;

(141) “Configuration deviation list (CDL)” is a list established by the organization responsible for the type design with the approval of the State of Design which identifies any external parts of an aircraft type which may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

(142) “Congested area” as it relates to a city, town or settlement, is any area which is substantially used for residential, commercial or recreational purposes;

(143) “Congested hostile environment” means a hostile environment within a congested area;
(144) “Consignment” means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

(145) “Contactable” (for the purpose of Flight Duty Times) means a short period of time during the day, other than a day-off, during which a crewmember is required to be contactable for the purpose of giving notification of a duty period which will commence not less than 10 hours ahead. The contactable period shall not cover more than 2.5 hours;

(146) “Contracting State” means any State, including Saint Christopher and Nevis, which is party to the Chicago Convention;

(147) “Control area” means a controlled airspace extending upwards from a specified limit above the earth;

(148) “Control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

(149) “Controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;

(150) “Controlled airspace” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification;

(151) “Controller-pilot data link communications (CPDLC)” is a means of communication between controller and pilot, using data link for ATC communications;

(152) “Contracting States” means all States that are signatories to the Convention on International Civil Aviation (Chicago Convention);

(153) “Controlled flight” means a flight which is subject to an air traffic control clearance;

(154) “Control System” means a system by which the flight path, attitude, or propulsive force of an aircraft is changed, including the flight, engine and propeller controls, the related system controls and the associated operating mechanisms;

(155) “Conversion” is the action taken by Saint Christopher and Nevis in issuing its own licence on the basis of a licence issued by another Contracting State for use on aircraft registered in Saint Christopher and Nevis;

(156) “Core curriculum” means a set of courses approved by the Authority, for use by an ATO and its satellite ATOs. The core curriculum consists of training that is required for licensing or aircraft ratings. It does not include training for tasks and circumstances unique to a particular user;

(157) “Course” means a program of instruction to obtain an airman licence, rating, qualification, authorisation, or currency;

(158) “Courseware” means instructional material developed for each course or curriculum, including lesson plans, flight event descriptions, computer software programs, audio-visual programs, workbooks, and handouts;

(159) “Co-pilot” means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;
Note.—: Co-pilot as here defined, is synonymous with the term “second-in-command” or “SIC”;

(160) “Credit” means recognition of alternative means or prior qualifications;

(161) “Crew Member” means a member of the flight crew or a Cabin Crew member or any person required to perform duties on an aircraft in flight;

(162) “Crew Resource Management” means a program designed to improve the safety of flight operations by optimising the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and co-ordination;

(163) “Cross country” means a flight between a point of departure and a point of arrival following a pre-planned route using standard navigation procedures;

(164) “Cross-country time” means that time a pilot spends in flight in an aircraft which includes a landing at a point other than the point of departure and, for the purpose of meeting the cross-country time requirements for a private pilot licence (except with a rotorcraft rating), commercial pilot licence, or an instrument rating, includes a landing at an aerodrome which must be a straight-line distance of more than 50 nautical miles from the original point of departure;

(165) “Cruise climb” means an aircraft cruising technique resulting in a net increase in altitude as the aircraft mass decreases;

(166) “Cruise relief pilot” means a flight crew member who is assigned to perform pilot tasks during cruise flight, to allow the pilot in-command or a co-pilot to obtain planned rest;

(167) “Cruising level” means a level maintained during a significant portion of a flight;

(168) “Critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

(169) “Critical phases of flight” means those portions of operations of an aircraft which involve taxiing, takeoff, landing and all flight operations below 10,000 feet, except cruise flight;

(170) “Current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;

(171) “Danger area” is an airspace of defined dimensions within which activities dangerous to the flight of the aircraft may exist at specified times;

(172) “Dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions;

(173) “Dangerous goods accident” means an occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage;

(174) “Dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which
seriously jeopardises an aircraft or its occupants is deemed to constitute a dangerous goods incident;

(175) “Dangerous goods transport document” means a document specified by the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air. It is completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods. The document bears a signed declaration indicating that the dangerous goods are fully and accurately described by their proper shipping names and UN numbers (if assigned) and that they are correctly classified, packed, marked, labelled and in a proper condition for transport.

Note.— See definition below for Technical Instructions;

(176) “Data link communications” means a form of communication intended for the exchange of messages via a data link;

(177) “Days Off” means periods available for leisure and relaxation free from all duties. A single day off will include two local nights. Consecutive days off shall include a further local night for each additional consecutive day off. A rest period may be included as part of a day off;

(178) “Deadhead Transportation” means time spent in transportation on aircraft to or from a crew member’s home station;

(179) “Decision altitude (DA) or decision height (DH)” means a specified altitude or height in the precision approach or approach with vertical guidance at which a missed approach must be initiated if the required visual reference to continue the approach has not been established.

Note 1.— Decision altitude (DA) is referenced to mean sea level and decision height (DH) is referenced to the threshold elevation;

Note 2.— The required visual reference means that section of the visual aids or of the approach area which should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position, in relation to the desired flight path. In Category III operations with a decision height the required visual reference is that specified for the particular procedure and operation;

Note 3.— For convenience where both expressions are used they may be written in the form “decision altitude/height” and abbreviated “DA/H”

(180) “Defined point after take-off (DPATO)” means the point, within the take-off and initial climb phase, before which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

Note.— Defined points apply to helicopters operating in performance Class 2 only );

(181) “Defined point before landing (DPBL)” means the point, within the approach and landing phase, after which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

Note.— Defined points apply to helicopters operating in performance Class 2 only

(182) “Design landing mass” means the maximum mass of the aircraft at which, for structural design purposes, it is assumed that it will be planned to land;
(183) “Design take-off mass” means the maximum mass at which the aircraft, for structural design purposes, is assumed to be planned to be at the start of the take-off run;

(184) “Design taxiing mass” means the maximum mass of the aircraft at which structural provision is made for load liable to occur during use of the aircraft on the ground prior to the start of take-off;

(185) “Directly in Charge” as it relates to an Approved Maintenance Organisation in Part 6 - means an appropriately licensed person having the responsibility for the work of an approved maintenance organisation that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person directly in charge does not need to physically observe and direct each worker constantly but must be available for consultation on matters requiring instruction or decision from higher authority;

(186) “Dispatch Crew” means a fully qualified and current flight crew/Cabin Crew authorised to carry out pre-flight duties as defined by the AOC holder;

(187) “Document” means a civil aviation document referred to in, or issued or validated under these Regulations or the Regulations of any other State and includes, a licence, rating, authorisation, permit and certificate and a copy of the document;

(188) “Dry lease” means the lease of an aircraft without the crew;

(189) “Dual instruction time” means flight time during which a person is receiving flight instruction from a properly authorised pilot on board the aircraft;

(190) “Duplicate Inspection” means an inspection first made and certified by one qualified person and subsequently made and certified by a second qualified person; (Described in IS: 5.6.1.5);

(191) “Duty” means any continuous period during which a crewmember is required to carry out any task associated with the business of the operator;

(192) “Duty period” as it relates to an air operator, means a period which starts when flight or cabin crew personnel are required by an operator to report for or to commence a duty and ends when that person is free from all duties;

(193) “Duty time” means the total time from the moment a person identified in these regulations begins, immediately after a rest period, any work on behalf of the certificate holder until that person is free from all restraint associated with that work;

(194) “ECCAA” means the Eastern Caribbean Civil Aviation Authority whose headquarters is in Antigua & Barbuda;

(195) “Economic poison” means any substance or mixture of substances intended for—

- Preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living human beings or other animals, which the Saint Christopher and Nevis may declare to be a pest, and
- Use as a plant regulator, defoliant or desiccant.

(196) “Effective length of the runway” means the distance for landing of an aircraft from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centreline of the runway to the far end;
(197) “Elevated heliport” means a heliport located on a raised structure on land;

(198) “Emergency Locator Transmitter (ELT)” means a generic term describing equipment which broadcast distinctive signals on designated frequencies and, depending on application, may be automatically activated by impact or be manually activated. An ELT may be any of the following:

- Automatic fixed ELT. means an automatically activated ELT which is permanently attached to an aircraft;
- Automatic portable ELT. means an automatically activated ELT which is rigidly attached to an aircraft but readily removable from the aircraft;
- Automatically deployable ELT. means an ELT which is rigidly attached to an aircraft and which is automatically deployed and activated by impact, and in some cases, also be hydrostatic sensors. Manual deployment is also provided;
- Survival ELT. means an ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors;
- ELT battery useful life. means the length of time after its date of manufacture or recharge that the battery or battery pack may be stored under normal environmental conditions without losing its ability to allow the ELT to meet the applicable performance standards;
- ELT battery expiration date. means the date of battery manufacture or recharge plus one half of its useful life;

(199) “Enhanced Ground Proximity Warning (EGPWS)” means a forward looking warning system that uses the terrain database for terrain avoidance;

(200) “En-route phase” means that part of the flight from the end of the takeoff and initial climb phase to the commencement of the approach and landing phase.

Note.— Where adequate obstacle clearance cannot be guaranteed visually, flights must be planned to ensure that obstacles can be cleared by an appropriate margin. In the event of failure of the critical power-unit, operators may need to adopt alternative procedures

(201) “Error” As it relates to the flight crew, means an action or inaction by the flight crew that leads to deviations from organisational or flight crew intentions or expectations;

(202) “Error management” means the process of detecting and responding to errors with countermeasures that reduce or eliminate the consequences of errors, and mitigate the probability of errors or undesired aircraft state;

(203) “Estimated off-block time” means the estimated time at which the aircraft will commence movement associated with departure;

(204) “Estimated time of arrival” For IFR flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that approach procedure will be commenced, or if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome. For VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome.

Note.— The actual time of leaving the holding point will depend upon the approach clearance
(205) “Evaluator” means a person employed by a certified Aviation Training Organisation who performs tests for licensing, added ratings, authorisations, and proficiency checks that are authorised by the certificate holder’s training specification, and who is authorised by the Authority to administer such checks and tests;

(206) “Examiner” means any person authorised by the Authority to conduct a pilot proficiency test, a practical test for a licence or rating, or a knowledge test under these regulations.

(207) “Exception” as it relates to dangerous goods in Part 9 - is a provision in ICAO Annex 18 which excludes a specific item of dangerous goods from the requirements normally applicable to that item;

(208) “Expected approach time” means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding point to complete its approach for a landing;

(209) “Extended overwater operation (Part 7)” as it relates to single-engine land planes, means an operation over water at a distance of more than 185 km (100 nm) from land suitable for making an emergency landing. In the case of multi-engine land planes, more than 370 km (200 nm) from land suitable for making an emergency landing, with the capability of continuing flight with one engine inoperative;

(210) “Extended overwater operation (Part 8)” as it relates to aircraft other than helicopters, means an operation over water at a horizontal distance of more than 50 nm from the nearest shoreline; and to helicopters, an operation over water at a horizontal distance of more than 50 nm from the nearest shoreline and more than 50 nm from an offshore heliport structure;

(211) “Facility” as used in Part 6, Approved Maintenance Organisations – means a physical plant, including land, buildings, and equipment, which provides the means for the performance of maintenance, preventive maintenance, or modifications of any article;

(212) “Factor of safety” means a design factor used to provide for the possibility of loads greater than those assumed, and for uncertainties in design and fabrication;

(213) “Fatal injury” as it relates to an aircraft accident, is any injury which results in death within 30 days of the accident;

(214) “Filed flight plan” means the flight plan as filed with an air traffic service unit by the pilot or a designated representative, without any subsequent changes;

(215) “Final approach and take-off area (FATO)” means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced. Where the FATO is to be used by helicopters operating in performance Class 1, the defined area includes the rejected take-off area available;

(216) “Fireproof material” means a material capable of withstanding heat as well as or better than steel when the dimensions in both cases are appropriate for the specific purpose;

(217) “Flight(s)” means the period from takeoff to landing;

(218) “Flight crew” means those members of the crew of an aircraft who act as pilot or flight engineer;
(219) “Flight crewmember” means a licensed crewmember charged with duties essential to the operation of an aircraft during flight time;

(220) “Flight data analysis” is a process of analysing recorded flight data in order to improve the safety of flight operations;

(221) “Flight duty period” means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

(222) “Flight information centre” means a unit established to provide flight information service and alerting service;

(223) “Flight information region” means an airspace of defined dimensions within which flight information service and alerting service are provided;

(224) “Flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

(225) “Flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1,013.2 hectopascals (hPa), and is separated from other surfaces by specific pressure intervals;

(226) “Flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

(227) “Flight operations officer/flight dispatcher” means a person designated by the operator to engage in the control and supervision of flight operations, suitably qualified in accordance with Annex 1, who supports, briefs and/or assists the pilot-in-command in the safe conduct of the flight;

(228) “Flight plan” means—

1. specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;
2. full information on all items comprised in the flight plan description, covering the whole route of a flight; or
3. limited information required when the purpose is to obtain a clearance for a minor portion of a flight such as to cross an airway, to take off from, or to land at a controlled aerodrome;

(229) “Flight Recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

Note.— This could include the Cockpit Voice Recorder (CVR) or Flight Data Recorder (FDR).

(230) “Flight safety documents system” means a set of interrelated documentation established by the operator, compiling and organising information necessary for flight and ground operations, and comprising, as a minimum, the operations manual and the operator’s maintenance control manual;

(231) “Flight simulation training device” means any one of the following three types of apparatus in which flight conditions are simulated on the ground:

A flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical,
electronic, etc. aircraft systems control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;

A flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class;

A basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

(232) “Flight status” means an indication of whether a given aircraft requires special handling by air traffic services units or not;

(233) “Flight time” means the period of time that the aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after it is parked, with engine(s) shut down if applicable;

Note.— Flight time as here defined is synonymous with the term “block-to-block” time or “chock-to-chock” time in general usage, which is measured from the time an aircraft moves from the loading point until it stops at the unloading point.

(234) “Flight time — aeroplane” means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;

(235) “Flight time — helicopter” means the total time from the moment a helicopter’s rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;

(236) “Flight time — glider” means the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;

(237) “Flight training” means training, other than ground training, received from an authorised instructor in flight in an aircraft;

(238) “Flight training device” means a device that—

(i) is a full size replica of the instruments, equipment, panels, and controls of an aircraft, or set of aircraft, open or in an enclosed cockpit, including the hardware and software for the systems installed, that is necessary to simulate the aircraft in ground and flight operations;

(ii) need not have a force (motion) cueing or visual system; and

(iii) has been evaluated, qualified, and approved by the Authority;

Note.—: A set of aircraft are those that share similar performance characteristics, such as similar airspeed and altitude operating envelopes, similar handling characteristics, and the same number and type of propulsion systems.

(239) “Flight Training Equipment” means flight simulators, flight training devices, and aircraft;

(240) “Flight visibility” The visibility forward from the cockpit of an aircraft in flight;
(241) “Flying Duty Period (FDP)” means any time during which a person operates an aircraft as a member of its crew. It starts when the crewmember is required to report for a flight and finishes at on-chocks or engine off at the end of the final sector;

(242) “Foreign air operator” means any operator, not being a Saint Christopher and Nevis air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within the borders or airspace of Saint Christopher and Nevis, whether on a scheduled or charter basis;

(243) “Foreign Authority” means the civil aviation authority that issues and oversees the Air Operator Certificate of a foreign air operator;

(244) “Freight container” means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

(245) “Freight container in the case of radioactive material transport” means an article of transport equipment designed to facilitate the transport of packaged goods, by one or more modes of transport without intermediate reloading. It must be of a permanent enclosed character, rigid and strong enough for repeated use, and must be fitted with devices facilitating its handling, particularly in transfer between aircraft and from one mode of transport to another;

(246) “General aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

(247) “Glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain, fixed under given conditions of flight;

(248) “Ground handling” means services necessary for an aircraft’s arrival at, and departure from, an airport, other than air traffic services;

(249) “Ground Proximity Warning System (GPWS)” is a warning system that uses radar altimeters to alert the pilots of hazardous flight conditions relating to the aircraft’s proximity to the ground;

(250) “Ground visibility” means the visibility at an aerodrome, as reported by an accredited observer;

(251) “Gyroplane” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

(252) “Handling agent” means an agency which performs on behalf of the operator some or all of the latter’s functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

(253) “Heading” means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid);

(254) “Heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

(255) “Height” means the vertical distance of a level, a point or an object considered a point, measured from a specified datum;
(256) “Helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

(257) “Helicopter Class 1” means a helicopter with performance such that, in case of critical engine failure, it is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

(258) “Helicopter Class 2” means a helicopter with performance such that, in case of critical engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required;

(259) “Helicopter Class 3” means a helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed;

(260) “Helideck” means a heliport located on a floating or fixed offshore structure;

(261) “Heliport” means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters.

Note 1.— Throughout this Part, when the term “heliport” is used, it is intended that the term also applies to aerodromes primarily meant for the use of aeroplanes;

Note 2.— Helicopters may be operated to and from areas other than heliports;

(262) “Heliport operating minima” means the limits of usability of a heliport for—

a) take-off, expressed in terms of runway visual range and/or visibility and, if necessary, cloud conditions;

b) landing in precision approach and landing operations, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation;

c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H); and

d) landing in non-precision approach and landing operations, expressed in terms of visibility and/or runway visual range, minimum descent altitude/height (MDA/H) and, if necessary, cloud conditions;

(263) “High-performance aeroplane” means an aeroplane with an engine of more than 200 horsepower;

(264) “High Speed Aural Warning” means a speed warning that is required for turbine-engined airplanes and airplanes with a $V_{MO}/M_{MO}$ greater than 0.80 $V_{DF}/M_{DF}$ or $V_{D}/M_{D}$;

(265) “Holdover time” means the estimated time de-icing/anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft. Holdover time begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing or anti-icing fluid applied to the aircraft loses its effectiveness;

(266) “Hostile environment” means an environment in which—
a) a safe forced landing cannot be accomplished because the surface and surrounding environment are inadequate; or
b) the helicopter occupants cannot be adequately protected from the elements; or
c) search and rescue response/capability is not provided consistent with anticipated exposure; or
d) there is an unacceptable risk of endangering persons or property on the ground;

(267) “Housing” as it relates to Approved Maintenance Organisations – means buildings, hangers, and other structures to accommodate the necessary equipment and materials of a maintenance organisation that—
- Provide working space for the performance of maintenance, preventive maintenance, or modifications for which the maintenance organisation is approved and rated; and
- Provide structures for the proper protection of aircraft, airframes, aircraft engines, propellers, appliances, components, parts, and subassemblies thereof during disassembly, cleaning, inspection, repair, modification, assembly, and testing; and
- Provide for the proper storage, segregation, and protection of materials, parts, and supplies.

(268) “Human Factors principles;” means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

(269) “Human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;

(270) “ICAO” is an abbreviation for the International Civil Aviation Organisation;

(271) “IFR” is an abbreviation for instrument flight rules;

(272) “IFR flight” means a flight conducted in accordance with the instrument flight rules;

(273) “Implementing Standards (IS)” the Implementing Standards provide detailed requirements that support the intent of a Regulation presented in a Part and, by reference, have the force and effect of the governing Regulations;

(274) “Incident” means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations;

(275) “Includes” is a rule of construction that means “includes but is not limited to”;

(276) “Incompatible” as it relates to dangerous goods, are goods which if mixed, would be liable to cause a dangerous evolution of heat or gas or produce a corrosive substance;

(277) “Inspection” means the examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority;

(278) “Instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be
completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply;

(279) “Instrument meteorological conditions (IMC)” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

(280) “Instrument flight time” means time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points;

(281) “Instrument ground time” means time during which a pilot is practising, on the ground, simulated instrument flight in a flight simulation training device approved by the Authority;

(282) “Instrument time” means time in which cockpit instruments are used as the sole means for navigation and control, which may be instrument flight time or instrument ground time;

(283) “Instrument training” means training which is received from an authorised instructor under actual or simulated instrument meteorological conditions;

(284) “Integrated survival suit” means a survival suit which meets the combined requirements of the survival suit and life jacket;

(285) “Interchange agreement” means a leasing agreement which permits an air carrier to dry lease and take or relinquish operational control of an aircraft at an airport;

(286) “International commercial air transport” means the carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two or more countries;

(287) “International operating agency” means an agency of the kind contemplated in Article 77 of the Convention on International Civil Aviation;

(288) “Investigation” as relates to an aircraft accident or incident, means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations;

(289) “Investigator-in-charge” as relates to an aircraft accident or incident, means a person charged, on the basis of his or her qualifications, with the responsibility for the organisation, conduct and control of an investigation;

(290) “Journey log” means a form signed by the PIC of each flight that records the registration of the aircraft, the name of each crew member and their duty assignments, the type of flight, the date, place and time of arrival and departure;

(291) “Knowledge test” means a test on the aeronautical knowledge areas required for an airman licence or rating that can be administered in written form or by a computer;

(292) “Land” when used as a verb in relation to an aircraft, includes alighting on water;

(293) “Landing area” means that part of a movement area intended for the landing or takeoff of an aircraft;
(294) “Landing decision point (LDP)” means the point used in determining landing performance from which, a power-unit failure occurring at this point, the landing may be safely continued or a balked landing initiated;

Note.— LDP applies only to helicopters operating in performance Class 1

(295) “Landing surface” means that part of the surface of an aerodrome which the aerodrome authority has declared available for the normal ground or water run of aircraft landing in a particular direction;

(296) “Large aeroplane” means an aeroplane having a maximum certified takeoff mass of 5,700 kg. (12,500 lbs.), or more;

(297) “Late Finish / Early Start” means any duty that is carried out within any part of the period 01:00 to 06:59 hours local time, to which a crewmember is acclimatised;

(298) “Level”. means a generic term relating to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

(299) “Level 1 Aviation Training Organisation (ATO)” means a flight training facility which conducts all or substantially all of each flight training course using aircraft;

(300) “Level 2 Aviation Training Organisation (ATO)” means a flight training facility which conducts all or substantially all of each flight training course using simulation media which are qualified and approved by the Authority;

(301) “Licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the State in which the licence is granted;

(302) “Life-limited part” means any part for which a mandatory replacement limit is specified in the type design, the Instructions for Continued Airworthiness, or the maintenance manual;

(303) “Lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

(304) “Limit loads” means the maximum loads assumed to occur in the anticipated operating conditions;

(305) “Line maintenance” means any unscheduled maintenance resulting from unforeseen events, or scheduled checks that contain servicing and/or inspections that do not require specialised training, equipment or facilities;

(306) “Line operating flight time” means the flight time recorded by the PIC or Co-Pilot while in commercial air transport service for an AOC holder;

(307) “Line Operational Simulation” means simulation conducted using operational-oriented flight scenarios that accurately replicate interaction among flightcrew members and between flightcrew members and dispatch facilities, other crewmembers, air traffic control, and ground operations;

(308) “Line Operational Flight Training (LOFT)” means training in a simulator with a complete crew using representative flight segments which contain normal, abnormal, and emergency procedures that may be expected in line operations;
(309) “Load factor” means the ratio of a specified load to the weight of the aircraft, the former being expressed in terms of aerodynamic forces, inertia forces, or ground reactions;

(310) “Local Night.” means a period of 8 hours falling between 21:00 and 07:00 hours local time;

(311) “Logbook” in the case of an aircraft logbook, engine logbook or variable pitch propeller logbook, or personal flying logbook, includes a record kept either in a book, or by any other means approved by the Minister in the particular case;

(312) “Long Range Overwater Flights” means routes on which an aeroplane may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 740 km (400 NM), whichever is the lesser, away from land suitable for making an emergency landing;

(313) “Low Altitude Wind Shear Warning and Guidance System” means a system that will issue a warning of low altitude wind shear and in some cases provide the pilot with guidance information of the escape manoeuvre;

(314) “Mach Number Indicator” is an indicator that shows airspeed as a function of the Mach number;

(315) “Maintenance” means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

(316) “Maintenance Control Manual” is a document that describes the operator’s procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator’s aircraft on time and in a controlled and satisfactory manner;

(317) “Maintenance Procedures Manual” is a document endorsed by the head of the maintenance organization which details the maintenance organisation’s structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems;

(318) “Maintenance programme” is a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;

(319) “Maintenance release” is a certification by an appropriately certified person confirming that the maintenance work to which it relates has been completed in a satisfactory manner, in accordance with the approved data and the approved procedures manual or under an approved equivalent system;

(320) “Major alteration” means an alteration not listed in the aircraft, aircraft engine, or propeller specifications – (1) that might appreciably affect weight, balance, structural strength, performance, powerplant, operations, flight characteristics, or other qualities affecting airworthiness; or (2) that cannot be done by elementary operations;

(321) “Major modification” has the meaning described in IS: 5.1.1.2(a)(3);

(322) “Major repair” has the meaning described in IS: 5.1.1.2(a)(4);

(323) “Manoeuvring area” means that part of an aerodrome to be used for the takeoff, landing and taxiing of aircraft, excluding aprons;

(324) “Master minimum equipment list (MMEL)” means a list established—
(i) for a particular aircraft type by the manufacturer with the approval of the State of Manufacture containing items, one or more of which is permitted to be unserviceable at the commencement of a flight and may be associated with special operating conditions, limitations or procedures; and

(ii) to provide the basis for development, review and approval by the Authority of an individual operator’s MEL;

(325) “Maximum mass” means maximum certificated take-off mass;

(326) “Maximum total weight authorized” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favorable circumstances, in accordance with the certificate of airworthiness in force in respect of the aircraft;

(327) “May” is a rule of construction that indicates that discretion can be used when performing an act described in a regulation;

(328) “Measurement Device” means a calibrated calibrator, standard, equipment and test equipment that is intended to be used to test, measure, or calibrate other measurement devices. It is not to be used to test, measure, or calibrate an aeronautical product;

(329) “Meteorological information” means a meteorological report, analysis, forecast, and any other statement relating to existing or expected meteorological conditions;

(330) “Military aircraft” means a naval, military or air force aircraft of any State and any aircraft in respect of which there is in force a certificate issued by the Minister that the aircraft is to be treated, for the purposes of these Regulations, as a military aircraft;

(331) “Minimum descent altitude (MDA) or minimum descent height (MDH)” means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;

Note 1.— Minimum descent altitude (MDA) is referenced to mean sea level and minimum descent height (MDH) is referenced to the aerodrome elevation or to the threshold elevation if that is more than 2 m (7 ft) below the aerodrome elevation. A minimum descent height for a circling approach is referenced to the aerodrome elevation.

Note 2.— The required visual reference means that section of the visual aids or of the approach area which should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position, in relation to the desired flight path. In the case of a circling approach the required visual reference is the runway environment.

Note 3.— For convenience when both expressions are used they may be written in the form “minimum descent altitude/ height” and abbreviated “MDA/H”.

(332) “Minimum equipment list (MEL)” is a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type;

(333) “Minister” means the Minister responsible for civil aviation;
“Modification” means the alteration of an aircraft/aeronautical product in conformity with an approved standard;

“Movement area” is that part of an aerodrome to be used for takeoff, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron(s);

“Navigable airspace” means the airspace above the minimum altitudes of flight prescribed in these regulations (Part 8) and includes airspace needed to ensure safety in the takeoff and landing of aircraft;

“Navigation of aircraft” means a function which includes the piloting of aircraft;

“Night” means the hours between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise. Civil twilight ends in the evening when the centre of the sun’s disc is 6 degrees below the horizon and begins in the morning when the centre of the sun’s disc is 6 degrees below the horizon;

“Non-congested hostile environment” means a hostile environment outside a congested area;

“Non-hostile environment” means an environment in which—

a) a safe forced landing can be accomplished because the surface and surrounding environment are adequate;

b) the helicopter occupants can be adequately protected from the elements;

c) search and rescue response/capability is provided consistent with anticipated exposure; and

d) the assessed risk of endangering persons or property on the ground is acceptable.

Note.— Those parts of a congested area satisfying the above requirements are considered non-hostile.

“Obstacle clearance altitude (OCA) or obstacle clearance height (OCH)” means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria.

Note 1.— Obstacle clearance altitude is referenced to mean sea level and obstacle clearance height is referenced to the threshold elevation or in the case of non-precision approaches to the aerodrome elevation or the threshold elevation if that is more than 2 m (7 ft) below the aerodrome elevation. An obstacle clearance height for a circling approach is referenced to the aerodrome elevation.

Note 2.— For convenience when both expressions are used they may be written in the form “obstacle clearance altitude/ height” and abbreviated “OCA/H”.

“Obstruction clearance plane” means a plane sloping upward from the runway at a slope of 1:20 to the horizontal, and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. In the plane view, the centreline of the specified area coincides with the centreline of the runway, beginning at the point where the obstruction clearance plane intersects the centreline of the runway and proceeding to a point at least 1,500 feet from the beginning point. Thereafter,
the centreline coincides with the takeoff path over the ground for the runway (in the case of takeoffs) or with the instrument approach counterpart (for landings), or where the applicable one of these paths has not been established, it proceeds consistent with turns of at least 4,000 foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. This area extends laterally 200 feet on each side of the centreline at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway; then it increases uniformly to 500 feet on each side of the centreline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter, it extends laterally 500 feet on each side of the centreline;

(343) “Offshore operations” means operations which routinely have a substantial proportion of the flight conducted over sea areas to or from offshore locations. Such operations include, but are not limited to, support of offshore oil, gas and mineral exploitation and sea-pilot transfer;

(344) “Operation” an activity or group of activities which are subject to the same or similar hazards and which require a set of equipment to be specified, or the achievement and maintenance of a set of pilot competencies, to eliminate or mitigate the risk of such hazards;

Note.— Such activities could include, but would not be limited to, offshore operations, heli-hoist operations or emergency medical service.

(345) “Operating position” means an air traffic control function performed within or directly associated with a control facility;

(346) “Operational control” means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

(347) “Operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

(348) “Operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

(349) “Operations specifications” are part of an operator’s certificate (air operator certificate, approved training organization certificate, approved maintenance organization certificate, etc.) that is used to administer safety standards and define the provisions and limitations within which the operator may conduct business operations. Operations specifications are issued by the Authority and considered a legal, contractual agreement between the Authority and the operator;

(350) “Operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

(351) “Overhaul” means the restoration of an aircraft/aeronautical product using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, and inspection as permitted, repair as necessary, and reassembly; and tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of Design, holder of the type certificate, supplemental type certificate, or a
material, part, process, or appliance approval under Parts Manufacturing Authorisation (PMA) or Technical Standard Order (TSO);

(352) “Overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

(353) “Package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

(354) “Packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements;

(355) “Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

(356) “Passenger” means a person other than a member of the crew;

(357) “Passenger aircraft” means an aircraft that carries any person other than a crew member, an operator’s employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo;

(358) “Passenger exit seats” means those seats having direct access to an exit, and those seats in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit. A passenger seat having “direct access” means a seat from which a passenger can proceed directly to the exit without entering an aisle or passing around an obstruction;

(359) “Person” includes a body corporate or an unincorporated body;

(360) “Performance criteria” means a simple, evaluative statement on the required outcome of the competency element and a description of the criteria used to judge if the required level of performance has been achieved;

(361) “Pilot in command” means the pilot responsible for the operation and safety of the aircraft during flight time;

(362) Pilot time” means that time a person—

(363) “Powered-lift” means a heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on nonrotating airfoil(s) for lift during horizontal flight;

(364) “Powerplant” means an engine that is used or intended to be used for propelling aircraft. It includes turbo superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers;

(365) “Power-unit” means a system of one or more engines and ancillary parts which are together necessary to provide thrust, independently of the continued operation of any other power unit(s), but not including short period thrust producing devices;
(366) **Practical test**” means a competency test on the areas of operations for a license, certificate, rating, or authorisation that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight, in an approved flight simulator, or in an approved flight training device, or in a combination of these;

(367) **Pre-flight inspection**” means the inspection carried out before flight to insure that the aircraft is fit for the intended flight;

(368) **Preliminary report**” is the communication used for the prompt dissemination of data obtained during the early stages of the investigation;

(369) **Prescribed**” means a rule of construction that means the Authority has issued written policy or methodology which imposes either a mandatory requirement, if the written policy or methodology states “shall,” or a discretionary requirement if the written policy or methodology states “may”;

(370) **Pressure-altitude**” is an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere;

(371) **Pressurised aircraft**” means for airman-licensing purposes, an aircraft that has a service ceiling or maximum operating altitude, whichever is lower, above 25,000 feet MSL and which is provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

(372) **Preventative maintenance**” has the meaning described in IS: 5.1.1.2(a)(5);

(373) **Primary Standard**” means a standard defined and maintained by a State Authority and used to calibrate secondary standards;

(374) **“Problematic use of substances”** means the use of one or more psychoactive substances by aviation personnel in a way that—

- Constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or

- Causes or worsens an occupational, social, mental or physical problem or disorder;

(375) **“Prohibited area”** as it relates to flight, is an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;

(376) **“Proper shipping name”** means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging;

(377) **“Propeller”** means a device for propelling an aircraft that has blades on a powerplant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

(378) **“Psychoactive substances”** means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded;

(379) **“Psychosis”** means a mental disorder in which the individual has manifested delusions, hallucinations, grossly bizarre or disorganised behaviour, or other commonly accepted symptoms of this condition; or the individual may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or
disorganised behaviour, or other commonly accepted symptoms of this condition;

(380) “Public aircraft” means an aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of Saint Christopher and Nevis, but not including any government owned aircraft engaged in operations which meet the definition of commercial air transport operations;

(381) “Quality assurance” means quality assurance, as distinguished from quality control, involves activities in the business, systems, and technical audit areas. A set of predetermined, systematic actions which are required to provide adequate confidence that a product or service satisfies quality requirements;

(382) “Quality control” means the regulatory inspection process through which actual performance is compared with standards, such as the maintenance of standards of manufactured aeronautical products, and any difference is acted upon;

(383) “Quality system” means documented organisational procedures and policies; internal audit of those policies procedures; management review and recommendation for quality improvements;

(384) Radiotelephony” is a form of radio communication primarily intended for the exchange of information in the form of speech;

(385) Rated air traffic controller” means an air traffic controller holding a licence and valid ratings appropriate to the privileges to be exercised;

(386) Rating” means an authorisation entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;

(387) Rebuild” means the restoration of an aircraft/aeronautical product by using methods, techniques, and practices acceptable to the Authority, when it has been disassembled, cleaned, inspected as permitted, repaired as necessary, reassembled, and tested to the same tolerances and limits as a new item, using either new parts or used parts that conform to new part tolerances and limits. This work will be performed by only the manufacturer or an organisation approved by the manufacturer, and authorised by the State of Registry;

(388) Record” means anything in which information of any description is recorded;

(389) Reference Standard” means a standard that is used to maintain working standards;

(390) Rendering (a Certificate of Airworthiness) valid” means the action taken by a Contracting State, as an alternative to issuing its own Certificate of Airworthiness, in accepting a Certificate of Airworthiness issued by any other Contracting State as the equivalent of its own Certificate of Airworthiness;

(391) “Repair” means—
  • The restoration of an aeronautical product to an airworthy condition as defined by the appropriate airworthiness requirements;
  • The restoration of an aeronautical product to an airworthy condition to ensure that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of the type certificate for the respective aircraft type, after it has been damaged or subjected to wear;
(392) “Repetitive flight plan (RPL)” means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by ATC units;

(393) “Replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

(394) “Reporting point” means a specified geographical location in relation to which the position of the aircraft can be reported.

(395) “Reporting Time” means the time at which a crew member is required by the AOC holder to report for any duty;

(396) “Required communication performance (RCP)” is a statement of the performance requirements for operational communication in support of specific ATM functions;

(397) “Required communication performance type (RCP type)” is a label (e.g. RCP 240) that represents the values assigned to RCP parameters for communication transaction time, continuity, availability and integrity;

(398) “Required navigation performance (RNP)” is a statement of the navigation performance necessary for operation within a defined airspace;

    Note.— Navigation performance and requirements are defined for a particular RNP type and/or application.

(399) “Rest period” means a period free of all restraint, duty or responsibility for persons indentified in these regulations conducting commercial air transport operations or work under a certificate or approval from the Authority;

(400) “Restricted area” as it relates to airspace, is an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

(401) “RNP type” means a containment value expressed as a distance in nautical miles from the intended position within which flights would be for at least 95 per cent of the total flying time. Example,— RNP 4 represents a navigation accuracy of plus or minus 7.4 km (4 NM) on a 95 per cent containment basis;

(402) “Rotorcraft” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

(403) “Rotorcraft flight manual” is a manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the rotorcraft;

(404) “Rotorcraft load combinations” means configurations for external loads carried by rotorcraft—

    (i) Class A – external load fixed to the rotorcraft, which cannot be jettisoned, does not extend below the landing gear and is used to transport cargo;
(ii) Class B – external load suspended from the rotorcraft, which can be jettisoned, and is transported free of land or water during rotorcraft operations;

(iii) Class C – external load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation;

(iv) Class D - external load suspended from the rotorcraft for the carriage of persons;

405) “Rostered/Planned Duty” means a duty period, or series of duty periods, with stipulated start and finish times, notified to crews in advance;

406) “Rostering Period” means a number of consecutive weeks (2 to 6 weeks normally 4 weeks);

407) “Runway” is a defined rectangular area on a land aerodrome prepared for the landing and takeoff of aircraft;

408) “Runway-holding position” means a designated position intended to protect a runway, an obstacle limitation surface, or an ILS/MLS critical/sensitive area at which taxing aircraft and vehicles shall stop and hold, unless otherwise authorised by the aerodrome control tower;

409) “Runway visual range (RVR)” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

410) “Safe forced landing” means unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

411) “Safety management system” means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures;

412) “Safety programme” means an integrated set of regulations and activities aimed at improving safety;

413) “Safety recommendation” as it relates to accident investigation is a proposal of the accident investigation authority of the State conducting the investigation, based on information derived from the investigation made with the intention of preventing accidents or incidents;

414) “Safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crew members, aircraft maintenance personnel and air traffic controllers;

415) “Satellite” means an ATO at a location other than primary location of the ATO;

416) “Scheduled Duty” means the allocation of a specific flight or flights or other duties to a crew member within the pre-notified rostered series of duty periods;

417) “Secondary Standards” means a standard maintained by comparison with a primary standard;

418) “Sector” means the time between the aircraft first moves under its own power, takes off, lands and comes to rest on the designated parking position;
(419) “Serious incident” means an incident involving circumstances indicating that an accident nearly occurred;

(420) “Serious injury” means an injury which is sustained by a person in an accident and which—

(i) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;

(ii) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

(iv) involves injury to any internal organ; or

(v) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or

(vi) involves verified exposure to infectious substances or injurious radiation;

(421) “Shall” indicates a mandatory requirement;

(422) “Signal area” means an area on an aerodrome used for the display of ground signals;

(423) “Signature” is an individual’s unique identification used as a means of authenticating a record entry or record. A signature may be hand-written, electronic, or any other form acceptable to the Authority;

(424) “Skill test” means a competency test on the areas of operations for a licence, certificate, rating, or authorisation that is conducted with actual demonstrations and by having the applicant respond to questions;

(425) “Small aeroplane” means an aeroplane having a maximum certified takeoff mass of less than 5,700 kg. (12,500 lbs.);

(426) “Solo flight” means flight time during which a student pilot is the sole occupant of the aircraft, or that flight time during which the student acts as a PIC of a gas balloon or an airship requiring more than one flight crewmember;

(427) “Spare parts” means any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers, and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto;

(428) “Special VFR flight” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

(429) “Specialised maintenance” means any maintenance not normally performed by an AMO (e.g., tire retreating, plating, etc.);

(430) “Speciality curriculum” means a set of courses that is designed to satisfy a requirement of the Civil Aviation Regulations and that is approved by the Authority for use by a particular Level 2 ATO or satellite Level 2 ATO. The speciality curriculum includes training requirements unique to one or more Level 2 ATO clients;

(431) “Specific operating provisions” (Maintenance) means the Specific Operating Provisions which describe the ratings (Class and/or Limited)
indetail and which will contain or reference material and process specifications used in performing repair work, along with any limitations applied to the maintenance organisation. The accountable manager and the Authority sign this document;

(432) “Split Duty” means a Flying Duty Period that consists of two or more sectors, separated by less than a minimum rest period;

(433) “Standard” means an object, artifact, tool, test equipment, system, or experiment that stores, embodies, or otherwise provides a physical quantity, which serves as the basis for measurement of the quantity. It also includes a document describing the operations and process that must be performed in order for a particular end to be achieved;

(434) “Standard atmosphere” means an atmospheric unit of reference defined as follows—

a) the air is a perfect dry gas;

b) the physical constants are

- Sea level mean molar mass:
  \[ M_0 = 28.964420 \times 10^{-3} \text{ kg mol}^{-1} \]

- Sea level atmospheric pressure:
  \[ P_0 = 1013.250 \text{ hPa} \]

- Sea level temperature:
  \[ t_0 = 15^\circ\text{C} \]
  \[ T_0 = 288.15 \text{ K} \]

- Sea level atmospheric density:
  \[ p_0 = 1.2250 \text{ kg m}^{-3} \]

- Temperature of the ice point:
  \[ T_i = 273.15 \text{ K} \]

- Universal gas constant:
  \[ R^* = 8.31432 \text{ JK}^{-1}\text{mol}^{-1} \]

c) the temperature gradients are:

<table>
<thead>
<tr>
<th>Geopotential altitude (km)</th>
<th>Temperature gradient (Kelvin per standard geopotential kilometre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>-5.0</td>
<td>11.0 -6.5</td>
</tr>
<tr>
<td>11.0</td>
<td>20.0 0.0</td>
</tr>
<tr>
<td>20.0</td>
<td>32.0 +1.0</td>
</tr>
<tr>
<td>32.0</td>
<td>47.0 +2.8</td>
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<td>47.0</td>
<td>51.0 0.0</td>
</tr>
<tr>
<td>51.0</td>
<td>71.0 -2.8</td>
</tr>
<tr>
<td>71.0</td>
<td>80.0 -2.0</td>
</tr>
</tbody>
</table>

(435) “Standby Duty” means a period during which the company places restraints on a crewmember who would otherwise be off duty;
(436) “State of Design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aeronautical product or appliance;

(437) “State of Manufacture” means the Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation. The state of manufacture may or may not also be the state of design;

(438) “State of Occurrence” means the State in the territory of which an accident or incident occurs;

(439) “State of Origin” as it relates to dangerous goods, the State in which dangerous goods were first loaded on an aircraft;

(440) “State of Registry” means the Contracting State on whose registry an aircraft is entered;

(441) “Substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines, and similarly acting sympathomimetics, phencyclidine or similarly acting arylecyclohexylamines, and other psychoactive drugs and chemicals;

(442) “Substance abuse” means—

(i) the use of a substance in a situation in which that use was physically hazardous, if there has been at any other time an instance of the use of a substance also in a situation in which that use was physically hazardous;

(ii) a verified positive drug test result acquired under an anti-drug program or internal program of the Saint Christopher and Nevis government; or

(iii) misuse of a substance that the Authority, based on case history and qualified medical judgement relating to the substance involved, finds makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate applied for or held; or may reasonably be expected, for the maximum duration of the airman medical certificate applied for or held, to make the applicant unable to perform those duties or exercise those privileges;

(443) “Substance dependence” means a condition in which a person is dependent on a substance, other than tobacco or ordinary xanthinecontaining (e.g., caffeine) beverages, as evidenced by increased tolerance; manifestation of withdrawal symptoms; impaired control of use; or continued use despite damage to physical health or impairment of social, personal, or occupational functioning;

(444) “Substantial damage” means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent failings or cowl ing, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered “substantial damage” for the purpose of this Part;
(445) “Suitable Accommodation” means a well-furnished bedroom, which is subject to minimum noise, is well ventilated and has the facility to control the level of light and temperature;

(446) “Synthetic flight trainer” see Flight simulation training device;

(447) “Take-off and initial climb phase” means that part of the flight from the start of take-off to 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or to the end of the climb in the other cases;

(448) “Take-off decision point” means the point used in determining takeoff performance of a Class 1 helicopter from which, should an engine failure occur at this point, either a rejected takeoff may be made or a takeoff safely continued;

(449) “Take-off surface” means that part of the surface of an aerodrome which the aerodrome authority has declared available for the normal ground or water run of aircraft taking off in a particular direction;

(450) “Target level of safety (TLS)” means a generic term representing the level of risk which is considered acceptable in particular circumstances;

(451) “Taxiing” means movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

(452) “Taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including—

- Aircraft stand taxi lane. A portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- Apron taxiway. A portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- Rapid exit taxiway. A taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;

(453) “Technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc. 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the ICAO. The term “Technical Instructions” is used in this Part;

(454) “Technical log” means a document carried on an aircraft for recording defects and malfunctions discovered during operation and for recording details of all maintenance carried out whilst the aircraft is operating between scheduled visits to the base maintenance facility. It also contains operating information relevant to flight safety and maintenance data that the operating crew need to know. A technical log contains two independent sections: a journey record section and an aircraft maintenance record section;

(455) “Terminal control area” means a control area normally established at the confluence of ATC routes in the vicinity of one or more major aerodromes;

(456) “Terrain Awareness Warning System” means a system that provides the flight crew with sufficient information and alerting to detect a potentially hazardous terrain situation and so the flight crew may take effective action to prevent a controlled flight into terrain (CFIT) event;
“Threat” as it relates to flight, events or errors that occur beyond the influence of the flight crew, increase operational complexity and which must be managed to maintain the margin of safety;

“Threat management” means the process of detecting and responding to the threats with countermeasures that reduce or eliminate the consequences of threats, and mitigate the probability of errors;

“Tools, Equipment and Test Equipment” means equipment used for the performance of maintenance or calibration on an aircraft or aeronautical product. See also working standard;

“Total estimated elapsed time” means for IFR flights, the estimated time required from takeoff to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome. For VFR flights, the estimated time required from takeoff to arrive over the destination aerodrome;

“Total vertical error (TVE)” means the vertical geometric difference between the actual pressure altitude flown by an aircraft and its assigned pressure altitude (flight level);

“Track” means the projection on the earth’s surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid);

“Traceability” means a characteristic of a calibration, analogous to a pedigree. A traceable calibration is achieved when each Measurement Device and Working Standard, in a hierarchy stretching back to the National Standard, was itself properly calibrated, and the results properly documented. The documentation provides the information needed to show that all calibrations in the chain of calibrations were properly performed;

Traffic avoidance advice is advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision.

“Traffic information” means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision;

“Training manual” is a manual containing the training goals, objectives, standards syllabi, and curriculum for each phase of the approved training course;

“Training procedures manual” is a manual containing procedures, instructions and guidance for use by personnel in the execution of their duties in meeting the requirements of the certificate;

“Training program” means a program that consists of courses, courseware, facilities, flight training equipment and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum;

“Training time” means the time spent receiving any kind of approved training from an authorised instructor;
“Training to proficiency” means the process of the check airman administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period;

“Training specifications” means a document issued to a certified Aviation Training Organisation by the Authority that prescribes that organisation’s training, checking, and testing authorisations and limitations, and specifies training programme requirements;

“Transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“Transfer Standard” means any standard that is used to compare a measurement process, system, or device at one location or level with another measurement process, system or device at another location or level;

“Travelling time” means all time spent by a crewmember transiting between the place of rest and the place of reporting for duty;

“Type Certificate” is a document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State;

“Ultimate load” means the limit load multiplied by the appropriate factor of safety;

“UN number” means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

“Undesired aircraft state” occurs when the flight crew places the aircraft in a situation of unnecessary risk;

“Unit load device” means any type of aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

“Unmanned free balloon” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“Validation” means the action taken by one State as an alternative to issuing its own licence or certificate, in accepting a licence or certificate issued by another Contracting State as the equivalent of its own licence or certificate for use on aircraft registered in the first State;

“Visibility” means visibility for aeronautical purposes is the greater of—

- The greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background;
- The greatest distance at which lights in the vicinity of 1,000 candelas can be seen and identified against an unlit background;

“Visual meteorological conditions (VMC)” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima;

“Vital Point” means any point on an aircraft at which single mal-assembly could lead to catastrophe, i.e. result in loss of aircraft and/or in fatalities;

“VFR flight” means a flight conducted in accordance with the visual flight rules;
(486) “VTOSS” means the minimum speed at which climb shall be achieved with the critical power-unit inoperative, the remaining powerunits operating within approved operating limits;

Note.— The speed referred to above may be measured by instrument indications or achieved by a procedure specified in the flight manual.

(487) “Week” means a period of 7 consecutive days starting at (..) time Local on a (..) day of the week;

(Insert time and day of the week, as required;)

(488) “Wet Lease” means the lease of an aircraft with crew and other back-up;

(489) “Working Standard” means a calibrated standard that is used in the performance of maintenance and/or calibrations in any work area for the purpose of forming the basis for product acceptance or for making a finding of airworthiness (approval for return to service) to an aircraft or aeronautical product. A working standard may be maintained by comparison with primary standards, secondary standards, reference standards or transfer standards, as appropriate. A working standard is not to be used to test, measure, or calibrate other working standards or measurement devices.

1.2 GENERAL ADMINISTRATIVE RULES GOVERNING TESTING, LICENSES AND CERTIFICATES

1.2.1.1 Display and Inspection of Licenses and Certificates

(a) Pilot license:

(1) To act as a pilot of a civil aircraft registered in Saint Christopher and Nevis, a person shall have in his or her physical possession or readily accessible in the aircraft a valid pilot license.

(2) To act as a pilot of a civil aircraft of foreign registry within Saint Christopher and Nevis, a person shall be the holder of a valid pilot license issued by the State of Registry, and have the pilot license in his or her physical possession or readily accessible in the aircraft.

(b) Flight instructor rating: A person who holds a flight instructor rating shall have that license, or any other documentation acceptable to the Authority, in his or her physical possession or readily accessible in the aircraft when exercising the privileges of that rating.

(c) Other airman license: A person required by any part of these Regulations to have an airman’s license shall have it in his or her physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that license.

(d) Medical certificate: A person required by any part of these Regulations to have a current medical certificate shall have it in his or her physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that certificate.

(e) Pilot School certificate and Aviation Maintenance Technician School certificate: The holder of a Pilot School certificate or a provisional Pilot School certificate or Aviation Maintenance Technician School certificate shall display that certificate in a place in the school that is normally accessible to the public and that is not obscured.
(f) Training Centre Certificate: The holder of a Training Centre certificate shall prominently display that certificate in a place accessible to the public in the principal business office of the training centre.

(g) Aircraft Airworthiness Certificate: An owner or operator of an aircraft shall display that certificate in the cabin of the aircraft or at the entrance to the aircraft flight deck.

(h) Approved Maintenance Organisation (AMO) Certificate: The holder of an AMO certificate shall prominently display that certificate in a place accessible to the public in the principal business office of the AMO.

(i) Inspection of license: A person who holds an airman or crewmember license, medical certificate, or authorisation required by these regulations shall present it for inspection upon a request from:

(1) the Authority; or

(2) any national or local law enforcement officer.

1.2.1.2 Change of Name

(a) A holder of a license or certificate issued under these Regulations may apply to change the name on a license or certificate.

(b) The holder under part (a) shall include with any such request—

(1) the current license or certificate; and

(2) a copy of the marriage license, court order, or other document verifying the name change.

(c) The Authority shall return to the airman the documents specified in paragraph (a) of this subsection.

1.2.1.3 Change of Address

A holder of an airman license or pilot school, training centre, or aviation maintenance school certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the license or certificate unless he or she has notified the Authority in writing of the new permanent mailing address, or current residential address if the permanent mailing address includes a post office box number.

1.2.1.4 Replacement of a Lost or Destroyed Airman or Medical Certificate or Knowledge Test Report

(a) An applicant who has lost or destroyed one of the following documents issued under these Regulations shall request a replacement in writing from the office designated by the Authority—

(1) an airman license;

(2) a medical certificate;

(3) a knowledge test report.

(b) The airman or applicant shall state in the request letter—

(1) the name of the airman or applicant;
(2) the permanent mailing address, or if the permanent mailing address includes a post office box number, the person’s current residential address;

(3) the social security number or equivalent national identification number;

(4) the date and place of birth of the airman or applicant; and

(5) any available information regarding the—
   (ii) grade, number, and date of issuance of the license, and the ratings, if applicable;
   (iii) date of the medical examination, if applicable; and
   (iv) date the knowledge test was taken, if applicable.

(c) After receiving a facsimile from the Authority confirming that the lost or destroyed document was issued, an airman may carry the facsimile in lieu of the lost or destroyed document for up to 60 days pending the airman’s receipt of a duplicate document.

1.2.1.5 Falsification, Reproduction, or Alteration of Applications, Certificates, Logbooks, Reports, or Records

(a) A person shall not make or cause to be made concerning any license, certificate, rating, qualification, or authorisation, an application for or duplicate thereof, issued under these Regulations:
   (1) any fraudulent or intentionally false statement;
   (2) any fraudulent or intentionally false entry in any logbook, record, or report that these Regulations require, or used to show compliance with any requirement of these Regulations;
   (3) any reproduction for fraudulent purpose; or
   (4) any alteration.

(b) A person who commits any act prohibited under paragraph (a) of this section may have his or her airman license, rating, certificate, qualification, or authorisation revoked or suspended.

1.2.1.6 Surrender, Suspension, or Revocation of License or Certificate

(a) A license or certificate issued under these Regulations shall cease to be effective if it is surrendered, suspended, or revoked.

(b) Where a certificate or a license issued under these Regulations has been suspended or revoked, the holder of such a licence or a certificate shall, upon a request made by the Authority, return that license or certificate to the Authority.

1.2.1.7 Reapplication After Revocation

Unless otherwise authorised by the Authority, a person whose license, certificate, rating, or authorisation has been revoked shall not apply for any license, certificate, rating, or authorisation for 1 year after the date of revocation.
1.2.1.8 Reapplication After Suspension

Unless otherwise authorised by the Authority, a person whose license has been suspended shall not apply for any license, rating, or authorisation during the period of suspension.

1.2.1.9 Voluntary Surrender or Exchange of License

(a) The holder of a license or certificate issued under these Regulations may voluntarily surrender it for:

(1) cancellation;

(2) issuance of a lower grade license; or

(3) another license with specific ratings deleted.

(b) An applicant requesting voluntary surrender of a license shall include the following signed statement or its equivalent: “This request is made for my own reasons, with full knowledge that my (insert name of license or rating, as appropriate) may not be reissued to me unless I again pass the tests prescribed for its issuance.”

1.2.1.10 Prohibition on Performance During Medical Deficiency

(a) A person who holds a current medical certificate issued under these Regulations shall not act in a capacity for which that medical certificate is required while that person:

(1) knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the required medical certificate; or

(2) is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the required medical certificate.

1.2.1.11 Drug and Alcohol Testing and Reporting

(a) An employee who performs any function requiring a license, rating, qualification, or authorisation prescribed by these Regulations directly or by contract for a certificate holder under the provisions of these Regulations may—

(1) be denied any license, certificate, rating, qualification, or authorisation for a period of up to 1 year after the date of such refusal; and

(2) have his or her license, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

(b) A person subject to these Regulations who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall—

(1) be denied any license, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to 1 year after the date of final conviction; or
(2) have his or her license, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

(c) A person subject to these Regulations who refuses to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement officer, or refuses to furnish or to authorise the release of the test results requested by the Authority shall—

(1) be denied any license, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to 1 year after the date of that refusal; or

(2) have his or her license, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

1.3 EXEMPTIONS AND EQUIVALENT SAFETY CASE

1.3.1.1 Exemptions and Equivalent Safety Case

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1.4 SAFETY MANAGEMENT

1.4.1.4 Safety Management

(a) Any AOC, ATO, and AMO shall implement a safety management system acceptable to the Authority that as a minimum:

(1) Identifies safety hazards;

(2) Ensures the implementation of remedial action necessary to maintain agreed safety performance;

(3) Provides for continuous monitoring and regular assessment of the safety performance; and

(4) Aims at a continuous improvement of the overall performance of the safety management system.

(b) The safety management system shall clearly define lines of safety accountability throughout the organisation including a direct accountability for safety on the part of senior management.

(c) The safety management system shall contain the components and elements prescribed in Implementing Standards.

(d) No AOC, ATO or AMO shall be required to comply with the requirements of this section prior to 30th October 2013.


Note 2: The framework for the implementation and maintenance of a safety management system is contained in ICAO Doc 9859 Safety Management Manual, Appendix 4.

Note 3: The framework for a STATE Safety Programme (SSP) is contained in ICAO Annex 1: Attachment C and ICAO Annex 6, Part I: Attachment I.
PART 2
PERSONNEL LICENSING

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2.1 GENERAL LICENSING REQUIREMENTS

2.1.1 General

2.1.1.1 Applicability

(a) This Part prescribes—

(1) the requirements for issuing airman licences, and ratings; and
authorisations to those licences, as applicable;

(2) the conditions under which those licences, ratings, and
authorisations are necessary; and

(3) the privileges and limitations of holders of those licences, ratings,
and authorisations.

2.1.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part
1 of the Schedule – “General Policies, Procedures and Definitions.”

2.1.1.3 Acronyms

The following acronyms are used in this Part:

(1) A – Aeroplane.

(2) AIP – Aeronautical Information Publication.

(3) AME – Aviation Medical Examiner.

(4) AMO – Approved Maintenance Organisation.

(5) AMT – Aircraft Maintenance Technician.

(6) AOC - Air Operator Certificate.

(7) ATO - Aviation Training Organisation.

(8) AC – Advisory Circular.

(9) cm – centimetre(s).

(10) dB – decibels.

(11) ATCO – Air Traffic Controller.

(12) AS – Airship.

(13) ATPL – Airline Transport Pilot Licence.

(14) B – Balloon.

(15) CAT II – Category II.

(16) CAT III – Category III.

(17) CPL – Commercial Pilot Licence.

(18) CRM – Crew Resource Management.

(19) DFEE – Designated Flight Engineer Examiner.

(20) DFNE – Designated Flight Navigator Examiner.

(21) DFOOE – Designated Flight Operations Officer Examiner.

(22) DME – Designated Mechanic Examiner.

(23) DPE – Designated Pilot Examiner.
2.1.2 Licences, Ratings, and Authorisations

2.1.2.1 Applicability

This section describes the licences, ratings and pilot authorisations issued by the Authority and prescribes the requirements for testing and validating such licences, ratings and authorisations.

2.1.2.1(A) Application

An applicant for a pilot licence shall apply to the Authority in the manner prescribed in IS 2.1.2.1(a)

2.1.2.2 Licences Issued

(a) The Authority may issue the following licences under this Part—

(1) pilot licences—

(i) student pilot;

(ii) private pilot;

(iii) commercial pilot; and
(iv) airline transport pilot.

(2) flight engineer licence;
(3) air traffic controller licence;
(4) aviation maintenance technician (AMT) licence;
(5) radio operator licence.

2.1.2.3 Ratings Issued

(a) The Authority may issue the following ratings for pilots—

(1) Category ratings in the following aircraft—
   (i) Aeroplane.
   (ii) Helicopter.
   (iii) Glider.
   (iv) Free Balloon.
   (v) Airship.
   (vi) Powered lift

(2) Class ratings in the following aircraft—
   (i) Single-engine land – aeroplane.
   (iii) Multi-engine land – aeroplane.
   (iv) Multi-engine sea – aeroplane.
   (v) A class rating may be issued for those helicopters certificated for single pilot operations and which have comparable handling, performance and other characteristics.
   (vi) Hot air – balloon.
   (vii) Gas – balloon.
   (viii) Any rating considered necessary by the Authority.

(3) Type ratings in the following aircraft—
   (i) Large aircraft (except lighter-than-air);
   (ii) Turbojet or turbofan powered aeroplanes;
   (iii) Each type of helicopter certificated for single-pilot except where a class rating has been established under (a)(2)(v).
   (iv) Aircraft certificated for at least two pilots;
   (v) All aircraft used in public transport operations; and
   (vi) Any aircraft considered necessary by the Authority.

(4) Instrument ratings in the following aircraft—
   (i) Instrument – Aeroplane.
   (ii) Instrument – Helicopter.
   (iii) Instrument – Powered lift.
Note: The instrument rating is included in the CPL-Airship and the ATPL Aeroplane and Powered-lift.

(5) Flight Instructor ratings:

(i) The appropriate aircraft category, class, instrument and/or type rating according to the instruction to be taught.

(ii) The Authority may issue the following ratings to place on a ground instructor’s licence when an applicant satisfactorily accomplished the requirements of this Part for the rating sought:

(b) The Authority may issue the following ratings for flight engineers:

(1) Reciprocating engine powered.
(2) Turbopropeller powered.
(3) Turbojet powered.

(c) The Authority may issue the following ratings for air traffic controllers:

(1) Aerodrome control rating.
(2) Approach control procedural rating.
(3) Approach control surveillance rating.
(4) Area control procedural rating.
(5) Area control surveillance rating.

(d) The Authority may issue the following ratings for AMTs:

(1) Airframe.
(2) Powerplant.
(3) Avionics.
(4) Any other specialized ratings as may be determined by the Authority.

(e) The Authority may issue ratings as appropriate to an aviation repairman specialist licence.

(f) The Authority may issue the following ratings to place on a parachute rigger’s licence when an applicant satisfactorily accomplished the requirements of this Part for the rating sought:

(1) Seat.
(2) Back.
(3) Chest.
(4) Lap.

2.1.2.4 Authorisations Issued

The Authority may issue the following authorisations under this Part—

(a) Category II pilot authorisation;
(b) Category III pilot authorisation.
2.1.2.5 **Duration of Licences, Ratings, and Authorisations**

(a) A licence shall be issued without a specific expiration date.

(b) The exercise of any of the privileges of a licence issued under this Part shall be dependent upon the validity of such licence in respect of—

1. the medical currency of such licence;
2. the competency of the licence holder; and
3. the recency of experience of the licence holder.

(c) The validity period of medical certificates issued under this Part shall be in accordance with IS 2.1.2.5.

2.1.2.6 **Language Proficiency**

(a) Applicants for, or holders of pilots, flight engineers, air traffic controllers, flight operations and radio operator licences shall demonstrate the ability to speak and understand the English language to at least the Operational Level 4, with the aim to speak at the Expert Level 6 as specified in the language proficiency requirements in IS 2.1.2.6;

(b) The language proficiency of applicants or licence holders identified in item (a) shall be formally evaluated at intervals in accordance with an individual’s demonstrated proficiency level as follows;

1. those demonstrating language proficiency at the Operational Level 4 shall be evaluated at intervals not greater than 3 years;
2. those demonstrating language proficiency at the Extended Level 5 shall be evaluated at intervals not greater than 6 years; and
3. those demonstrating language proficiency at the Expert Level 6 shall be exempt from further language evaluation;

*Note: See Implementing Standard 2.1.2.6 for detailed language proficiency requirements*

2.1.2.7 **General Requirements: Personnel Licences, Ratings, and Authorisations**

(a) The Authority may issue to an applicant who cannot comply with certain eligibility requirements or areas of operations required for the issue of a licence because of physical limitations, or for other reasons, a licence, rating, or authorisation with an appropriate limitation provided the—

1. applicant is able to meet all other certification requirements for the licence, rating, or authorisation sought;
2. physical limitation, if any, has been recorded with the Authority on the applicant’s medical records; and
3. authority determines that the applicant’s inability to perform the particular area of operation will not adversely affect safety.

(b) The Authority may remove a limitation placed on a person’s licence provided that person demonstrates to an examiner or inspector satisfactory proficiency in the area of operation to which the limitation applies, or otherwise shows compliance with conditions to remove the limitation, as applicable.
(c) A person shall not act as a required pilot of a civil aircraft of foreign registry within Antigua & Barbuda, unless that person’s pilot licence was issued under this Part, or was issued or validated by the country in which the aircraft is registered.

(d) A person shall not act as a pilot, flight instructor, required flight crew member, or air traffic controller unless that person holds an appropriate and current medical certificate issued under this Part, or other documentation acceptable to the Authority.

Implementing Standard: See IS: 2.5.2.3 for persons exempt from holding a medical certificate.

(e) Flight Instructor Rating

(1) except as provided in paragraph (e)(2) of this subsection, a person other than the holder of a flight instructor rating with appropriate endorsements on his licence shall not—

(i) give training required to qualify a person for solo flight and solo cross country flight;

(ii) endorse an applicant for a pilot, flight instructor, or ground instructor licence or rating issued under this part;

(iii) endorse a pilot logbook to show training given; or

(iv) endorse a student pilot licence and logbook for solo operating privileges.

(2) The following instructors do not have to hold a flight instructor rating—

(i) the holder of a commercial pilot licence with a lighter-than-air rating, provided the training is given in a lighter-than-air aircraft;

(ii) the holder of an airline transport pilot licence with appropriate ratings, provided the training is conducted in accordance with an approved air carrier training programme;

(iii) a person who is qualified in accordance with Part 3, Subpart 3.4, provided the training is conducted in accordance with an approved training program;

(iv) a flight instructor, qualified in accordance with 2.1.4.8, not rated by the Authority; or

(v) the holder of a ground instructor licence in accordance with the privileges of the licence;

(vi) A person shall not act as the PIC or co-pilot of an aircraft unless that person holds the appropriate category, class, and type rating (if a class rating and type rating is required) for the aircraft to be flown, except where the pilot:

(3) its receiving training for the purpose of obtaining an additional pilot licence or rating that is appropriate to that aircraft while under the supervision of an authorised instructor; or

(4) has received training required by this Part that is appropriate to the aircraft category, class, and type rating (if a class or type
rating is required) for the aircraft to be flown, and has received the required endorsements from an authorised instructor.

(f) A pilot shall not act as PIC of an aircraft that is carrying another person, or is operated for compensation or hire, unless that pilot holds a category, class, and type rating (if a class and type rating is required) that applies to the aircraft.

Note: This subsection does not require a category and class rating for an aircraft not type certified as an aeroplane, rotorcraft, glider, powered-lift, or lighter-than-air aircraft.

(g) Except as provided in paragraph (i) of this subsection, a person shall not act as PIC of a complex aeroplane, high-performance aeroplane, or a pressurised aircraft capable of flight above 25,000 feet MSL, or an aircraft that the Authority has determined requires aircraft type specific training unless the person has—

1. received and logged ground and flight training from an authorised instructor in the applicable aeroplane type, or in an approved flight simulator or approved flight training device that is representative of that, and has been found proficient in the operation and systems of that aeroplane; and

2. received a one-time endorsement in the pilot’s logbook from an authorised instructor who certifies the person is proficient to operate that aircraft.

(h) The training and endorsement required by paragraph (h) of this subsection is not required if the person has logged flight time as PIC of that type of aircraft, or in an approved flight simulator or approved flight training device that is representative of such an aircraft.

(i) Additional training required for operating tail wheel aeroplanes. Except as provided in paragraph (j)(3) of this subsection, a person shall not act as PIC of a tail wheel aeroplane unless that person has—

1. received and logged flight training from an authorised instructor in a tail wheel aeroplane on the manoeuvres and procedures listed in paragraph (j)(2) of this subsection;

2. received an endorsement in the person’s logbook from an authorised instructor who found the person proficient in the operation of a tail wheel aeroplane, to include at least normal and crosswind takeoffs and landings, wheel landings (unless the manufacturer has recommended against such landings), and go around procedures;

3. the training and endorsement required by this subsection is not required if the person logged PIC time in a tailwheel aeroplane before.

Implementing Standard: See IS: 2.1.2.7 for details on additional requirements and exemptions to the training requirements of this subsection.

2.1.3 Validation and Conversion of Foreign Licences and Ratings

2.1.3.1 Validation of Foreign Private Pilot Licence and Ratings

(a) General.
(1) A person who holds a valid and current private pilot licence issued by another Contracting State in accordance with ICAO Annex 1 may apply for a validation of that licence provided that—

(i) The applicant presents to the Authority the foreign licence and evidence of the experience required by presenting the record (e.g. logbook).

(ii) The applicant presents to the Authority evidence that he/she holds either a current medical certificate issued under Part 2 or a current medical certificate issued by the Contracting State that issued the applicant’s licence.

(A) The Authority may allow the applicant to use his/her foreign medical certificate with the validation certificate provided that the medical certification requirements on which the foreign medical certificate was issued meet the requirements of Part 2, relevant to the licence held.

(iii) The applicant presents to the Authority evidence of proficiency in the English Language as specified in 2.1.2.6. or shall demonstrate to the Authority the language proficiency skills as specified in 2.1.2.6.

(2) The Authority will verify the authenticity of the licence, ratings, authorisations and the medical certificate with the state of licence issue prior to issuing the validation.

(3) The Authority will only validate ratings or authorisations on the foreign licence together with the validation of a licence.

(4) The Authority may issue a validation certificate for a period not exceeding six (6) months, provided the foreign licence, ratings or authorisations and the medical certificate remain valid.

(5) The Authority will place upon the validation certificate issued under this subsection the pilot’s foreign licence number and country of issuance.

(b) In addition to the requirements in item (a) above, the applicant for a validation certificate shall meet the following requirements—

(1) Demonstrate to the satisfaction of the Authority knowledge of any subject areas deemed relevant to the licence to be validated.

(2) Complete a skill test for the relevant licence and ratings that he or she wants to be validated relevant to the privileges of the licence held.

2.1.3.2 Conversion of Foreign Private Pilot Licence and Ratings

(a) General.

(1) A person who holds a valid and current private pilot licence issued by another Contracting State in accordance with ICAO Annex 1 may apply for a conversion of that licence provided that—

(i) The applicant presents to the Authority the foreign licence and evidence of the experience required by presenting the record (e.g. logbook).
(ii) The applicant holds a Class 2 medical certificate issued under Part 2.

(iii) The applicant presents to the Authority evidence of proficiency in the English Language as specified in 2.1.2.6. or shall demonstrate to the Authority the language proficiency skills as specified in 2.1.2.6.

(2) The Authority will verify the authenticity of the licence, ratings and authorisations with the state of licence issue prior to the conversion of the licence.

(3) The Authority will convert ratings or authorisations on the foreign licence together with the conversion of a licence.

(b) In addition to the requirements in item (a) above, the applicant for a licence conversion shall meet the following requirements—

(1) Demonstrate to the satisfaction of the Authority the knowledge relevant to the licence to be converted of—

(i) Air Law; and

(ii) Any other subject areas deemed necessary by the Authority.

(2) Complete a skill test for the relevant licence and ratings that he or she wants to be converted relevant to the privileges of the licence held.

2.1.3.3 Validation of Foreign Commercial and Airline Transport Pilot Licences and Ratings

(a) General.

(1) A person who holds a valid and current commercial or airline transport pilot licence issued by another Contracting State in accordance with ICAO Annex 1 may apply for a validation of that licence provided that—

(i) The applicant presents to the Authority the foreign licence and evidence of the experience required by presenting the record (e.g. logbook).

(ii) The applicant presents to the Authority evidence that he/she holds either a current medical certificate issued under Part 2 or a current medical certificate issued by the Contracting State that issued the applicant’s licence.

(A) The Authority may allow the applicant to use his/her foreign medical certificate with the validation certificate provided that the medical certification requirements on which the foreign medical certificate was issued meet the requirements of Part 2, relevant to the licence held.

(iii) The applicant presents to the Authority evidence of proficiency in the English Language as specified in 2.1.2.6. or shall demonstrate to the Authority the language proficiency skills as specified in 2.1.2.6.

(iv) The application is supported by the relevant operator.
(2) The Authority will verify the authenticity of the licence, ratings, authorisations and the medical certificate with the state of licence issue prior to issuing the validation.

(3) The Authority will only validate ratings or authorisations on the foreign licence together with the validation of a licence.

(4) The Authority may issue a validation certificate for a period not exceeding six (6) months, provided the foreign licence, ratings or authorisations and the medical certificate remain valid.

(5) The Authority will place upon the validation certificate issued under this Subsection the pilot’s foreign licence number and country of issuance.

(b) In addition to the requirements in item (a) above, the applicant for a validation certificate shall meet the following requirements:

(1) Demonstrate to the satisfaction of the Authority knowledge of any subject areas deemed relevant to the licence to be validated.

(2) Complete a skill test for the relevant licence and ratings that he or she wants to be validated relevant to the privileges of the licence held.

Implementing Standard: See IS: 2.1.2.7 for details on additional requirements and exemptions to the training requirements of this subsection.

2.1.3.4 Conversion of Foreign Commercial and Airline Transport Pilot Licences and Ratings

(a) General.

(1) A person who holds a valid and current commercial or airline transport pilot licence issued by another Contracting State in accordance with ICAO Annex 1 may apply for a conversion of that licence provided that—

(i) The applicant presents to the Authority the foreign licence and evidence of the experience required by presenting the record (e.g. logbook).

(ii) The applicant holds a Class 2 medical certificate issued under Part 2.

(iii) The application is supported by the relevant operator.

(iv) The applicant presents to the Authority evidence of proficiency in the English Language as specified in 2.1.2.6. or shall demonstrate to the Authority the language proficiency skills as specified in 2.1.2.6.

(2) The Authority will verify the authenticity of the licence, ratings, authorisations with the state of licence issue prior to the conversion of a licence.

(3) The Authority will only convert ratings or authorisations on the foreign licence.

(b) In addition to the requirements in item (a) above, the applicant for a conversion shall meet the following requirements—
(1) Demonstrate to the satisfaction of the Authority the knowledge relevant to the licence to be validated of—
   (i) Air Law; and
   (ii) Any other subject areas deemed necessary by the Authority.

(2) Complete a skill test for the relevant licence and ratings that he or she wants to be converted relevant to the privileges of the licence held.

2.1.4 General Testing And Training Requirements

2.1.4.1 Tests: General Procedure

Tests prescribed by or under this Part are given at times and places and by persons designated by the Authority.

2.1.4.2 Knowledge Test: Prerequisites And Passing Grades

(a) An applicant for a knowledge test shall have—
   (1) received an endorsement from an authorised instructor certifying that the applicant accomplished a ground-training or a home-study course required by this Part for the licence or rating sought and is prepared for the knowledge test; and
   (2) proper identification at the time of application that contains the applicant’s—
      (i) photograph;
      (ii) signature;
      (iii) date of birth, which shows the applicant meets or will meet the age requirements of this Part for the licence sought before the expiration date of the airman knowledge test report; and
      (iv) actual residential address, if different from the applicant’s mailing address.

(b) The minimum passing grade for the knowledge test shall be as in the applicable personnel licensing advisory circular (PLAC).

2.1.4.3 Practical Test: Prerequisites

(a) To be eligible for a practical test, an applicant shall meet all applicable requirements for the licence or rating sought.

   Implementing Standard: See IS: 2.1.4.3 for the eligibility requirements of a practical test.

(b) If an applicant does not complete all increments of a practical test for a licence or rating on one date, the applicant shall complete all remaining increments of the test not more than 30 calendar days after that date.

(c) If an applicant does not satisfactorily complete all increments of the practical test for a licence or a rating within 30 calendar days after beginning the test, the applicant shall retake the entire practical test, including those increments satisfactorily completed.
2.1.4.4 Practical Tests: General Procedures

(a) Except as provided in paragraph (b) of this subsection, the Authority will determine an applicant’s ability to hold a licence or rating issued under this Subpart based upon the applicant’s ability to safely perform the following during a practical test—

1. perform the tasks specified in the areas of operation for the licence or rating sought within the prescribed standards;
2. demonstrate mastery of the aircraft;
3. demonstrate sound judgement; and
4. demonstrate single-pilot competence if the aircraft is type certified for single-pilot operations.

(b) If an applicant fails any area of operation, that applicant fails the practical test.

(c) An applicant is not eligible for a licence or rating sought until all the areas of operation are passed.

(d) The examiner or the applicant may discontinue a practical test at any time—

1. when the applicant fails one or more of the areas of operation; or
2. due to inclement weather conditions, aircraft airworthiness, or any other safety-of-flight concern.

(e) If a practical test is discontinued, the Authority may give the applicant credit for those areas of operation already passed, but only if the applicant—

1. passes the remainder of the practical test within the 30-day period after the date the practical test was begun;
2. presents to the examiner for the retest, the original notice of disapproval form or the letter of discontinuance form, as appropriate;
3. satisfactorily accomplishes any additional training needed and obtains the appropriate instructor endorsements, if additional training is required.

2.1.4.5 Practical Tests: Required Aircraft And Equipment

Except when permitted to accomplish the entire flight increment of the practical test in an approved flight simulator or an approved flight training device, an applicant for a licence or rating issued under this Part shall furnish an aircraft with the necessary equipment and controls.

Implementing Standard: See IS: 2.1.4.5 for required equipment and controls for practical tests.

2.1.4.6 Retesting After Failure

(a) An applicant for a knowledge or practical test who fails that test may reapply for the test only after the applicant has received—

1. the necessary training from an authorised instructor who has determined that the applicant is proficient to pass the test; and
(2) an endorsement from an authorised instructor who gave the applicant the additional training.

(b) An applicant for a flight instructor rating with an aeroplane category rating or, for a flight instructor rating with a glider category rating, who has failed the practical test due to deficiencies in instructional proficiency on stall awareness, spin entry, spins, or spin recovery shall—

(1) comply with the requirements of paragraph (a) of this subsection before being retested;

(2) bring an aircraft to the retest that is of the appropriate aircraft category for the rating sought and is certified for spins; and

(3) demonstrate satisfactory instructional proficiency on stall awareness, spin entry, spins, and spin recovery to an examiner during the retest.

2.1.4.7 Records of Training Time

A person shall document and record the following time in a manner acceptable to the Authority—

(1) training and aeronautical experience used to meet the requirements for a licence, rating, qualification, authorisation, or flight review of this Part;

(2) the aeronautical experience required to show recent flight experience requirements of these Regulations.

Implementing Standard: See IS: 2.1.4.7 for flight time to be recorded.

2.1.4.8 Flight Training Received From Flight Instructors Not Rated By The Authority

(a) A person may credit flight training toward the requirements of a pilot licence or rating if that person received the training from—

(1) a flight instructor of an Armed Force in a programme for training military pilots of either—

(a) Antigua & Barbuda; or

(b) another Contracting State; or

(2) a flight instructor authorised to give such training by the licensing authority of a Contracting State, provided that the flight training is given outside Antigua & Barbuda.

(b) A flight instructor described in paragraph (a) of this subsection is authorised to give only the endorsements to show training given.

2.1.4.9 Limitations On The Use Of Flight Simulators And Flight Training Devices

(a) Except as specified in paragraphs (b) or (c) of this subsection, an airman shall not receive credit for use of any flight simulator or flight training device for satisfying any training, testing, or checking requirement of this part unless that flight simulator or flight training device is approved by the Authority for—

(1) the training, testing, and checking for which it is used;
(2) each particular manoeuvre, procedure, or crewmember function performed; and

(3) the representation of the specific category and class of aircraft, type of aircraft, particular variation within the type of aircraft, or set of aircraft for certain flight training devices.

(b) The Authority will consider as a flight training device any device used for flight training, testing, or checking that the Authority has accepted or approved, which any user can show to function as originally designed, provided it is used for the same purposes for which it was originally accepted or approved and only to the extent of such acceptance or approval.

(c) The Authority may approve a device other than a flight training simulator or flight training device for specific purposes.

Implementing Standard: See IS: 2.1.4.9 for requirements on the use of approved simulators and flight training devices.

2.1.4.10 (Reserved)

2.1.4.11 Synthetic Flight Training Device

(a) A Synthetic Flight Training Device is classified as—

(1) flight training device (FTD);

(2) full flight simulator (FFS).

(b) Synthetic flight training devices shall be used if available otherwise an aeroplane shall be used if appropriate for the manoeuvre or procedure.

2.2 CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

2.2.1 Aircraft Ratings And Pilot Authorisations

2.2.1.1 General Requirement

To be eligible for an aircraft rating or authorisation to a pilot licence, an applicant shall meet the appropriate requirements of this section for the aircraft rating or authorisation sought.

2.2.1.2 Instrument Rating Requirements

(a) An applicant for an instrument rating shall—

(1) hold a pilot licence with an aircraft category and class rating for the instrument rating sought;

(2) receive a logbook or training record endorsement from an authorised instructor certifying that the person is prepared to take the required practical test;

(3) pass the required knowledge test on the aeronautical knowledge areas, unless the applicant already holds an instrument rating in another category; and

(4) pass the required practical test on the areas of operation in—

(a) the aircraft category, class, and type, if applicable, appropriate to the rating sought; or
(b) A flight simulator or a flight training device appropriate to the rating sought and approved for the specific manoeuvre or procedure performed.

(b) Aeronautical knowledge. An applicant for an instrument rating shall have received and logged ground training from an authorised instructor on the areas of aeronautical knowledge that apply to the instrument rating.

(c) Flight proficiency. An applicant for an instrument rating shall receive and log training from an authorised instructor in an aircraft, or in an approved flight simulator or approved flight training device, in accordance with paragraph (e) of this subsection.

Note: If the privileges of the instrument rating are to be exercised on multi-engined aeroplanes, the applicant shall have received dual instrument flight instruction in such an aeroplane from an authorized flight instructor. The instructor shall ensure that the applicant has operational experience in the operation of the aeroplane solely by reference to instruments with one engine inoperative or simulated inoperative.

(d) Aeronautical experience. An applicant for an instrument rating shall have logged the required aeronautical experience shown in the implementing standard for this subsection.

(e) Use of approved flight simulators or approved flight training devices. If the instrument training was provided by an authorised instructor in an approved flight simulator or an approved flight training device, an applicant may perform—

(1) a maximum of 30 hours in that flight simulator or flight training device if the training was accomplished in accordance with a training program approved under Part 3, Subpart 3.2; or

(2) a maximum of 20 hours in that flight simulator or flight training device if the training was not accomplished in accordance with a training programme approved under Part 3, Subpart 3.2.

Implementing Standard: See IS: 2.2.1.2 for additional requirements pertaining to the knowledge test, practical test, aeronautical experience, and aeronautical knowledge areas that apply to the instrument rating.

2.2.1.3 Category Rating

(a) A pilot seeking a category rating—

(1) shall have received the required training and possess the aeronautical experience prescribed by this Part for the aircraft category and, if applicable, class and type rating sought;

(2) shall have an endorsement in his or her logbook or training record from an authorised instructor that the applicant has been found competent in the following areas, as appropriate to the pilot licence for the aircraft category and, if applicable, class and type rating sought—

(i) aeronautical knowledge areas;

(ii) areas of operation.
(3) shall pass the practical test applicable to the pilot licence for the aircraft category and, if applicable, class and type rating sought; and

(4) need not take an additional knowledge test, provided the applicant holds an aeroplane, rotorcraft, powered-lift, or airship rating at that pilot licence level.

2.2.1.4 Class Rating

(a) A pilot seeking a class rating—

(1) shall have an endorsement in his or her logbook or training record from an authorised instructor that the applicant has been found competent in the following areas, as appropriate to the pilot licence and for the aircraft class rating sought:

   (i) aeronautical knowledge areas;

   (ii) areas of operation.

(2) shall pass the practical test applicable to the pilot licence for the aircraft class rating sought;

(3) need not meet the training time requirements prescribed by this Part for the aircraft class rating sought; and

(4) need not take an additional knowledge test, provided the applicant holds an aeroplane, rotorcraft, powered-lift, or airship rating at that pilot licence level.

2.2.1.5 Type Rating

(a) A pilot seeking an aircraft type rating to be added on a pilot licence, or the addition of an aircraft type rating that is accomplished concurrently with an additional aircraft category or class rating—

(1) Shall have gained experience in an aircraft or flight simulator and recorded that experience in his or her logbook or training record showing demonstrated competency in the following areas, as appropriate to the pilot licence for the aircraft category, class and type rating sought—

   (i) Normal flight procedures and manoeuvres during all phases of flight;

   (ii) Abnormal and emergency procedures and manoeuvres in the event of failures and malfunctions of equipment, such as powerplant, systems and airframe;

   (iii) Where applicable, instrument procedures, including instrument approach, missed approach and landing procedures under normal, abnormal and emergency conditions, including simulated engine failure;

   (iv) Procedures for crew incapacitation and crew coordination including allocation of pilot tasks; crew cooperation and use of checklists.

(2) Shall pass the practical test applicable to the pilot licence for the aircraft category, class, and type rating sought; demonstrating—
(i) The skill and knowledge required for the safe operation of the applicable type of aircraft, relevant to the duties of a pilot-in-command or a co-pilot as applicable; and

(ii) At the airline transport pilot licence level, an extent of knowledge required by the Authority.

(b) In addition to (a) above, a pilot employee of an AOC holder shall—

(1) Hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class or type rating sought;

(2) Except as provided for in paragraphs (e) and (f), shall perform the practical test under instrument flight rules;

(3) Need not take an additional knowledge test, provided the applicant holds an aeroplane, rotorcraft, powered-lift, or airship rating on their pilot licence; and

(4) Received an endorsement in his or her flight training record from the certificate holder certifying that the applicant has completed the certificate holder’s approved ground and flight training programme appropriate to the aircraft type rating sought.

(c) An applicant for a type rating who provides an aircraft not capable of the instrument manoeuvres and procedures required by the appropriate requirements for the practical test may—

(1) Obtain a type rating limited to “VFR only”; and

(2) Remove the “VFR only” limitation for each aircraft type in which the applicant demonstrates compliance with the appropriate instrument requirements of this Part.

(d) The Authority may issue to an applicant for a type rating a licence with the limitation “VFR only” for each aircraft type not equipped for the applicant to show instrument proficiency.

(e) An applicant for a type rating in a multi-engine, single-pilot station aeroplane may meet the requirements of paragraph (b) in a multi-seat version of that multi-engine aeroplane.

(f) An applicant for a type rating in a single-engine, single-pilot station aeroplane may meet the requirements of paragraph (b) in a multi-seat version of that single-engine aeroplane.

(g) An applicant for a type rating in a single-engine, single-pilot station aeroplane may meet the requirements of paragraph (b) in a multi-seat version of that single-engine aeroplane.

2.2.1.6 Category II and III Pilot Authorisation Requirements

(a) General. An applicant for a Category II or Category III pilot authorisation shall—

(1) hold a pilot licence with an instrument rating or an airline transport pilot licence;

(2) hold a category and class rating, and type rating, if applicable, for the aircraft for which the authorisation is sought; and

(3) complete the practical test requirements.
(b) **Experience requirements.** An applicant for a Category II or Category III pilot authorisation shall have at least—

1. 50 hours of night flight time as PIC;
2. 75 hours of instrument time under actual or simulated instrument conditions that may include not more than:
   
   (i) a combination of 25 hours of simulated instrument flight time in an approved flight simulator or an approved flight training device; or
   
   (ii) 40 hours of simulated instrument flight time if accomplished in an approved course conducted by an appropriately rated ATO certified under Part 3, Subpart 3.2.
   
   (iii) 250 hours of cross-country flight time as PIC.

(c) Upon passing a practical test for a Category II or III pilot authorisation, a pilot may renew that authorisation for each type of aircraft for which the pilot holds authorisation.

(d) If the holder of a Category II or Category III pilot authorisation passes the practical test for a renewal after the authorisation expires, the Authority shall renew the authorisation from the date the applicant satisfactorily passed the practical test.

(e) If the holder of a Category II or Category III pilot authorisation passes the practical test for a renewal in the month before the authorisation expires, the Authority will consider that the holder passed it during the month the authorisation expired.

*Implementing Standard:* See IS: 2.2.1.6 for additional requirements concerning Category II and III pilot authorisations.

### 2.2.1.7 (Reserved)

### 2.2.2 Student Pilots

#### 2.2.2.1 Applicability

This Subpart prescribes the requirements for the issuance of student pilot licences, the conditions under which those licences are necessary, and the general operating rules and limitations for the holders of those licences.

#### 2.2.2.2 Eligibility Requirements for Student Pilots

To be eligible for a student pilot licence, an applicant shall—

(a) be at least 17 years of age;

(b) hold a Class 2 medical certificate issued under Part 2.;

(c) meet the English language proficiency requirements of 2.1.2.6;

#### 2.2.2.3 Application

An applicant for a student pilot licence shall apply to the Authority in the prescribed manner.

#### 2.2.2.4 Solo Requirements for Student Pilots

(a) General.

   (1) A student pilot shall not fly solo unless under the supervision of, or with the authority of, an authorized flight instructor;
(2) A student pilot may not operate an aircraft in solo flight unless that student has met the requirements of this subsection.

(b) Aeronautical knowledge.

(1) a student pilot shall satisfactorily pass an aeronautical knowledge test on the following subjects—

(i) applicable sections of this Part and Part 8;

(ii) airspace rules and procedures for the airport where the student will perform solo flight; and

(iii) flight characteristics and operational limitations for the make and model of aircraft to be flown.

(2) The student’s authorised instructor shall—

(i) administer the test; and

(ii) at the conclusion of the test, review all incorrect answers with the student before authorising that student to conduct a solo flight.

(3) Pre solo flight training. Prior to conducting a solo flight, a student pilot shall have—

(i) received and logged flight training for the manoeuvres and procedures of this subsection that are appropriate to the make and model of aircraft to be flown; and

(ii) demonstrated satisfactory proficiency and safety, as judged by an authorised instructor, on the manoeuvres and procedures required by this subsection in the make and model of aircraft or similar make and model of aircraft to be flown.

(4) Manoeuvres and procedures for pre-solo flight training. A student pilot shall receive and log flight training for required manoeuvres and procedures.

Implementing Standard: See IS: 2.2.2.4 for required manoeuvres and procedures for a student pilot.

2.2.2.5 General Limitations

(a) A student pilot may not act as PIC of an aircraft—

(1) that is carrying a passenger;

(2) that is carrying property for compensation or hire;

(3) that is operated for compensation or hire;

(4) in furtherance of a business;

(5) on an international flight;

(6) with a flight or surface visibility of less than 3 statute miles during daylight hours or 5 statute miles at night;

(7) when the flight cannot be made with visual reference to the surface; or

(8) in a manner contrary to any limitations placed in the pilot’s logbook by an authorised instructor.
(b) A student pilot shall not act as a required pilot flight crewmember on any aircraft for which more than one pilot is required by the aircraft type certificate, or by these Regulations under which the flight is conducted, except when receiving flight training from an authorised instructor on board an airship, and no person other than a required flight crewmember is carried on the aircraft.

(c) A student pilot shall not operate an aircraft in solo flight unless that student pilot has received within the 90 days preceding the date of the flight, an endorsement from an authorised instructor for the specific make and model aircraft to be flown made—

(1) on his or her student pilot licence; and

(2) in the student’s logbook.

(d) A student pilot shall not operate an aircraft in solo flight at night unless that student pilot has received—

(1) flight training at night that includes takeoffs, approaches, landings and go-arounds at night at the airport where the student will conduct solo flight;

(2) navigation training at night in the vicinity of the airport where the student pilot will conduct solo flight; and

(3) an endorsement for night solo flight.

2.2.2.6 Solo Cross-Country Flight Requirements

(a) General.

(1) except as provided in paragraph (b) of this subsection, a student pilot shall meet the requirements of this subsection before—

(i) conducting a solo cross-country flight, or any flight greater than 25 nautical miles from the airport from where the flight originated; and

(ii) making a solo flight and landing at any location other than the airport of origination.

(2) except as provided in paragraph (b) of this subsection, a student pilot who seeks solo cross-country flight privileges shall—

(i) have received flight training from an authorised instructor on the manoeuvres and procedures of this subsection that are appropriate to the make and model of aircraft for which solo cross-country privileges are sought;

(ii) have demonstrated cross-country proficiency on the appropriate manoeuvres and procedures of this subsection to an authorised instructor;

(iii) have satisfactorily accomplished the pre-solo flight manoeuvres and procedures required by IS: 2.2.2.6 in the make and model of aircraft or similar make and model of aircraft for which solo cross-country privileges are sought; and

(iv) comply with any limitations included in the instructor’s endorsement that are required by paragraph (c) of this subsection.
(3) a student pilot who seeks solo cross-country flight privileges shall have received ground and flight training from an authorised instructor on the cross-country manoeuvres and procedures listed in this subsection that are appropriate to the aircraft to be flown.

(b) Authorisation to perform certain solo flights and cross-country flights. A student pilot shall obtain an endorsement from an authorised instructor to make solo flights, subject to the following conditions—

(1) a student pilot may make solo flights to another airport that is within 25 nautical miles from the airport where the student pilot normally receives training, provided—

(i) the authorised instructor who makes the endorsement gave the student pilot flight training at the other airport, and that training included flight in both directions over the route, entering and exiting the traffic pattern, and takeoffs and landings at the other airport;

(ii) the student pilot has a current solo flight endorsement in accordance with 2.2.2.4.

(iii) the instructor has determined that the student pilot is proficient to make the flight; and

(iv) the purpose of the flight is to practice takeoffs and landings at that other airport.

(2) a student pilot may make repeated specific solo cross-country flights to another airport that is within 50 nautical miles of the airport from which the flight originated, provided—

(i) the authorised instructor who gave the endorsement gave the student flight training in both directions over the route, including entering and exiting the traffic patterns, takeoffs, and landings at the airport to be used;

(ii) the student has current solo flight endorsements in accordance with 2.2.2.4; and

(iii) the student has a current solo cross-country flight endorsement in accordance with paragraph (c) of this subsection, except that separate endorsements are not required for each flight made under this paragraph.

(c) Endorsements for solo cross-country flights. Except as specified in paragraph (b)(2), a student pilot shall have the endorsements prescribed in this paragraph for each make and model aircraft the student will fly on each cross-country flight—

(1) student pilot licence endorsement—

(i) a student pilot shall have a solo cross-country endorsement placed on the student pilot licence by the authorised instructor who conducted the training.

(2) logbook endorsement—

(i) a student pilot shall have a solo cross-country endorsement placed in the student pilot’s logbook by the authorised instructor who conducted the training;
(ii) a licenced pilot who is receiving training for an additional aircraft category and class rating shall have an endorsement placed in the pilot’s logbook by the authorised instructor who conducted the training.

(d) Manoeuvres and procedures for cross-country flight training. A student pilot who is receiving training for cross-country flight shall receive and log flight training in the required manoeuvres and procedures.

Implementing Standard: See IS: 2.2.2.6 for list of required manoeuvres and procedures.

2.2.3 Private Pilots

2.2.3.1 Applicability

This subsection prescribes the requirements for the issuance of private pilot licences and ratings, and the conditions under which those licences and ratings are necessary.

2.2.3.2 Eligibility Requirements: General

To be eligible for a private pilot licence, a person shall—

(a) be at least 17 years of age;
(b) hold a Class 2 medical certificate issued under Part 2.;
(c) meet the English language proficiency requirements of 2.1.2.6
(d) receive a logbook endorsement for the knowledge test from an authorised instructor who—

(1) conducted the training or reviewed the person’s home study on the aeronautical knowledge areas listed in 2.2.3.3 that apply to the aircraft rating sought; and

(2) certified that the person is prepared for the required knowledge test.
(e) pass the required knowledge test on the aeronautical knowledge areas listed in 2.2.3.3.
(f) receive flight training and a logbook endorsement from an authorised instructor who—

(1) conducted the training in the areas of operation listed in 2.2.3.4(a) that apply to the aircraft rating sought; and

(2) certified that the person is prepared for the required practical test.
(g) meet the aeronautical experience requirements of this Subpart that apply to the aircraft rating sought before applying for the practical test;
(h) pass a practical test on the areas of operation listed in 2.2.3.4(a) that apply to the aircraft rating sought;
(i) comply with the appropriate sections of Subpart 2.2 that apply to the aircraft category and class rating sought.
2.2.3.3 Aeronautical Knowledge

An applicant for a private pilot licence shall receive and log ground training from an authorised instructor or complete a home-study course on the required aeronautical knowledge areas shown in IS: 2.2.3.3.

2.2.3.4 Flight Proficiency

An applicant for a private pilot licence shall receive and log flight training from an authorised instructor and shall receive and log ground training from an authorised instructor or complete a home-study course on the following areas of operation—

(a) for all categories, class and type ratings, as applicable—

(1) preflight preparation;
(2) preflight procedures;
(3) airport and seaplane base operations;
(4) takeoffs, landings, and go arounds;
(5) performance manoeuvres;
(6) ground reference manoeuvres;
(7) navigation;
(8) slow flight and stalls;
(9) basic instrument manoeuvres;
(10) emergency operations;
(11) night operations; and
(12) post flight procedures.

(b) for the category and class ratings shown below, the applicable areas of operation shown in paragraph (a) and—

(1) aeroplane category rating with a multiengine class rating—
   (i) multiengine operations.
(2) rotorcraft category rating with a helicopter class rating—
   (i) airport and heliport operations; and
   (ii) hovering manoeuvres.
(3) rotorcraft category rating with a gyroplane class rating—
   (i) flight at slow airspeeds.
(4) powered-lift category rating—
   (i) airport and heliport operations; and
   (ii) hovering manoeuvres.
(5) glider category rating—
   (i) airport and glider port operations;
   (ii) launches and landings;
   (iii) performance speeds; and
(iv) soaring techniques.

(6) lighter-than-air category rating with a balloon class rating—

(i) launches and landings.

2.2.3.5 Aeronautical Experience

(a) An applicant for a private pilot licence with an aeroplane, rotorcraft, or powered-lift category rating shall receive and log one of the following minimum flight training times—

(1) at least 40 hours of flight time that includes at least 20 hours of flight training from an authorised instructor; and

(2) 10 hours of solo flight training in the areas of operation listed in 2.2.3.4.

Implementing Standard: See IS: 2.2.3.5 for minimum aeronautical training requirement.

(b) Except when fewer hours are approved by the Authority, an applicant who has satisfactorily completed a private pilot course conducted by an ATO certified under Part 3, Subpart 3.2 need have only a total of 35 hours of aeronautical experience.

(c) When the applicant has flight time as a pilot of aircraft in other categories, the Authority shall determine whether such experience is acceptable and, if so, the extent to which the flight time requirements of 2.2.3.5(a) may be reduced.

(d) An applicant for a private pilot licence may credit one of the following in an approved flight simulator or an approved flight training device representing the category, class, and type, if applicable, of aircraft appropriate to the rating sought—

(i) a maximum of 2.5 hours of training, if received from an authorised instructor other than an ATO; or

(ii) a maximum of 5 hours of training if the training is accomplished in a course conducted by an ATO certified under Part 3, Subpart 3.2.

2.2.3.6 Cross-Country Flights: Pilots Based on Small Islands

(a) Except as provided in paragraph (b) of this subsection, an applicant located on an island from which the cross-country flight training required in 2.2.2.6 cannot be accomplished without flying over water for more than 10 nautical miles from the nearest shoreline need not comply with the requirements of that section.

(b) If other airports that permit civil operations are available to which a flight may be made without flying over water for more than 10 nautical miles from the nearest shoreline, the applicant shall show completion of two round trip solo flights between those two airports that are farthest apart, including a landing at each airport on both flights.

(c) The Authority shall issue to an applicant who complies with paragraph (a) or paragraph (b) of this subsection, and meets all requirements for the issuance of a private pilot licence, except the cross-country training requirements of 2.2.2.6 of this Subpart, a pilot licence with an
endorsement containing the following limitation, “Passenger carrying prohibited on flights more than 10 nautical miles from (the appropriate island).” The Authority may subsequently amend the limitation to include another island if the applicant complies with the requirements of paragraph (a) or paragraph (b) of this subsection for another island.

(d) Upon meeting the cross-country training requirements of 2.2.2.6, an applicant may have the limitation in paragraph (c) of this subsection removed.

2.2.3.7 Private Pilot Privileges and Limitations: Required Crewmember

(a) Except as provided in paragraphs (b) through (f) of this subsection, a private pilot shall not act as a required crewmember of an aircraft—

(1) carrying passengers or property for compensation or hire; or

(2) operated for compensation or hire.

(b) A private pilot may, for compensation or hire, act as a required crewmember of an aircraft in connection with any business or employment if—

(1) the flight is only incidental to that business or employment; and

(2) the aircraft does not carry passengers or property for compensation or hire.

(c) A private pilot may act as a required crewmember of an aircraft used in a passenger carrying airlift sponsored by a charitable organisation described in paragraph (c)(7) of this subsection, and for which the passengers make a donation to the organisation, when the following requirements are met—

(1) the sponsor of the airlift notifies the office of the Authority with jurisdiction over the area concerned at least 7 days before the event and furnishes—

(i) a signed letter from the sponsor that shows the name of the sponsor, the purpose of the charitable event, the date and time of the event, and the location of the event; and

(ii) a photocopy of each required crewmember’s pilot licence, medical certificate, and logbook entries that show the pilot is current and has logged at least 200 hours of flight time;

(iii) the flight is conducted from a public airport that is adequate for the aircraft to be used, or from another airport that has been approved by the Authority for the operation;

(iv) no aerobatic or formation flights are conducted;

(v) an aircraft used for the charitable event holds a standard airworthiness certificate;

(vi) an aircraft used for the charitable event is airworthy and complies with the applicable requirements of Part 8;

(vii) a flight for the charitable event is made during day VFR conditions; and
(viii) the charitable organisation is an organisation identified as such by the appropriate authority of the government.

(d) A private pilot may be reimbursed for aircraft operating expenses that are directly related to search and location operations, provided the expenses involve only fuel, oil, airport expenditures, or rental fees, and the operation is sanctioned and under the direction and control of—

(1) a relevant Government agency; or
(2) an organisation that conducts search and location operations.

(e) A private pilot who is an aircraft salesman and who has at least 200 hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

(f) A private pilot shall not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees.

(g) Except as provided in paragraphs (b) through (f) of this subsection, a private pilot shall not, for compensation or hire, act as SIC of an aircraft that is type certified for more than one pilot.

2.2.3.8 Private Pilot With Balloon Rating: Limitations

(a) If an applicant for a private pilot licence with a balloon rating takes a practical test in a balloon with an airborne heater—

(1) the Authority shall place upon the pilot licence a limitation restricting the exercise of the privileges of that licence to a balloon with an airborne heater; and
(2) the pilot may remove the limitation by obtaining the required aeronautical experience in a gas balloon and receiving a logbook endorsement from an authorised instructor who attests to the person’s accomplishment of the required aeronautical experience and ability to satisfactorily operate a gas balloon.

(b) If an applicant for a private pilot licence with a balloon rating takes a practical test in a gas balloon—

(1) the Authority shall place upon the pilot licence a limitation restricting the exercise of the privilege of that licence to a gas balloon; and
(2) the pilot may remove the limitation by obtaining the required aeronautical experience in a balloon with an airborne heater and receiving a logbook endorsement from an authorised instructor who attests to the pilot’s accomplishment of the required aeronautical experience and ability to satisfactorily operate a balloon with an airborne heater.

2.2.4 Commercial Pilots

2.2.4.1 Applicability

This subsection prescribes the requirements for the issuance of commercial pilot licences and ratings, and the conditions under which those licences and ratings are necessary.
2.2.4.2 Eligibility Requirements: General

To be eligible for a commercial pilot licence, a person shall—

(a) be at least 18 years of age;
(b) hold a Class 1 medical certificate issued under Part 2;
(c) meet the English language proficiency requirements of 2.1.2.6;
(d) receive a logbook endorsement from an authorised instructor who—

(1) conducted the required ground training or reviewed the person’s home study on the aeronautical knowledge areas listed in IS: 2.2.4.3 that apply to the aircraft category and class rating sought; and

(2) certified that the person is prepared for the required knowledge test that applies to the aircraft category and class rating sought—

(i) pass the required knowledge test on the aeronautical knowledge areas listed in IS: 2.2.4.3;

(ii) receive the required training and a logbook endorsement from an authorised instructor who—

(A) conducted the training on the areas of operation listed in IS: 2.2.4.3 that apply to the aircraft category and class rating sought; and

(B) certified that the person is prepared for the required practical test.

(3) meet the aeronautical experience requirements of this Subpart that apply to the aircraft category and class rating sought before applying for the practical test;

(4) pass the required practical test on the areas of operation listed in IS: 2.2.4.4 that apply to the aircraft category and class rating sought;

(5) hold a private pilot licence issued under this Subpart; and

(6) comply with all sections of this Subpart that apply to the aircraft category and class rating sought.

2.2.4.3 Commercial Pilot: Aeronautical Knowledge Requirements

An applicant for a commercial pilot licence shall receive and log ground training from an authorised instructor, or complete a home-study course on the required aeronautical knowledge areas shown in IS: 2.2.4.3.

Implementing Standard: See IS: 2.2.4.3 for specific aeronautical knowledge area requirements.

2.2.4.4 Commercial Pilot: Flight Proficiency Requirements

An applicant for a commercial pilot licence shall complete a home study course or receive and log ground training from an authorised instructor and shall receive and log flight training from an authorised instructor on the areas of operation of this subsection that apply to the aircraft category, class and type rating sought.

Implementing Standard: See IS: 2.2.4.4 for detailed requirements concerning training for aircraft category and class ratings sought.
2.2.4.5 Commercial Pilot: Aeronautical Experience

(a) An applicant for a commercial pilot licence shall obtain the required 250 flight hours of aeronautical experience set forth in IS: 2.2.4.5—

(1) except when fewer hours are approved by the Authority, an applicant who has satisfactorily completed a commercial pilot course conducted by an ATO certified under Part 3, Subpart 3.2 need have only the following total aeronautical experience to meet the aeronautical experience requirements of this subsection—

   (i) 190 hours for an aeroplane or powered-lift rating.
   
   (ii) 150 hours for a helicopter rating.

(b) An applicant for a commercial pilot licence may credit one of the maximum times for training in an approved flight simulator or approved flight training device representing the applicable category, class, and type of aircraft appropriate to the rating sought—

(1) 50 hours for an aeroplane or powered-lift rating;
(2) 25 hours for a helicopter rating;
(3) 100 hours for an aeroplane or powered-lift rating in a course conducted by an ATO certified under Part 3, Subpart 3.2; or
(4) 50 hours for a helicopter rating in a course conducted by an ATO certified under Part 3, Subpart 3.2.

Implementing Standard: See IS: 2.2.4.5 for specific required aeronautical experience

2.2.4.6 Commercial Pilot Privileges and Limitations

(a) Privileges:

A commercial pilot licence holder may act as PIC or co-pilot of an aircraft for compensation or hire, including the carriage of persons or property for compensation or hire, provided the pilot is qualified in accordance with the applicable parts of these Regulations;

(1) a commercial pilot with a lighter than air category ratings may—

   (i) for an airship—

      (A) give flight and ground training in an airship for the issuance of a licence or rating;
      (B) endorse a pilot licence for an airship; and
      (C) act as PIC or co-pilot of an airship under IFR.

   (ii) for a balloon—

      (D) give flight and ground training in a balloon for the issuance of a licence or rating; and
      (E) endorse a pilot licence for a balloon.

(b) Limitations—

(1) the Authority shall issue to an applicant for a commercial pilot licence with an aeroplane category or powered-lift category rating who does not hold an instrument rating in the same category and
class, a commercial pilot licence that contains the limitation, “The carriage of passengers for hire in (aeroplanes) (powered-lifts) on cross-country flights in excess of 50 nautical miles or at night is prohibited;”

(2) a pilot may remove the limitation specified in paragraph (b)(1) by satisfactorily accomplishing the requirements listed in 2.2.1.2 for an instrument rating in the same category and class of aircraft that has the limitation;

(3) if an applicant for a commercial pilot licence with a balloon rating takes a practical test in a balloon with an airborne heater—
   (i) the Authority shall place upon the pilot licence a limitation restricting the exercise of the privileges of that licence to a balloon with an airborne heater;
   (ii) the pilot may remove the limitation specified in paragraph (b)(3)(i) by obtaining the required aeronautical experience in a gas balloon and receiving a logbook endorsement from an authorised instructor who attests to the pilot’s accomplishment of the required aeronautical experience and ability to satisfactorily operate a gas balloon.

(4) if an applicant for a commercial pilot licence with a balloon rating takes a practical test in a gas balloon—
   (i) the Authority shall place upon the pilot licence a limitation restricting the exercise of the privileges of that licence to a gas balloon; and
   (ii) the pilot may remove the limitation specified in paragraph (b)(4)(i) by obtaining the required aeronautical experience in a balloon with an airborne heater and receiving a logbook endorsement from an authorised instructor who attests to the person’s accomplishment of the required aeronautical experience and ability to satisfactorily operate a balloon with an airborne heater.

2.2.4.7 Additional Aircraft Category, Class, and Type Ratings

(a) An applicant for a commercial pilot licence with a category rating who holds a commercial pilot licence with another aircraft category rating shall—
   (1) meet the applicable eligibility requirements;
   (2) pass a knowledge test on the applicable aeronautical knowledge areas;
   (3) meet the applicable aeronautical experience requirements; and
   (4) pass the practical test on the areas of operation.

(b) Aircraft type rating.
   (1) An applicant seeking an aircraft type rating to be added on a commercial pilot licence shall pass a knowledge test appropriate to the type rating sought;
   (2) Pass the required skill test on the applicable aircraft type.
2.2.5 Airline Transport Pilots

2.2.5.1 Applicability
This Subpart prescribes the requirements for the issuance of airline transport pilot licences and ratings, and the conditions under which those licences and ratings are necessary.

2.2.5.2 Eligibility Requirements: General
To be eligible for an airline transport pilot licence, a person shall—
(a) be at least 21 years of age;
(b) hold a Class I medical certificate issued under Part 2;
(c) meet the English language proficiency requirements of 2.1.2.6;
(d) meet at least one of the following requirements—
   (1) hold a valid and current commercial pilot licence and an instrument rating; or
   (2) hold either a foreign airline transport pilot or foreign commercial pilot licence and an instrument rating issued by another Contracting State;
   (3) meet the aeronautical applicable experience requirements of this Subpart before applying for the practical test;
   (4) pass a knowledge test on the applicable aeronautical knowledge areas of IS: 2.2.5.3 that apply to the aircraft category and class rating sought;
   (5) pass the practical test on the applicable areas of operation listed in 2.2.5.4 that apply to the aircraft category and class rating sought.

2.2.5.3 Aeronautical Knowledge
(a) General. The Authority will administer a knowledge test for an airline transport pilot licence based on the aeronautical knowledge areas appropriate to the aircraft category and class rating sought
(b) An applicant for an air transport licence shall receive and log ground training from an authorised instructor, or complete a home-study course on the required aeronautical knowledge areas shown in IS: 2.2.5.3.

Implementing Standard: See IS: 2.2.5.3 for a list of required aeronautical knowledge areas.

2.2.5.4 Flight Proficiency
An applicant for an airline transport pilot licence shall complete a home study course or receive and log ground training from an authorised instructor and shall receive and log flight training from an authorised instructor on the areas of operation of this subsection that apply to the aircraft category, class and type rating sought.

Implementing Standard: See IS: 2.2.5.4 for detailed requirements concerning training for aircraft category and class ratings sought.
2.2.5.5 Aeronautical Experience: Aeroplane Category Rating

(a) Except as provided in paragraphs (b), (c), and (d) of this subsection, an applicant for an airline transport pilot licence with an aeroplane category and class rating shall have at least 1,500 hours of total time as a pilot that includes at least—

(1) 500 hours of cross-country flight time;

(2) 100 hours of night flight time;

(3) 75 hours of instrument flight time, in actual or simulated instrument conditions;

(4) not more than one of the following in an approved flight simulator or approved flight training device representing an aeroplane—

(i) 25 hours of simulated instrument time;

(ii) 50 hours of simulated instrument time if the training was accomplished in a course conducted by an ATO certified under Part 3, Subpart 3.2;

(5) 100 hours of aeronautical experience requirements in an approved course conducted by an ATO certified under Part 3, Subpart 3.2; and

(6) 250 hours of flight time in an aeroplane as a PIC, or as SIC performing the duties and functions of a PIC while under the supervision of a PIC or any combination thereof, which includes at least—

(i) 100 hours of cross country flight time; and

(ii) 25 hours of night flight time.

(b) A pilot who has performed at least 20 night takeoffs and landings to a full stop may substitute each additional night takeoff and landing to a full stop for 1 hour of night flight time to satisfy the requirements of paragraph (a)(2) of this subsection, not to exceed 25 hours of night flight time.

(c) A commercial pilot applicant may credit the following SIC flight time or flight engineer flight time toward the 1,500 hours of total time as a pilot required by paragraph (a) of this subsection—

(1) SIC time acquired in an aeroplane—

(i) required to have more than one pilot by the aeroplane’s flight manual or type certificate; or

(ii) engaged in operations under Part 9 for which a SIC is required.

(2) flight-engineer time acquired—

(i) in an aeroplane required to have a flight engineer by the aeroplane’s flight manual or type certificate;

(ii) while engaged in operations under Part 9 for which a flight engineer is required;

(iii) while the pilot is participating in a pilot training programme approved under Part 9; and
(iv) that does not exceed 1 hour for each 3 hours of flight
engineer flight time for a total credited time of no more than
500 hours.

2.2.5.6 Aeronautical Experience: Rotorcraft Category and Helicopter Class Rating

An applicant for an airline transport pilot licence with a rotorcraft category
and helicopter class rating, shall have at least 1,500 hours of total time as a
pilot that includes at least—

(a) 500 hours of cross-country flight time;

(b) 100 hours of night flight time, of which 15 hours are in helicopters;

(c) 200 hours of flight time in helicopters, which includes at least 75 hours
as a PIC, or as SIC performing the duties and functions of a PIC under
the supervision of a PIC, or any combination thereof;

(d) 75 hours of instrument flight time in actual or simulated instrument
meteorological conditions, of which at least 50 hours are obtained in
flight with at least 25 hours in helicopters as a PIC, or as SIC performing the duties and functions of a PIC under the supervision of
a PIC, or any combination thereof;

(e) not more than one of the following in an approved flight simulator or
approved flight training device representing a rotorcraft—

(1) 25 hours of simulated instrument time;

(2) 50 hours of simulated instrument time if the training was
accomplished in a course conducted by an ATO certified under
Part 3, Subpart 3.2.

2.2.5.7 Aeronautical Experience: Powered-Lift Flight Time

(a) An applicant for an airline transport pilot licence with a powered-lift
category rating shall have at least 1,500 hours of total time as a pilot
that includes at least—

(1) 500 hours of cross-country flight time;

(2) 100 hours of night flight time;

(3) 250 hours in a powered-lift as a PIC, or as a SIC performing the
duties and functions of a PIC under the supervision of a PIC, or
any combination thereof, which includes at least—

(i) 100 hours of cross-country flight time; and

(ii) 25 hours of night flight time.

(4) 75 hours of instrument flight time in actual or simulated
instrument conditions;

(5) not more than one of the following in an approved flight simulator
or approved flight training device representing a powered-lift—

(i) 25 hours of simulated instrument time;

(ii) 50 hours of simulated instrument time if the training was
accomplished in a course conducted by an ATO certified
under Part 3, Subpart 3.2.
(b) 100 hours of aeronautical experience in an approved course conducted by an ATO certified under Part 3, Subpart 3.2.

2.2.5.8 Additional Aircraft Category, Class, and Type Ratings

(a) An applicant for an airline transport licence with a category rating who holds an airline transport pilot licence with another aircraft category rating shall—

(1) meet the applicable eligibility requirements;
(2) pass a knowledge test on the applicable aeronautical knowledge areas;
(3) meet the applicable aeronautical experience requirements; and
(4) pass the practical test on the areas of operation.

(b) Aircraft type rating.

(1) An applicant seeking an aircraft type rating to be added on an airline transport pilot licence shall pass a knowledge test appropriate to the type rating sought;

(2) Pass the required skill test on the applicable aircraft type.

2.2.5.9 Airline Transport Pilot Privileges

(a) The Authority extends to the holder of an airline transport pilot licence the same privileges as those extended to a holder of a commercial pilot licence with an instrument rating and the privilege to act as PIC and SIC in aircraft in commercial air transportation.

(b) An airline transport pilot may instruct—

(1) other pilots in air transportation service in aircraft of the category, class, and type, as applicable, for which the airline transport pilot is rated, and in simulation of those aircraft, and endorse the logbook or other training record of the person to whom training has been given;

(2) only as provided in this subsection, unless the airline transport pilot also holds a flight instructor licence, in which case the holder may exercise the instructor privileges of this Part for which he or she is rated.

(c) Excluding briefings and debriefings, an airline transport pilot shall not instruct in aircraft, approved flight simulators, and approved flight training devices under this subsection—

(1) for more than 8 hours in any 24-consecutive-hour period; or
(2) for more than 36 hours in any 7-consecutive-day period.

(d) An airline transport pilot shall not instruct in Category II or Category III operations unless he or she has been trained and successfully tested under Category II or Category III operations, as applicable.

2.2.6 Flight Instructors

2.2.6.1 Applicability

This Subpart prescribes the requirements for the issuance of flight instructor ratings, the conditions under which those ratings are necessary, and the limitations on those ratings.
2.2.6.2 Eligibility Requirements

To be eligible for a flight instructor rating a person shall—

(a) be at least 18 years of age;
(b) hold a Class 1 medical certificate issued under Part 2.;
(c) meet the English language proficiency requirements of 2.1.2.6;
(d) hold either a commercial pilot licence or airline transport pilot licence with—

(1) an aircraft category, class and rating that is appropriate to the flight instructor rating sought; and

(2) an instrument rating, if the person holds a commercial pilot licence and is applying for a flight instructor rating with—

(i) an aeroplane category and single-engine class rating;
(ii) an aeroplane category and multiengine class rating;
(iii) a powered lift rating; or
(iv) an instrument rating.

(3) receive a logbook endorsement from an authorised instructor on the fundamentals of instructing listed in 2.2.6.3 appropriate to the required knowledge test;

(4) pass a knowledge test on the areas listed in 2.2.6.3;

(5) receive a logbook endorsement from an authorised instructor on the areas of operation listed in 2.2.6.4, appropriate to the flight instructor rating sought;

(6) pass the required practical test that is appropriate to the flight instructor rating sought in an—

(i) aircraft that is representative of the category, class and type of aircraft for the aircraft rating sought; or

(ii) approved flight simulator or approved flight training device that is representative of the category, class and type of aircraft for the rating sought, and used in accordance with an approved course at an ATO certified under Part 3, Subpart 3.2.

(7) accomplish the following for a flight instructor rating with an aeroplane or a glider rating:

(i) receive a logbook endorsement from an authorised instructor indicating that the applicant is competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures after receiving flight training in those training areas in an aeroplane or glider, as appropriate, that is certified for spins;

(ii) demonstrate instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures.

(8) an examiner may accept the endorsement specified in paragraph (8)(i) of this subsection as satisfactory evidence of instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures.
procedures for the practical test, provided that the practical test is not a retest as a result of the applicant failing the previous test for deficiencies in those knowledge or skill areas.

(9) if a retest is the result of deficiencies in the ability of an applicant to demonstrate the requisite knowledge or skill, the applicant shall demonstrate the knowledge and skill to an examiner in an aeroplane or glider, as appropriate, that is certified for spins.

(10) log at least 15 hours as PIC in the category, class and type of aircraft that is appropriate to the flight instructor rating sought; and

(11) comply with the appropriate sections that apply to the flight instructor rating sought.

2.2.6.3 Aeronautical Knowledge

(a) An applicant for a flight instructor rating shall receive and log ground training from an authorised instructor on the fundamentals of instructing, including—

(1) the learning process;
(2) elements of effective teaching;
(3) student evaluation and testing;
(4) course development;
(5) lesson planning; and
(6) classroom training techniques;

(7) the aeronautical knowledge areas for a private and commercial pilot licence applicable to the aircraft category for which flight instructor privileges are sought; and

(8) the aeronautical knowledge areas for the instrument rating applicable to the category for which instrument flight instructor privileges are sought.

2.2.6.4 Flight Instructor: Areas Of Operation For Flight Proficiency

(a) An applicant for a flight instructor rating shall receive and log flight and ground training, and an endorsement from an authorised instructor, that the person is proficient to pass a practical test for the flight instructor rating sought.

(b) An applicant may accomplish the flight training required by this subsection—

(1) in an aircraft that is representative of the category and class of aircraft for the rating sought; or

(2) in a flight simulator or flight training device representative of the category and class of aircraft for the rating sought, and used in accordance with an approved course at an ATO certified under Part 3, Subpart 3.2.

Implementing Standard: See IS: 2.2.6 4 for a list of areas of operation that apply to the practical test for a flight instructor rating.
2.2.6.5 Flight Instructor Records

A flight instructor shall—

(a) sign the logbook of each person to whom that instructor has given flight training or ground training;

(b) maintain a record in a logbook or a separate document that contains the following—

(1) the name of each person whose logbook or student pilot licence that instructor has endorsed for solo flight privileges, and the date of the endorsement; and

(2) the name of each person that instructor has endorsed for a knowledge test or practical test, and a record of the kind of test, the date, and the results; and

(c) retain the records required by this subsection for at least 3 years.

2.2.6.6 Additional Flight Instructor Endorsements

(a) An applicant for an additional flight instructor endorsement shall meet the eligibility requirements listed in 2.2.6.2 that apply to the flight instructor endorsement sought.

(b) An applicant for an additional endorsement is not required to pass the knowledge test on the areas listed in 2.2.6.3.

2.2.6.7 Flight Instructor Privileges

A flight instructor is authorised within the limitations of that person’s flight instructor rating, and pilot licence to give training and endorsements that are required for, and relate to—

(a) a student pilot licence;

(b) a pilot licence;

(c) a flight instructor licence;

(d) a ground instructor licence;

(e) an aircraft rating;

(f) an instrument rating;

(g) a flight review, operating privilege, or recency of experience requirement;

(h) a practical test; and

(i) a knowledge test.

2.2.6.8 Flight Instructor Limitations And Qualifications

The holder of a flight instructor rating shall observe the limitations and qualifications applicable to flight instructors.

Implementing Standard: See IS: 2.2.6.8 for detailed list of flight instructor limitations and qualifications.

2.2.6.9 Renewal Of Flight Instructor Ratings

(a) A flight instructor rating that has not expired may be renewed for an additional 24 calendar months if the holder—
(1) passes a practical test for—
   (i) renewal of the flight instructor rating; or
   (ii) an additional flight instructor rating; or

(2) presents to an Authority inspector—
   (i) a record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a licence or rating, and at least 80 percent of those students passed that test on the first attempt;
   (ii) a record that shows that within the preceding 24 calendar months, service as a company check pilot, chief flight instructor, company check airman, or flight instructor in a Part 9 operation, or in a position involving the regular evaluation of pilots; or
   (iii) a graduation certificate showing that the pilot has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, within the 90 days preceding the expiration month of his or her flight instructor licence.

(b) If a flight instructor accomplishes the renewal requirements within the 90 days preceding the expiration month of his or her flight instructor rating—
   (1) the Authority shall consider that the flight instructor accomplished the renewal requirement in the month due; and
   (2) the Authority shall renew the current flight instructor licence for an additional 24 calendar months from its expiration date.

(c) A flight instructor may accomplish the practical test required by paragraph (a)(1) of this subsection in an approved course conducted by an ATO certified under Part 3, Subpart 3.2.

2.2.6.10 Expired Flight Instructor Rating
The holder of an expired flight instructor rating may renew that rating by passing the prescribed test.

2.2.7 (Reserved)

2.3 CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

2.3.1 Flight Engineers

2.3.1.1 Applicability
Subpart 2.3 prescribes the requirements for issuing flight engineer licences.

2.3.1.2 Licences And Ratings Required
A person shall not act as a flight engineer of a civil aircraft of Antigua & Barbuda registry unless he or she has a flight engineer licence with appropriate ratings.

2.3.1.3 (Reserved)
2.3.1.4 Eligibility Requirements - General

To be eligible for a flight engineer licence, a person shall—

(a) be at least 18 years of age;
(b) hold a Class 3 medical certificate issued under Part 2;
(c) meet the English language proficiency requirements of 2.1.2.6; and
(d) comply with the requirements of this subsection that apply to the rating sought.

2.3.1.5 Additional Aircraft Ratings

To add another aircraft class rating to a flight engineer licence, an applicant shall—

(a) pass the knowledge test and practical test that is appropriate to the class of aeroplane for which an additional rating is sought; or

(b) satisfactorily complete an approved flight engineer training programme that is appropriate to the additional class rating sought.

2.3.1.6 Knowledge Requirements

(a) An applicant for a flight engineer licence shall pass a knowledge test on the following—

(1) the regulations that apply to a flight engineer;
(2) the theory of flight and aerodynamics;
(3) basic meteorology with respect to engine operations;
(4) centre of gravity computations.

(b) An applicant for the original or additional issue of a flight engineer class rating shall pass a knowledge test for that aeroplane class on the following—

(1) aeroplane equipment;
(2) aeroplane systems;
(3) aeroplane loading;
(4) aeroplane procedures and engine operations with respect to limitations;
(5) normal operating procedures;
(6) emergency procedures.

(c) Before taking the knowledge tests prescribed in paragraphs (a) and (b) of this subsection, an applicant for a flight engineer licence shall present satisfactory evidence of having completed one of the experience requirements of 2.3.1.7.

(d) An applicant may take the knowledge tests before acquiring the flight training required by 2.3.1.7.

(e) Except as provided in paragraph (f) of this subsection, an applicant for a flight engineer licence or rating shall have passed the knowledge tests required by paragraphs (a) and (b) of this subsection since the beginning of the 24th calendar month before the month in which the practical test is taken.
(f) An applicant who within the period ending 24 calendar months after passing the knowledge test, is employed as a flight crewmember or mechanic by an Antigua & Barbuda air carrier or certificate holder need not comply with the time limit set in paragraph (e) of this subsection if the applicant—

(1) is employed by such a certificate holder at the time of the practical test; and

(2) if employed as a flight crewmember, has completed initial training, and, if appropriate, transition, upgrade, recurrent training; or

(3) if employed as an AMT, meets the recency of experience requirements of 5.6.1.4.

(g) An AOC holder may, when authorised by the Authority, provide as part of an approved training programme a knowledge test that it may administer to satisfy the test required for an additional rating under paragraph (b) of this subsection.

2.3.1.7 Aeronautical Experience Requirements

(a) Except as otherwise specified herein, an applicant for a flight engineer licence shall obtain and log the flight time used to satisfy the aeronautical experience requirements of paragraph (b) of this subsection on an aeroplane on which a flight engineer is required by these Regulations.

(b) An applicant for a flight engineer licence with a class rating shall present, for the class rating sought, satisfactory evidence of one of the following, including the practical experience with the aircraft described in paragraph (a) of this subsection—

(1) at least 3 years of practical experience in aircraft and aircraft engine maintenance and at least 5 hours of flight training in the duties of a flight engineer;

(2) graduation from at least a 2-year specialised aeronautical training course in maintaining aircraft and aircraft engines and at least 5 hours of flight training in the duties of a flight engineer;

(3) a degree in aeronautical, electrical, or mechanical engineering from a recognised college, university, or engineering school; at least 6 calendar months of practical experience in maintaining aircraft and at least 5 hours of flight training in the duties of a flight engineer;

(4) at least a commercial pilot licence with an instrument rating and at least 5 hours of flight training in the duties of a flight engineer;

(5) at least 200 hours of flight time in a transport category aeroplane as PIC or SIC performing the functions of a PIC under the supervision of a PIC;

(6) at least 100 hours of flight time as a flight engineer;

(7) within the 90-day period before application, successful completion of an approved flight engineer ground and flight course of instruction.
2.3.1.8 Skill Requirements

(a) An applicant for a flight engineer licence with a class and type ratings shall pass a practical test on the duties of a flight engineer—

1. in the class and type of aeroplane for which a rating is sought; and
2. only on an aeroplane specified in 2.3.1.7(a) or an approved flight simulator replicating the class and type of such an aeroplane.

(b) An applicant shall—

1. show satisfactory performance in preflight inspection, servicing, starting, pre takeoff, and post-landing procedures;
2. in flight, show satisfactory performance of the normal duties and procedures relating to the aeroplane, aeroplane engines, propellers (if appropriate), systems, and appliances; and
3. in flight, in an aeroplane simulator, or in an approved training device, show satisfactorily performance on emergency duties and procedures and recognise and take appropriate action for malfunctions of the aeroplane, engines, propellers (if appropriate), systems and appliances.

2.3.1.9 (Reserved)

2.3.1.10 Validation of Foreign Flight Engineers Licences and Ratings

(a) General.

1. A person who holds a current flight engineer licence issued by another Contracting State may apply for a validation of that licence provided that—

   (i) The applicant holds a current and valid flight engineer licence issued by another Contracting State in accordance with ICAO Annex 1.

   (ii) The applicant presents to the Authority the foreign licence and evidence of the experience required by presenting the record (e.g. logbook).

   (iii) The applicant presents to the Authority evidence that he/she holds either a current medical certificate issued under Part 2 or a current medical certificate issued by the Contracting State that issued the applicant’s licence.

   (A) The Authority may allow the applicant to use his/her foreign medical certificate with the validation certificate provided that the medical certification requirements on which the foreign medical certificate was issued meet the requirements of Part 2, relevant to the licence held.

   (iv) The applicant presents to the Authority evidence of proficiency in the English Language as specified in 2.1.2.6. or shall demonstrate to the Authority the language proficiency skills as specified in 2.1.2.6.

   (v) The application is supported by the relevant operator.
(2) The Authority will verify the authenticity of the licence, ratings, authorisations and the medical certificate with the state of licence issue prior to issuing the validation.

(3) The Authority will only validate ratings or authorisations on the foreign licence together with the validation of a licence.

(4) The Authority may issue a validation certificate for a period not exceeding six (6) months, provided the foreign licence, ratings or authorisations and the medical certificate remain valid.

(5) The Authority will place upon the validation certificate issued under this Subsection the flight engineer’s foreign licence number and country of issuance.

(b) In addition to the requirements in item (a) above, the applicant for a validation certificate shall meet the following requirements:

(1) Demonstrate to the satisfaction of the Authority the knowledge relevant to the licence to be validated of:

(i) Air Law; and

(ii) Any other subject areas deemed necessary by the Authority.

(2) Complete a skill test for the relevant licence and ratings that he or she wants to be validated relevant to the privileges of the licence held.

Implementing Standard: See IS: 2.1.2.7 for details on additional requirements and exemptions to the training requirements of this subsection.

2.3.1.11 Conversion of Foreign Flight Engineers Licences and Ratings

(a) General.

(1) A person who holds a valid and current flight engineer licence issued by another Contracting State in accordance with ICAO Annex 1 may apply for a conversion of that licence provided that—

(i) The applicant presents to the Authority the foreign licence and evidence of the experience required by presenting the record (e.g. logbook).

(ii) The applicant holds a Class 2 medical certificate issued under Part 2.

(iii) The application is supported by the relevant operator.

(iv) The applicant presents to the Authority evidence of proficiency in the English Language as specified in 2.1.2.6. or shall demonstrate to the Authority the language proficiency skills as specified in 2.1.2.6.

(2) The Authority will verify the authenticity of the licence, ratings, authorisations with the state of licence issue prior to the conversion of a licence.

(3) The Authority will only convert ratings or authorisations on the foreign licence.
(b) In addition to the requirements in item (a) above, the applicant for a conversion shall meet the following requirements—

(1) Demonstrate to the satisfaction of the Authority the knowledge relevant to the licence to be validated of—

(i) Air Law; and

(ii) Any other subject areas deemed necessary by the Authority.

(2) Complete a skill test for the relevant licence and ratings that he or she wants to be converted relevant to the privileges of the licence held.

Implementing Standard: See IS: 2.1.2.7 for details on additional requirements and exemptions to the training requirements of this subsection.

2.4 LICENSING: AIRMEN OTHER THAN FLIGHT CREW MEMBERS

2.4.1 General

2.4.1.1 Applicability

Subpart 2.4 prescribes the requirements for issuing the following licences, ratings, and inspection authorisations for—

(a) air traffic controllers;
(b) ATC facility rating;
(c) flight operations officers;(Reserved)
(d) aviation maintenance technicians.

2.4.2 Air Traffic Controllers

2.4.2.1 Applicability

This Subpart prescribes the requirements for issuance of student air traffic controller licences, air traffic controller licences and ratings, and the conditions under which those licences and ratings are necessary.

2.4.2.2 Required Licences, Rating or Qualification

A person shall not provide an air traffic controller service unless he or she—

(a) holds an air traffic controller licence issued to him or her under this Subpart;
(b) holds a current air traffic controller rating;
(c) maintains competency in accordance with criteria established by the Authority; or
(d) holds a student air traffic controller licence issued under this subpart; and functions under the supervision of an appropriately rated air traffic controller; or
(e) is undergoing ab-initio departmental instruction from an air traffic controller who is specifically authorized to carry out instruction in an operational environment.

2.4.2.3 Eligibility Requirements: General

(a) To be eligible for a student air traffic controller licence a person shall—
(1) be at least 21 years of age;
(2) hold a Class 3 medical certificate issued under Part 2;
(3) meet the English Language proficiency requirements of 2.1.2.6; and
(4) completed an approved training course;

(b) To be eligible for an air traffic controller licence a person shall—
(1) be at least 21 years of age;
(2) meet the English language proficiency requirements of 2.1.2.6;
(3) meet the requirements of 2.4.2.4; and
(4) meet the requirements of at least one of the ratings set out in 2.4.2.6.

2.4.2.4 Knowledge Requirements

An applicant for an air traffic controller licence shall have demonstrated knowledge appropriate to the holder of an air traffic controller licence in at least the following subjects—

(1) Air Law - Rules and regulations relevant to the air traffic controller;
(2) Air traffic control equipment – Principles, use and limitations of equipment used in air traffic control;
(3) General Knowledge - Principles of flight; principles of operation and functioning of aircraft, powerplants and systems; aircraft performances relevant to air traffic control operations;
(4) Human Performance - Human performance relevant to air traffic control including principles of threat and error management;
(5) Aeronautical meteorology; use and appreciation of meteorological documentation and information; origin and characteristics of weather phenomena affecting flight operations and safety; altimetry;
(6) Navigation - Principles of air navigation; principle, limitation and accuracy of navigation systems and visual aids; and
(7) Operational Procedures - Air traffic control, communication, radiotelephony and phraseology procedures (routine, non-routine and emergency); use of the relevant aeronautical documentation; safety practices associated with flight.

2.4.2.5 Experience

An applicant shall have completed an approved training course and not less than three months’ of satisfactory service engaged in the actual control of air traffic under the supervision of an appropriately rated air traffic controller. The experience requirements specified for air traffic controller ratings in paragraph 2.4.2.6 (c) will be credited as part of the experience specified in this paragraph.

2.4.2.6 Air Traffic Controller Ratings

(a) Air traffic controller ratings shall comprise the following categories—

(1) Aerodrome control rating;
(2) Approach control procedural rating;
(3) Approach control surveillance rating;
(4) Area control procedural rating;
(5) Area control surveillance rating.

2.4.2.7 Requirements for air traffic controller ratings

An applicant shall have demonstrated a level of knowledge appropriate to the privileges granted in at least the following subjects in so far as they affect the area of responsibility:

(a) Knowledge.

An applicant for an air traffic controller rating shall receive knowledge instruction through an approved training course on the knowledge areas appropriate to the holder of an air traffic controller rating on the subjects as specified below for each rating sought:

(1) Aerodrome control rating—
   (i) Aerodrome layout, physical characteristics and visual aids.
   (ii) Airspace structure.
   (iii) Applicable rules, procedures and source of information.
   (iv) Air navigation facilities.
   (v) Air traffic control equipment and its use.
   (vi) Terrain and prominent landmarks.
   (vii) Characteristics of air traffic.
   (viii) Weather phenomena.
   (ix) Emergency and search and rescue plans.

(2) Approach control procedural and area control procedural ratings.
   (i) Airspace structure;
   (ii) Applicable rules, procedures and source of information;
   (iii) Air navigation facilities;
   (iv) Air traffic control equipment and its use;
   (v) Terrain and prominent landmarks;
   (vi) Characteristics of air traffic and traffic flow;
   (vii) Weather phenomena;
   (viii) Emergency and search and rescue plans.

(3) Approach control and area control surveillance ratings
   (i) Principles, use and limitations of applicable ATS surveillance systems and associated equipment; and
   (ii) Procedures for the provision of ATS surveillance service, as appropriate, including procedures to ensure appropriate terrain clearance.

(b) Experience. The applicant for an air traffic controller licence shall have—
(1) Satisfactorily completed an approved training course.

(2) Provided, satisfactorily, under the supervision of an appropriately rated air traffic controller—

(i) Aerodrome control rating: an aerodrome control service, for a period of not less than 90 hours or one month, whichever is greater, at the unit for which the rating is sought;

(ii) Approach, control procedural, approach control surveillance, area control procedural or area control surveillance rating: the control service for which the rating is sought, for a period of not less than 180 hours or three months, whichever is greater, at the unit for which the rating is sought.

(3) The experience specified under (c)(2) shall have been completed within the 6-month period immediately preceding application.

(4) When the applicant already holds an air traffic controller rating in another category or the same rating in another unit, the Authority shall determine whether the experience requirements of (c)(1)(2) may be reduced and to what extent.

(c) Skill. The applicant shall have demonstrated, at a level appropriate to the privileges being granted, the skill, judgement and performance required to provide a safe, orderly and expeditious control service.

(d) Concurrent issuance of two air traffic controller ratings. When two air traffic controller ratings are sought concurrently, the Authority shall determine the applicable requirements on the basis of the requirements for each rating. These requirements shall not be less than those of the higher rating.

2.4.2.8 Privileges and Limitations.

(1) Subject to compliance with the requirements specified in this Part, the privileges of the holder of an air traffic controller licence with the following applicable rating(s) shall be—

(i) Aerodrome control rating: to provide or to supervise the provision of aerodrome control service for the aerodrome for which the licence holder is rated;

(ii) Approach control procedural rating: to provide or to supervise the provision of approach control service for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion thereof, under the jurisdiction of the unit providing approach control service;

(iii) Approach control surveillance rating: to provide and/or supervise the provision of approach control service with the use of applicable ATS surveillance systems for the aerodrome or aerodromes for which the licence holder is rated within the airspace or portion thereof, under the jurisdiction of the unit providing approach control service;

(iv) Area control procedural rating: to provide and/or supervise the provision of area control service within the control area or portion thereof, for which the licence holder is rated; and
(v) *Area control surveillance rating:* to provide and/or supervise the provision of area control service with the use of applicable ATS surveillance systems within the control area or portion thereof, for which the licence holder is rated.

(2) Before exercising the privileges indicated in (f)(1), the licence holder shall be familiar with all pertinent and current information.

(3) The holder of an air traffic controller licence and ratings(s) shall not provide supervise the provision of air traffic control service unless such holder has received proper authorization from the management of the applicable ATC unit. Such supervision shall be limited to the supervision of air traffic controllers who already hold—

(i) An air traffic controller rating in the same category at that ATC unit; or

(ii) An air traffic controller rating in another category at that ATC unit or the same rating for another ATC unit, and is undergoing operational training leading to the issue of a rating in that category at that ATC unit.

(4) The holder of an air traffic controller licence shall not carry out ab-initio instruction or instruct/supervise a non-rated controller in an operational environment unless such holder has received proper authorization from the Authority.

*Note:* The supervision of already-rated controllers as in (3) above requires authorization from the management of the applicable ATC unit, while ab-initio instruction/supervision of non-rated controllers requires authorization from the Authority.

2.4.2.9 **Validity of Ratings.**

A rating shall become invalid when an air traffic controller has ceased to exercise the privileges of the rating for a period determined by the Authority. That period shall not exceed 6 months. A rating shall remain invalid until the controller’s ability to exercise the privileges of the rating has been re-established.

2.4.2.10 **Rest and Duty Limitations**

(a) Except where the Authority determines that an emergency air traffic situation has arisen, an Air Traffic Controller shall have a minimum of twenty-four consecutive hours free from duty within each seven consecutive days of duty.

(b) Except where the Authority determines that an emergency air traffic situation has arisen, an Air Traffic Controller shall not work or be required to work for more than twelve consecutive hours.

(c) An Air Traffic Controller shall be required to take a rest period of at least eight consecutive hours before each duty period.

(d) Notwithstanding (c) above, where the duty period is more than ten consecutive hours the rest period of the Air Traffic Controller shall be no less than the preceding duty period.

2.4.2.11 **Aerodrome Flight Information Service (Afis) Officers**

(a) A person shall not provide an Aerodrome Flight Information Service (AFIS) unless he or she has been authorized by the Authority.
(b) To be eligible for authorization to provide AFIS a person shall—
   (1) be at least 18 years of age;
   (2) hold a Class 3 medical certificate issued under Part 2;
   (3) meet the English language proficiency requirements of 2.1.2.6; and
   (4) meet the requirements of 2.4.2.9.

2.4.2.12 Requirements for Authorization To Provide Afis

(a) Knowledge:

   An applicant shall have demonstrated a level of knowledge appropriate to AFIS authorization in at least the following subjects—
   (1) Rules of the Air and air traffic procedures pertinent to aerodrome operations;
   (2) Procedures and practices pertaining to Flight Information Service (FIS) and alerting service;
   (3) Terms used in the aeronautical mobile service to include words and phrases and the phonetic alphabet;
   (4) Communication codes and abbreviations used;
   (5) Radiotelephony phraseologies and operating procedures;
   (6) General air traffic services and airspace organization within the State;
   (7) Local aerodrome rules;
   (8) Characteristics of local traffic;
   (9) Local terrain and prominent landmarks;
   (10) Local air navigation facilities;
   (11) Procedures for coordination between the AFIS unit and its associated ATC unit(s);
   (12) Pertinent data regarding meteorological reports and effect of significant weather characteristics; and
   (13) Local procedures for alerting of emergency services.

(b) Experience

   The applicant shall have satisfactorily—
   (1) Completed an approved Aerodrome Control course; and
   (2) Provided Aerodrome Flight Information Service at that AFIS unit under the supervision of an authorized AFIS officer or an appropriately rated air traffic controller for not less than two months.

(c) Skill

   The applicant shall have demonstrated competency in—
   (1) The manipulation and operation of typical transmit/receiver equipment and controls, including ancillary facilities and radio direction-finding apparatus in use;
(2) The visual inspection and daily operational check of the radio equipment in use;
(3) The transmission of radiotelephony messages, including correct microphone technique, enunciation and speech quality; and
(4) The reception of telephony messages and the ability to relay messages correctly.

2.4.3 (Reserved)

2.4.4 Aviation Maintenance Technicians

Note: The terms “licenced engineer,” “aviation maintenance engineer” or “aircraft maintenance engineer (AME)” may be used instead of “Aviation Maintenance Technician”

2.4.4.1 Applicability

(a) This Subpart prescribes the requirements for issuance of an AMT licence and associated ratings which are issued and extended within the defined Categories given in 2.4.4.3.

(b) There are two parts to each Category—
(1) Licence Without Type Rating (LWTR). This licence does not confer any certification responsibilities or privileges. It is, however, a prerequisite for the grant of the relevant Type Ratings and Certification Authorisation within an AMO;
(2) Type Ratings. Type Ratings confer on the holder of a LWTR the privileges and certification responsibilities defined in 2.4.4.7.

2.4.4.2 Eligibility Requirements: General

(a) An applicant for the grant / extension of a licence shall—
(1) submit an application which is acceptable in content and presentation;
(2) provide evidence of acceptable experience required by IS 2.4.4.5 and any training course requirements relevant to the application;
(3) comply with the knowledge and competency requirements prescribed for the rating sought;
(4) be able to read, write, interpret technical reports and carry out technical discussions in the English language;
(5) pass all of the prescribed tests for the rating sought;
(6) pay the appropriate fee.

(b) An applicant for the conversion of a Licence based on a licence or certificate not issued by Saint Christopher and Nevis shall—
(1) submit an application which is acceptable in content in type and form;
(2) enclose original documents or acceptable certified copies of the licences and certificates supporting the application;
(3) be able to read, write, interpret technical reports and carry out technical discussions in the English language;
(4) pay the appropriate fee.
Implementing Standard: See IS 2.4.4.2 for further requirements and procedures for the acceptance of foreign licences and certificates.

2.4.4.3 Ratings
Categories and Ratings defined in IS: 2.4.4.3 are issued under this subpart.

2.4.4.4 Aircraft Rating: Knowledge Requirements
(a) An applicant for an AMT licence or rating shall, after meeting the applicable experience requirements of 2.4.4.5, pass the applicable knowledge tests covering the construction and maintenance of aircraft appropriate to the category and rating sought, the regulations and the provisions of the applicable Parts.

(b) The examination for the grant of a Licence will normally be in two parts: (i) a written examination, comprising a multi-choice question paper and an essay question paper, and (ii) an oral examination. All papers of the written examination must be taken at one sitting. The oral examination can only be taken after the written examination has been passed and normally must be taken within 3 months of the written examination.

(c) The applicant shall pass each section of the written test before completing any necessary oral examination. 

Implementing Standard; See IS 2.4.4.4 for details of the examinations, the examination syllabus and procedures following partial passes.

2.4.4.5 Experience Requirements
Applications for the grant or extension of an AMT Licence in any category must demonstrate compliance with the experience requirements detailed in IS:2.4.4.5.

2.4.4.6 Skill Requirements
Each applicant for an AMT licence or rating must pass an oral and a practical test on the rating he seeks. The tests cover the applicant’s basic skill in performing practical projects on the subjects covered by the written test for that rating.

2.4.4.7 Privileges and Limitations
(a) A licenced AMT may perform or supervise the maintenance, or modification of, or after inspection, approve for return to service, any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof, for which he or she has a valid appropriately type rated licence.

(b) A licenced AMT in Category ‘A’ with the appropriate type rating may, after he or she has performed the 100 hour or annual inspection required by Part 8 of these Regulations on an airframe, or any related part or appliance, approve it for return to service.

(c) A licenced AMT in Category ‘C’ with the appropriate type rating may, after he or she has performed the 100 hour or annual inspection required by Part 8 of these Regulations on a powerplant or propeller, or any related part or appliance, approve for return to service.

(d) See IS 2.4.4.7.

(e) A licenced AMT in any Category shall not—
(1) approve for return to service any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof which is operated on an AOC issued in accordance with Part 9 of these Regulations unless he or she is approved by the AMO responsible for the maintenance and listed in the list of certifying staff;

(2) exercise the privileges of the licence unless the AMT understands the current instructions for continued airworthiness and the maintenance instructions for the specific operation concerned;

(3) perform or supervise—
   (i) a major repair or major modification of a propeller; or
   (ii) any repair or alteration of instruments;

(4) approve for return to service—
   (i) any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof after completion of a major alteration or major repair; or
   (ii) any instrument after completion of any repair or alteration;

2.4.4.8 Validation of AMT Licences

(a) General requirements for validation.

(1) A person who holds a current and valid AMT licence issued by another Contracting State in accordance with ICAO Annex 1, may apply for a validation of such licence for use on aircraft registered in Saint Christopher and Nevis.

(2) The applicant for the validation certificate shall present to the Authority the foreign licence and evidence of the experience required by presenting the personal record.

(3) The applicant for the validation certificate shall demonstrate to the Authority evidence of proficiency in the English Language in accordance with this Part.

(4) The Authority will verify the authenticity of the licence, ratings authorisations with the state of licence issue prior to issuing the validation.

(5) The Authority will only validate ratings or authorisations on the foreign licence together with the validation of a licence.

(6) The Authority may issue a validation certificate for a period to be determined by the Authority provided the foreign licence, ratings or authorisations remain valid. A validation certificate so granted shall not exceed six months.

(b) The applicant for the validation certificate shall demonstrate to the satisfaction of the Authority the knowledge relevant to the licence to be validated of:

(1) Regulations;

(2) Applicable Airworthiness requirements governing certification and continuing airworthiness; and

(3) Approved maintenance organisations and procedures.
(c) The applicant for the validation certificate to take an oral examination for the relevant licence and ratings that he or she wants to be validated relevant to the privileges of the licence held; and

(d) Have a minimum of four years AMT experience.

### 2.4.4.9 Conversion of AMT Licences

(a) General requirements for conversion—

(1) A person who holds a current and valid AMT licence issued by another Contracting State in accordance with ICAO Annex 1, may apply for conversion of such licence for use on aircraft registered in Saint Christopher and Nevis provided the following requirements are met;

(2) The applicant for the conversion shall present to the Authority the foreign licence and evidence of the experience required by presenting the personal record.

(3) The applicant for the conversion shall demonstrate to the Authority evidence of proficiency in the English Language in accordance with this Part.

(4) Demonstrate to the satisfaction of the Authority the knowledge relevant to the licence to be converted of—

   (i) Regulations;

   (ii) Applicable Airworthiness requirements governing certification and continuing airworthiness;

   (iii) Approved maintenance organisations and procedures; and

   (iv) Human Performance;

(b) The applicant for the licence conversion shall satisfactorily complete an oral examination for the relevant licence and ratings that he or she wants to be converted relevant to the privileges of the licence held; and

(c) Have a minimum of four years AMT experience.

   (1) The Authority will verify the authenticity of the licence, ratings authorisations with the state of licence issue prior to issuing the converted licence.

   (2) The Authority will only convert ratings or authorisations on the foreign licence together with the conversion of a licence.

### 2.4.4.10 AMT Licence Renewal

It is the responsibility of the Licence holder to ensure that his or her Licence remains valid.

(a) an applicant for the renewal of a licence shall—

   (1) submit an application for renewal which is acceptable in form and content;

   (2) provide evidence of having been engaged on the maintenance of operating aircraft for periods of at least 6 months during the 12 months before application for renewal. Where a Licence holder is unable to show such experience but has been actively involved
for the same periods in matters concerned with aircraft maintenance (e.g. as a quality engineer or quality manager, an aeronautical engineering instructor or as a flight engineer) consideration will be given to renewing the Licence;

(3) pay the appropriate fee.

(b) Expired Licences.

(1) a Licence which has lapsed for less than 2 years may be considered for renewal without examination of the holder provided that the requirements of (a) above and the implementing standard are met;

(2) a Licence which has lapsed for more than 2 years may not be renewed without examination of the holder. The amount of recent experience required may depend on the length of time since the Licence lapsed and the nature of employment;

2.4.5 Certification Authorisations

2.4.5.1 Applicability

This Subpart prescribes the requirements for issuance of certification authorisations, and the conditions under which these authorisations are necessary.

2.4.5.2 Eligibility Requirements: General

An AMO shall issue a Certification Authorisation to Certifying Staff in accordance with procedures approved by the Authority. Such procedures shall contain at least the following eligibility requirements—

(1) the applicant must hold a valid AMT LWTR issued by the Authority or an appropriate validation of a foreign licence in the appropriate category;

(2) the applicant must have completed an appropriate type course approved by the Authority or hold the appropriate Type Rating;

(3) the applicant must pass an examination on the AMO procedures;

(4) the applicant must submit to the AMO, a satisfactory record of experience as specified in 2.4.4.5.(e).

2.4.6 (Reserved)

2.5 MEDICAL STANDARDS AND CERTIFICATION

2.5.1 General

2.5.1.1 Applicability

This Subpart prescribes the medical standards and certification procedures for issuing and reissuing Class 1, Class 2, and Class 3 medical certificates.

2.5.1.2 Medical Fitness

(a) An applicant for a licence shall, when applicable, hold a medical certificate issued in accordance with this Part.

(b) The flight crewmembers or air traffic controllers shall not exercise the privileges of their licence unless they hold a current medical certificate appropriate to the licence.
(c) The period of validity of a medical certificate shall begin on the day the medical examination is performed. The duration of the period of validity shall be in accordance with the provisions of 2.5.2.4.

(d) The period of validity of a medical certificate may be extended, at the discretion of the Authority up to 45 days.

2.5.1.3 Aviation Medical Examiners

(a) Subject to compliance with the requirements specified in this Part, the Authority will designate and authorise qualified and licensed physicians in the practice of medicine, to be authorised as an Aviation Medical Examiner (AME) and conduct medical examinations of fitness of applicants for the issue, renewal or re-issue of the licences or ratings specified in this Part;

(b) AMEs shall have had training in Basic and Advanced Aviation Medicine. Before designation, medical examiners shall demonstrate adequate competency in aviation medicine;

(c) AMEs shall receive refresher training every three years;

(d) AMEs shall have practical knowledge and experience of the conditions in which the holders of licences and ratings carry out their duties;

Note: Examples of practical knowledge and experience are flight experience, simulator experience, on-site observation or any other hands-on experience deemed by the Authority to meet this requirement

(e) The authorisation of an AME is valid for 3 years. Re-authorisation will be at the discretion of the Authority;

(f) Having completed the medical examination of an applicant in accordance with this Section, the AME shall submit a signed report to the Authority detailing the results of the examination;

(g) Medical confidentiality shall be respected at all times;

(h) All medical reports and records shall be securely held with accessibility restricted to authorized personnel;

(i) If the medical examination is carried out by a constituted group of AMEs, the head of the group will be appointed by the Authority, who will be responsible for coordinating the results of the examination and signing the report;

(j) An AME shall report to the Authority any individual case where, in the examiner’s judgement, an applicant’s failure to meet any requirement could jeopardise flight safety;

(k) The Authority will use the services of physicians experienced in the practice of aviation medicine, when it is necessary to evaluate reports submitted to the Authority by medical examiners;

(l) The Authority retains the right to reconsider any action of an AME.

2.5.1.4 Aviation Medical Examinations

(a) Applicants for licences or ratings for which medical fitness is prescribed shall sign and furnish to the AME a declaration stating whether they have previously undergone such examination and, if so, with what result;
(b) Each applicant for a medical certificate shall provide the AME with a personally certified statement of medical facts concerning personal, familial and hereditary history;

(c) Each applicant for a medical certificate shall produce proof of identification;

(d) Any false declaration to an AME made by an applicant for a licence or rating shall be reported to the Authority for such action as may be considered appropriate.

2.5.1.5 Special Circumstances

(a) If the medical requirements prescribed in Part 2 for a particular licence are not met, the appropriate medical certificate will not be issued, renewed or re-issued unless the following conditions are fulfilled;

(1) Accredited medical conclusion indicates that in special circumstances the applicant’s failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence applied for is not likely to jeopardize flight safety;

(2) Relevant ability, skill and experience of the applicant and operational conditions have been given due consideration; and

(3) The licence is endorsed by the Authority with any special limitation or limitations when the safe performance of the licence holder’s duties is dependent on compliance with such limitation or limitations.

(b) The AME shall report to the Authority any individual case where, in the AME’s judgement, an applicant’s failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence being applied for, or held, is not likely to jeopardize flight safety.

2.5.1.6 Decrease Of Medical Fitness

Holders of licences provided for in this Part shall not exercise the privileges of their licences and related ratings at any time when they are aware of any decrease in their medical fitness which might render them unable to safely and properly exercise these privileges.

2.5.1.7 Use of Psychoactive Substances

(a) Holders of licences provided for in this Part shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges;

(b) Holders of licences provided for in this Part shall not engage in any problematic use of substances.

2.5.2 Medical Certification Procedures

2.5.2.1 Applicability

This Section prescribes the medical certification procedures required for the issuance of all medical certificates.
2.5.2.2 Issuance of Medical Certificate
(a) The Authority will issue the applicable medical certificate to any person who meets the medical standards prescribed in this Subpart, based on medical examination and evaluation of the applicant’s history and condition.
(b) A person to be issued a medical certificate shall undergo a medical examination based on the physical and mental standards contained in this Subpart.
(c) A person who does not meet the medical standards of this Subpart shall not be granted a medical certificate unless that person meets the requirements of 2.5.2.5;

2.5.2.3 Medical Certificate Requirements
(a) To conduct the following operations, except for a person employed by the Authority, a person shall—
   (1) hold a Class 1 medical certificate when exercising the privileges of a commercial or an airline transport pilot licence;
   (2) hold at least a Class 2 medical certificate when exercising the privileges of a student, private pilot or flight engineer licence; or
   hold at least a Class 3 medical certificate when exercising the privileges of an air traffic controller licence.

2.5.2.4 Duration of a Medical Certificate
The duration of a Medical Certificate shall be in accordance with IS 2.5.2.4

2.5.2.5 Special Circumstances
If the medical requirements prescribed in this Part for a particular licence are not met, the appropriate medical certificate will not be issued, renewed or re-issued unless the following conditions are fulfilled;
(a) Accredited medical conclusion indicates that in special circumstances the applicant’s failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence applied for is not likely to jeopardize flight safety;
(b) Relevant ability, skill and experience of the applicant and operational conditions have been given due consideration; and
(c) The licence is endorsed by the Authority with any special limitation or limitations when the safe performance of the licence holder’s duties is dependent on compliance with such limitation or limitations.

2.5.2.6 Renewal of Medical Certificate
The requirements for the renewal of a medical assessment are the same as those for the initial assessment except where otherwise specifically stated.

2.5.2.7 Denial of Medical Certificate
(a) An applicant who is denied a medical certificate by an AME may, within 30 days after the date of the denial, apply in writing and in duplicate to the Authority for reconsideration of that denial. If the applicant does not ask for reconsideration during the 30-day period
after the date of the denial, the Authority will consider that he or she has withdrawn the application for a medical certificate.

(b) The denial of a medical certificate—

(1) by an aviation medical examiner is not a denial by the Authority; and

(2) by the Authority is considered to be a denial by the Authority.

2.5.3 Physical and Mental Standards - All Medical Certificates

2.5.3.1 Applicability

This Section prescribes the physical medical standards required for all medical certificates.

2.5.3.2 General Medical Requirements

(a) An applicant for a Medical Certificate issued in accordance with this Part, shall undergo a medical examination based on the following requirements—

(1) Physical and mental ;

(2) Visual and colour perception; and

(3) Hearing.

2.5.3.3 Physical and Mental Requirements

(a) An applicant for any class of Medical Assessment shall be required to be free from—

(1) Any abnormality, congenital or acquired; or

(2) Any active, latent, acute or chronic disability; or

(3) Any wound, injury or sequela from operation; or

(4) Any effect or side-effect of any prescribed or non-prescribed therapeutic medication taken; such as would entail a degree of functional incapacity which is likely to interfere with the safe operation of an aircraft or with the safe performance of duties—

2.5.3.4 Visual Acuity Test Requirements

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2.5.3.5 Hearing Test Requirements

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2.5.3.6 Colour Perception Requirements

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2.5.4 Class 1 Medical Certificates

2.5.4.1 Applicability

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2.5.5 Class 2 Medical Certificates

2.5.5.1 Applicability

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2.5.6.1 Applicability

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AVIATION TRAINING ORGANISATIONS

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3.1 GENERAL

3.1.1 General

3.1.1.1 Applicability
This Part prescribes the requirements for certifying and administering Aviation Training Organisations (ATO).

3.1.1.2 Definitions
For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions.”

3.1.1.3 Acronyms
The following acronyms are used in Part 3:

(1) ATO - Aviation Training Organisation
(2) AFM - Aircraft Flight Manual
(3) AMT - Aviation Maintenance Technician (Part 2)
(4) IFR - Instrument Flight Rules
(5) NOTAM - Notice to Airmen

3.1.2 Certificate Requirements

3.1.2.1 Certificate Required

(a) A person shall not operate an ATO without, or in violation of, an ATO certificate and training specifications issued under this Part.

(b) Except for a holder of an AOC training its own flight crews, a person shall not conduct training, testing, or checking in advanced flight training devices or flight simulators without, or in violation of, the certificate and training specifications required by this Part.

(c) The Authority shall issue an ATO certificate and training specifications to an applicant who meets the requirements of this Part.

3.1.2.2 Application for Issuance or Amendment

(a) An applicant for an ATO certificate and training specifications shall apply at least 120 calendar days before the beginning of any proposed training.

(b) An applicant for an ATO certificate and training specification shall provide to the Authority that information shown in IS: 3.1.2.2.

Implementing Standard: See IS: 3.1.2.2 for certificate information needed by the Authority.

(c) An applicant for an ATO certificate shall ensure that the facilities and equipment described in its application are—

(1) available for inspection and evaluation prior to approval; and

(2) in place and operational at the location of the proposed ATO prior to issuance of a certificate under this Subpart.

(d) The Authority shall issue to an applicant who meets the requirements and is approved by the Authority—
(1) an ATO certificate containing all business names included on the application under which the certificate holder may conduct operations and the address of each business office used by the certificate holder; and

(2) training specifications, issued by the Authority to the certificate holder, containing—

(i) authorisation for the ATO to function as a Level 1 ATO and/or Level 2 ATO;

(ii) the type of training authorised, including approved courses;

(iii) the category, class, and type of aircraft that may be used for training, testing, and checking;

(iv) for each flight simulator or flight training device, the make, model, and series of aeroplane or the set of aeroplanes being simulated and the qualification level assigned, or the make, model, and series of rotorcraft, or set of rotorcraft being simulated and the qualification level assigned;

(v) for each flight simulator and flight training device subject to qualification evaluation by the Authority, the identification number assigned by the Authority;

(vi) the name and address of each satellite ATO, and the approved courses offered at each satellite ATO;

(vii) authorised deviations or waivers from this Subpart; and

(viii) any other items the Authority may require or allow.

(e) The Authority may deny, suspend, revoke, or terminate an organisation’s ATO certificate under this Subpart if the Authority finds that the organisation—

(1) held an ATO certificate that was revoked, suspended, or terminated within the previous 5 years; or

(2) employs or proposes to employ a person who—

(i) was previously employed in a management or supervisory position by another organisation whose ATO certificate was revoked, suspended, or terminated within the previous 5 years;

(ii) exercised control over another organisation whose certificate has been revoked, suspended, or terminated within the last 5 years; and

(iii) contributed materially to the revocation, suspension, or termination of that ATO certificate and who will be employed in a management or supervisory position, or who will be in control of or have a substantial ownership interest in the first mentioned organisation.

(3) Has provided incomplete, inaccurate, fraudulent, or false information for an ATO certificate.

(f) At any time, the Authority may amend an ATO certificate—
(1) on the Authority’s own initiative, under applicable Saint Christopher and Nevis legislation; or
(2) upon timely application by the certificate holder.

(g) An ATO shall file an application to amend an ATO certificate at least 60 calendar days prior to the applicant’s proposed effective amendment date unless a different filing period is approved by the Authority.

(h) The Authority may issue an ATO certificate to an applicant—
(1) for an ATO inside or outside of Saint Christopher and Nevis; and
(2) whose business office or primary location, or both are located inside or outside Saint Christopher and Nevis.

3.1.2.3 Curriculum and Personnel Requirements

(a) An ATO shall adhere to its approved curriculum.

(b) An ATO shall not change its approved curriculum unless the change is approved by the Authority in advance.

(c) A Level 2 ATO shall show that—
(1) for each proposed curriculum, the Level 2 ATO has, and shall maintain, a sufficient number of instructors who are qualified in accordance with section 3.2.4 to perform the duties to which they are assigned.
(2) a Level 1 ATO shall meet the personnel requirements shown in Section 3.2.4.
(3) an ATO with AMT courses shall meet the personnel requirements shown in 3.4.2.5.

(d) A Level 2 ATO shall have designated, and shall maintain, a sufficient number of approved evaluators to provide required checks and tests to graduation candidates within 7 calendar days of training completion for any curriculum leading to airman licenses or ratings, or both;

(e) A Level 2 ATO shall maintain, a sufficient number of management personnel who are qualified and competent to perform required duties;

(f) A management representative, and all personnel who are designated by the Level 2 ATO to conduct and direct student training, shall be able to understand, read, write, and fluently speak the English language.

(g) The persons listed in this subsection may serve in more than one position for an ATO, provided that person is qualified for each position.

3.1.2.4 Contents of an ATO Certificate

(a) An ATO certificate shall consist of two documents—
(1) a certificate for public display signed by the Authority; and
(2) training specifications containing the terms, conditions, and authorisations applicable to the ATO certificate.

(b) An ATO certificate shall contain—
(1) the name and location (main place of business) of the ATO;
(2) the date of issue and period of validity for each page issued;
(3) the authorised locations of operations; and
(4) training specifications for the following categories, as applicable—
   (i) pilot training.
   (ii) other crewman training.
   (iii) other airman training.
   (iv) AMT training.
   (v) other training.
(5) other authorisations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the training conducted by the ATO.

3.1.2.5 Duration of Certificate

(a) Except as shown in paragraph (c), an ATO expires, unless surrendered, suspended, or revoked—
   (1) 12 calendar months after the certificate was issued;
   (2) except as provided in paragraph (b), on the date that any change in ownership of the school occurs;
   (3) on the date of any significant change in the school’s facilities occurs; or
   (4) upon notice by the Authority that the school has failed for more than 60 days to maintain the required facilities, aircraft, or personnel.

(b) A change in the ownership of an ATO does not terminate the ATO certificate issued for that ATO if, within 30 days—
   (1) the certificate holder makes application for an appropriate amendment to the certificate; and
   (2) no significant change in the facilities, operating personnel, or approved training courses is involved.

(c) If the Authority suspends, revokes, or terminates an ATO certificate issued pursuant to this Part, the holder of that certificate shall return the certificate to the Authority within five working days after being notified that the certificate is suspended, revoked, or terminated.

3.1.2.6 Deviations or Waivers

(a) The Authority may issue deviations or waivers from any of the requirements of this Part.

(b) An ATO requesting a deviation or waiver under this section shall provide the Authority with information acceptable to the Authority that shows—
   (1) justification for the deviation or waiver; and
3.1.2.7 Advertising Limitations

(a) No person shall advertise as an ATO until an ATO certificate has been issued to that facility by the Authority.

(b) No ATO may make any statement, either in writing or orally, about itself that is false or is designed to mislead any person.

(c) Whenever the advertising of an ATO indicates that it is approved, the advertisement must clearly state the approved training organisation’s certificate number.

3.1.3 Location and Facilities

3.1.3.1 Facilities, Equipment, and Material

(a) An ATO shall provide facilities, equipment, and material equal to the standards currently required for the issue of the certificate and rating that it holds.

(b) An ATO shall not make a substantial change in facilities, equipment, or material that have been approved for a particular curriculum, unless that change is approved by the Authority in advance.

(c) An ATO with approved AMT courses shall not make any change in the ATO’s location unless the change is approved by the Authority in advance. If the certificate holder desires to change the location of the ATO, the certificate holder shall notify the Authority, in writing, at least 30 days before the date of the relocation. The Authority may prescribe the conditions under which the ATO may operate while it is changing its location or housing facilities. If the certificate holder changes the location of the ATO without notification, the certificate shall be revoked.

(d) An ATO shall establish and maintain a principal business office that is physically located at the address shown on its certificate.

(e) The principal business office of an ATO shall not be shared with, or used by, another ATO.

(f) An ATO shall ensure that—

   (1) each room, training booth, or other space used for instructional purposes is heated, lighted, and ventilated to conform to local building, sanitation, and health codes; and
   
   (2) the facilities used for instruction are not routinely subject to significant distractions caused by flight operations and maintenance operations at the airport.

(g) An ATO shall maintain the records required by this Part in facilities adequate for that purpose.

(h) An ATO with approved AMT courses shall have and maintain the following instructional equipment as is appropriate to the rating sought:

   (1) various kinds of airframe structures, airframe systems and components, power plants, and powerplant systems and components (including propellers), of a quantity and type suitable
to complete the practical projects required by its approved curricula;

(2) at least one aircraft of a type acceptable to the Authority;

(3) the equipment required by paragraph (h) need not be in an airworthy condition, and if damaged prior to use by the ATO, shall have been repaired enough for complete assembly.

(i) An ATO with an AMT rating shall have airframes, powerplants, propellers, appliances, and components thereof, to be used for instruction and from which students will gain practical working experience, and shall insure that the airframes, powerplants, propellers, appliances, and components thereof be sufficiently diversified as to show the different methods of construction, assembly, inspection, and operation when installed in an aircraft for use.

(j) An ATO with an AMT rating shall ensure that it maintains a sufficient number of units of the material described in paragraph (h)(3) so that no more than eight students will work on any one unit at one time.

(k) An ATO with an AMT rating using an aircraft for instructional purposes that does not have retractable landing gear and wing flaps, shall provide training aids, or operational mock-ups of the retractable landing gear and wing flaps which are acceptable to the Authority.

(l) An ATO with an AMT rating, seeking an additional AMT rating, shall have at least the facilities, equipment, and materials appropriate to the rating sought.

(m) An ATO with an AMT rating shall maintain, on the premises and under the full control of the ATO, an adequate supply of material, special tools, and shop equipment used in constructing and maintaining aircraft as is appropriate to the approved curriculum of the ATO, in order to assure that each student will be properly instructed.

(n) An ATO with an AMT rating shall insure that the special tools and shop equipment required by paragraph (h) be in satisfactory working condition for instructional and practice purposes.

Implementing Standard: See IS: 3.1.3.1 for specific requirements for facilities for AMT courses.

3.1.3.2 Flight Training Facilities, Equipment, and Courseware

(a) A Level 2 ATO shall have available exclusively, for adequate periods of time and at a location approved by the Authority, adequate flight training equipment and courseware, including at least one flight simulator or advanced flight training device.

(b) An ATO that plans to conduct pilot flight training shall show that it has continuous use of a briefing area located at each airport at which training flights originate that is—

(1) adequate to shelter students waiting to engage in their training flights;

(2) arranged and equipped for the conduct of pilot briefings; and

(3) for an ATO with an instrument rating course or commercial pilot course, it is equipped with adequate communication to sources of weather and flight planning information.
3.1.3.3 Satellite ATOs

(a) An ATO may conduct training in accordance with a training programme approved by the Authority at a satellite ATO if—

(1) the facilities, equipment, personnel, and course content of the satellite ATO meet the applicable requirements;

(2) the instructors and evaluators at the satellite ATO are under the direct supervision of management personnel of the principal ATO;

(3) the certificate holder notifies the Authority in writing that a particular satellite ATO is to begin operations at least 60 days prior to proposed commencement of operations at that satellite ATO; and

(4) the certificate holder’s training specifications reflect the name and address of the satellite ATO and the approved courses offered at the satellite ATO.

(b) The Authority will issue training specifications which prescribe the operations required and authorised at each satellite ATO.

3.1.3.4 Changes Requiring Notice to the Authority

(a) An ATO shall notify the Authority within 30 days of any of the following changes—

(1) the accountable manager;

(2) the instructional and evaluation staff;

(3) the housing, training facilities and equipment, procedures, curricula, and work scope that could affect the approval.

(b) The Authority may prescribe the conditions under which an ATO may operate during such changes unless the Authority determines that the approval should be suspended.

3.1.3.5 Inspection

(a) The Authority may, at any time, inspect an ATO on the ATO’s premises to determine the ATO’s compliance with this Part.

(b) Inspections pursuant to paragraph (a) will normally be repeated on a twelve month basis, which may be extended to a twenty-four month basis if, in the opinion of the Authority, the holder continues to meet the requirements under which it was originally certificated.

(c) After an inspection pursuant to paragraph (a) is made, the certificate holder will be notified, in writing, of any deficiencies found during the inspection.

3.1.4 Administrative

3.1.4.1 Record keeping

(a) An ATO shall maintain a record for each trainee that contains—

(1) the name of the trainee;

(2) a copy of the trainee’s license, if any, and medical certificate, if required;
(3) the name of the course and the make and model of flight training equipment used, if applicable;

(4) the trainee’s prerequisite experience and course time completed;

(5) the date the student graduated, terminated training, or transferred to another school;

(6) the trainee’s performance on each lesson and the name of the instructor providing instruction;

(7) a current progress record for each trainee showing the practical projects or laboratory work completed or to be completed for each subject;

(8) the date and result of each knowledge test and end of course practical test and the name of the evaluator conducting the test(s); and

(9) the number of hours of additional training that was accomplished after any unsatisfactory practical test.

(b) The Authority shall not consider a student’s logbook as sufficient for the records required by paragraph (a).

(c) An ATO shall maintain a record for each instructor or evaluator designated to instruct a course approved in accordance with this Part that indicates that the instructor or evaluator has complied with the applicable requirements of this Part.

(d) An ATO shall—

(1) maintain the records required by paragraph (a) for at least 2 year following the completion of training, testing or checking;

(2) maintain the qualification records required by paragraph (c) while the instructor or evaluator is in the employ of the certificate holder and for 2 years thereafter; and

(3) maintain the recurrent demonstration of proficiency records required by paragraph (c) for at least 2 years.

(e) An ATO shall provide the records required by this section to the Authority upon request, within a reasonable time, and shall store and maintain the records required by—

(1) Paragraph (b) at the ATO, or satellite ATO where the training, testing, or checking, if appropriate, occurred, or at another location acceptable to the authority; and

(2) paragraph (c) at the ATO or satellite ATO where the instructor or evaluator is primarily employed, or at another location acceptable to the authority.

(f) An ATO shall provide to a trainee, upon request and at a reasonable time, a copy of his or her training records.

(g) an ATO shall keep a current record of each student enrolled, showing, if applicable—

(1) the instruction credited under 3.4.2.6, if any; and

(2) the authenticated transcript of grades from a school previously attended.
3.1.4.2 Graduation Certificates and Transcripts

(a) An ATO shall issue upon completion of training a graduation certificate to each student who completes its approved course of training.

(b) An ATO shall include in each graduation certificate—

1. the name of the school and the certificate number of the ATO;
2. the name of the graduate to whom it was issued;
3. the approved curriculum title;
4. the date of graduation;
5. a statement that the student has satisfactorily completed each required stage of the approved course of training including the tests for those stages;
6. an authentication by an official of the school; and
7. a statement showing the cross country flight training that the student received in the course of training, if applicable.

(c) An ATO shall not issue a graduation certificate to a student, or recommend a student for a license or rating, unless the student has—

1. completed the training specified in the approved course of training; and
2. passed the required final tests.

3.1.4.3 Transcripts

(a) Upon request, an ATO shall provide a transcript of a student’s grades to each student who is graduated from that ATO or who leaves it before being graduated.

(b) An ATO shall include in the transcript required by paragraph (a)—

1. the curriculum in which the student was enrolled;
2. whether the student satisfactorily completed that curriculum;
3. the final grades the student received; and
4. an authentication by an official of the school.

3.2 PILOT TRAINING

3.2.1 General

3.2.1.1 Pilot Training Courses

(a) The Authority will issue certificates and training specifications for two levels of ATO which conduct pilot flight training courses, as shown—

(i) a Level 1 ATO is one which conducts the preponderance of each flight training course using an actual aircraft;

(ii) a Level 2 ATO is one which conducts all or substantially all of each flight training course using simulation media which are qualified and approved by the Authority.
(b) The Authority may approve the following courses of instruction to an applicant for, or holder of a Level 1 ATO certificate, provided the applicant meets the requirements of 3.1.2.2—

(1) licensing and rating courses.
   (i) private pilot course. (IS: 3.2.1.1 Appendix A)
   (ii) Commercial pilot course. (IS: 3.2.1.1 Appendix B)
   (iii) instrument rating course. (IS: 3.2.1.1 Appendix C)
   (iv) airline transport pilot course. (IS: 3.2.1.1 Appendix D)
   (v) flight instructor course. (IS: 3.2.1.1 Appendix E)
   (vi) flight instructor instrument course. (IS: 3.2.1.1 Appendix F)
   (vii) ground instructor course. (IS: 3.2.1.1 Appendix G)
   (viii) additional aircraft category or class rating course. (IS: 3.2.1.1 Appendix H)
   (ix) aircraft type rating course. (IS: 3.2.1.1 Appendix I)

(2) Special preparation courses. (IS: 3.2.1.1 Appendix J)
   (i) pilot refresher course;
   (ii) flight instructor refresher course;
   (iii) ground instructor refresher course;
   (iv) agricultural aircraft operations course;
   (v) rotorcraft external load operations course;
   (vi) special operations course;
   (vii) test pilot course.

(3) pilot ground school course. (IS: 3.2.1.1 Appendix K)

(c) The Authority may approve the following courses of instruction to an applicant for, or holder of a Level 2 ATO certificate, provided the applicant meets the requirements of 3.1.2.2:

(1) any course for licensing or for any rating for which the applicant can show an effective curriculum and for which the Authority has qualified the simulation media.

### 3.2.1.2 Requirements for a Level 1 ATO Certificate

(a) The Authority will issue to an applicant a Level 1 ATO certificate with associated ratings if the applicant—

(1) held a provisional Level 1 ATO certificate issued under this Part for at least 24 calendar months preceding the month of application;

(2) meets the applicable requirements of this Subpart for the ratings sought; and

(3) within 24 calendar months preceding the month of application, has trained, recommended, and had at least 80 percent of all applicants pass on the first attempt—
(i) a knowledge or a practical test for a pilot license, flight instructor license, ground instructor license, or an additional rating; and

(ii) any combination of tests specified in paragraphs (c)(1) and (2).

Implementing Standard: See IS: 3.2.1.1 Appendix J: Special Preparation Courses for an end-of-course test for a special training course.

3.2.1.3 Provisional Level 1 ATO Certificate

The Authority may issue to an applicant that meets the applicable requirements of this Subpart, but does not meet the recent training activity requirements of 3.2.1.1, a provisional Level 1 ATO certificate with ratings.

3.2.1.4 Renewal of Certificates and Ratings

(a) Level 1 ATO.

(1) A Level 1 ATO may apply for renewal of its certificate and ratings within 30 days preceding the month the Level 1 ATO’s certificate expires, provided the ATO meets the requirements prescribed in paragraph (a)(2).

(2) The Authority will renew for an additional 24 calendar months a Level 1 ATO certificate and ratings if the Authority determines the ATO’s personnel, aircraft, facility and airport, approved training courses, training records, and recent training ability and quality meet the requirements.

(3) A Level 1 ATO that does not meet the renewal requirements in paragraph (a)(2), may apply for a provisional Level 1 ATO certificate if the school meets the requirements of 3.2.1.3.

(b) Provisional Level 1 ATO.

(1) Except as provided in paragraph (b)(3), the Authority will not renew a provisional Level 1 ATO certificate or the ratings on that certificate.

(2) A provisional Level 1 ATO may apply for a Level 1 ATO certificate and associated ratings provided that ATO meets the requirements of this Subpart.

(3) A former provisional Level 1 ATO may apply for another provisional Level 1 ATO certificate, provided 180 days have elapsed since its last provisional Level 1 ATO certificate expired.

3.2.2 Flight Training Equipment Requirements

3.2.2.1 Applicability

This section prescribes—

(1) the personnel and aircraft requirements for an ATO certificate; and

(2) the facilities that an ATO shall have available on a continuous basis.
3.2.2.2 Airport Requirements

Each applicant for, and holder of, a Level 1 ATO certificate shall show that it has continuous use of each airport at which training flights originate, and that the airport has an adequate runway and the necessary equipment.

*Implementing Standard: See IS: 3.2.2.2 for specific runway and equipment requirements.*

3.2.2.3 Aircraft Requirements

(a) An ATO shall ensure, for each aircraft used for flight instruction and solo flights—

(1) except for flight instruction and solo flights in a curriculum for agricultural aircraft operations, external load operations, and similar aerial work operations, that the aircraft has a standard certificate of airworthiness issued by the Authority, or a foreign equivalent acceptable to the Authority;

(2) that each aircraft is maintained and inspected in accordance with the requirements of Part 4; and

(3) that each aircraft is equipped as provided in the training specifications for the approved course for which it is used.

(b) Except as provided in paragraph (c), an ATO shall ensure that each aircraft used for flight instruction is at least a two place aircraft with engine power controls and flight controls that are easily reached and that operate in a conventional manner from both pilot stations.

(c) An ATO may use aeroplanes with controls such as nose wheel steering, switches, fuel selectors, and engine air flow controls that are not easily reached and operated in a conventional manner by both pilots for flight instruction if the certificate holder determines that the flight instruction can be conducted in a safe manner considering the location of controls and their nonconventional operation, or both.

(d) An ATO shall ensure that each aircraft used in a course involving IFR operations is equipped and maintained for IFR operations.

(e) The Authority may approve aircraft with a restricted airworthiness certificate for use in the agricultural aircraft operations, external load operations, test pilot, and special operations courses listed in 3.1.3.3(a), if its use for training is not prohibited by the aircraft’s operating limitations.

3.2.2.4 Flight Simulators and Flight Training Devices

(a) An ATO shall show that each flight simulator and flight training device used for training, testing, and checking will be or is specifically qualified and approved by the Authority for—

(1) each manoeuvre and procedure for the make, model, and series of aircraft, set of aircraft, or aircraft type simulated, as applicable; and

(2) each curriculum or training course in which the flight simulator or flight training device is used, if that curriculum or course is used to satisfy any requirement of these regulations.
(b) A holder of a Level 1 ATO certificate shall show that each of its flight simulators and flight training devices—

(1) represent the aircraft for which the course is approved;

(2) is used only for training given by an authorised instructor; and

(3) is not used for more than 25 percent of the total flight training hour requirements.

c) Each ATO shall ensure, prior to use, that the approval required by this section includes—

(1) the set of aircraft or type aircraft;

(2) if applicable, the particular variation within type for which the training, testing, or checking is being conducted; and

(3) the particular manoeuvre, procedure, or crewmember function to be performed.

d) Each ATO shall ensure that each flight simulator or flight training device used by the ATO is—

(1) maintained to ensure the reliability of the performances, functions, and all other characteristics that were required for qualification;

(2) modified to conform with any modification to the aircraft being simulated if the modification results in changes to performance, function, or other characteristics required for qualification;

(3) given a functional preflight check each day before being used; and

(4) provided with a discrepancy log in which the instructor or evaluator, at the end of each training session, enters each discrepancy.

e) Unless otherwise authorised by the Authority, each ATO shall ensure that each component on a flight simulator or flight training device used by it is operative if the component is essential to, or involved in, the training, testing, or checking of airmen.

(f) The Authority will not restrict ATO instructors or students to specific—

(1) route segments during line-oriented flight training scenarios; or

(2) visual data bases replicating a specific customer’s bases of operation.

g) An ATO may request evaluation, qualification, and continuing evaluation for qualification of flight simulators and flight training devices without—

(1) holding an air operator certificate; or

(2) having a specific relationship to a holder of an air operator certificate.
3.2.3 Curriculum and Syllabus Requirements

3.2.3.1 Applicability

This Section prescribes the curriculum and syllabus requirements for the issuance of an ATO certificate and training specifications for training, testing, and checking conducted to meet the requirements of Part 2.

3.2.3.2 Approval of Training Program

(a) Each ATO shall apply to the Authority for training program approval.

(b) Each applicant for training program approval shall indicate in the application—

(1) which courses are part of the core curriculum and which courses are part of the speciality curriculum;

(2) which requirements of Part 2 would be satisfied by the curriculum or curricula; and

(3) which requirements of Part 2 would not be satisfied by the curriculum or curricula.

(c) After an ATO begins operations under an approved training program, the Authority may require the ATO to make revisions to that training program if the Authority finds that the certificate holder is not meeting the provisions of its approved training program.

(d) If the Authority requires an ATO to make revisions to an approved training program and the ATO does not make those required revisions within 30 calendar days, the Authority may suspend, revoke, or terminate the certificate under the provisions of 3.1.2.2(e).

3.2.3.3 Training Program Curriculum Requirements

An ATO shall ensure that a training program curriculum it submits to the Authority for approval meets the applicable requirements and contains—

(1) a syllabus for each proposed curriculum;

(2) minimum aircraft and flight training equipment requirements for each proposed curriculum;

(3) minimum instructor and evaluator qualifications for each proposed curriculum;

(4) a curriculum for initial training and continuing training of each instructor or evaluator employed to instruct in a proposed curriculum; and

(5) for each curriculum that provides for the issuance of a license or rating in fewer than the minimum hours prescribed by Part 2—

(i) a means of demonstrating the ability to accomplish such training in the reduced number of hours; and

(ii) a means of tracking student performance.
3.2.4 Personnel Requirements

3.2.4.1 Applicability

This section prescribes the personnel and flight training equipment requirements for an ATO that is conducting training necessary to meet the requirements of Part 2.

3.2.4.2 Level 2 ATO Instructor Eligibility Requirements

(a) An ATO shall not employ a person as an instructor in a flight training course that is subject to approval by the Authority unless that person—

1. is at least 18 years of age;
2. is able to read, write, speak, and understand the English language;
3. if instructing in an aircraft in flight, holds a flight instructor license;
4. if instructing in simulated flight, satisfies the requirements of paragraph (c); and
5. meets at least one of the following requirements—
   i. meets the aeronautical experience requirements for a commercial pilot license, excluding the required hours of instruction in preparation for the commercial pilot practical test;
   ii. if instructing in a flight simulator or flight training device that represents an aeroplane requiring a type rating or if instructing in a curriculum leading to the issuance of an airline transport pilot license, meets the aeronautical experience requirements for an airline transport pilot; or
   iii. is employed as a flight simulator instructor or a flight training device instructor for an ATO providing instruction and testing to meet the requirements of Part 2.

(b) An ATO shall designate each instructor in writing for each approved course, prior to that person functioning as an instructor in that course.

(c) Prior to initial designation, each flight and simulator flight instructor shall complete the requirements of IS: 3.2.4.2(a).

Implementing Standard: See IS: 3.2.4.2 for specific training eligibility requirements.

3.2.4.3 Level 2 ATO Instructor and Evaluator Privileges and Limitations

(a) An ATO may allow an instructor to provide—

1. instruction for each curriculum for which that instructor is qualified;
2. testing and checking for which that instructor is qualified; and
3. instruction, testing, and checking intended to satisfy the requirements of this Part.

(b) An ATO whose instructor or evaluator is designated in accordance with the requirements to conduct training, testing, or checking in flight training equipment, may allow its instructor or evaluator to give endorsements required by Part 2 if that instructor or evaluator is
authority by the Authority to instruct or evaluate in a curriculum that requires such endorsements.

(c) An ATO shall not allow an instructor to—

(1) excluding briefings and debriefings, conduct more than 8 hours of instruction in any 24-consecutive-hour period, or more than 6 days or 40 hours in any 7 day period;

(2) provide flight training equipment instruction unless that instructor meets the requirements of 3.2.4.4(a)(1) through (a)(4), and 3.2.4.4(b), as applicable; or

(3) provide flight instruction in an aircraft unless that instructor—
   (i) meets the requirements of 3.2.4.4(a)(1), (a)(2), and (a)(5);
   (ii) holds a flight instructor license;
   (iii) holds pilot licenses and ratings applicable to the category, class, and type aircraft in which instructing;
   (iv) if instructing or evaluating in an aircraft in flight while occupying a required crewmember seat, holds at least a valid second class medical certificate; and
   (v) meets the recency of experience requirements of 8.10.1.33 and 8.10.1.37.

3.2.4.4 Level 2 ATO Instructor Training and Testing Requirements

(a) Except as provided in paragraph (c), prior to designation and every 12 calendar months beginning the first day of the month following an instructor’s initial designation, a certificate holder shall ensure that each of its instructors meets the following requirements.

(1) each flight instructor or simulator flight instructor shall satisfactorily demonstrate to an authorized evaluator knowledge of, and proficiency in, instructing in a representative segment of each curriculum for which that instructor is designated to instruct under Subpart 3.4;

(2) each instructor shall satisfactorily complete an approved course of ground instruction in at least—
   (i) the fundamental principles of the learning process;
   (ii) elements of effective teaching, instruction methods, and techniques;
   (iii) instructor duties, privileges, responsibilities, and limitations;
   (iv) training policies and procedures;
   (v) cockpit resource management and crew co-ordination; and
   (vi) evaluation.

(3) Each instructor who instructs in a flight simulator or flight training device shall satisfactorily complete an approved course of training in the operation of the flight simulator, and an approved course of ground instruction, applicable to the training courses the instructor is designated to instruct, which shall include—
(i) proper operation of flight simulator and flight training device controls and systems;
(ii) proper operation of environmental and fault panels;
(iii) limitations of simulation; and
(iv) minimum equipment requirements for each curriculum.

(4) Each flight instructor who provides training in an aircraft shall satisfactorily complete an approved course of ground instruction and flight training in an aircraft, flight simulator, or flight training device, which shall include—

(i) performance and analysis of flight training procedures and manoeuvres applicable to the training courses that the instructor is designated to instruct;

(ii) technical subjects covering aircraft subsystems and operating rules applicable to the training courses that the instructor is designated to instruct;

(iii) emergency operations;

(iv) emergency situations likely to develop during training; and

(v) appropriate safety measures.

(5) Each instructor who instructs in flight training equipment shall pass a knowledge test and annual proficiency check—

(i) in the flight training equipment in which the instructor will be instructing; and

(ii) on the subject matter and manoeuvres of a representative segment of each curriculum for which the instructor will be instructing.

(b) In addition to the requirements of paragraphs (a)(1) through (a)(5), each certificate holder shall ensure that each instructor who instructs in a flight simulator that the Authority has approved for all training and all testing for the airline transport pilot licensing test, aircraft type rating test, or both, has met at least one of the requirements of IS: 3.2.4.2 (b).

(c) The Authority will consider completion of a curriculum required by paragraph (a) or (b) taken in the calendar month before or after the month in which it is due as taken in the month in which it was due for the purpose of computing when the next training is due.

(d) The Authority may give credit for the requirements of paragraph (a) or (b) to an instructor who has satisfactorily completed an instructor training course for a Part 9 certificate holder if the Authority finds such a course equivalent to the requirements of paragraph (a) or (b).

Implementing Standard: See IS: 3.2.4.2 specific testing and training requirements for a Level 2 ATO instructor.

3.2.4.5 Level 2 ATO Evaluator Requirements

(a) Except as provided by paragraph (d), an ATO shall ensure that each person authorised as an evaluator—

(1) is approved by the Authority;
(2) is in compliance with 3.2.4.2, 3.2.4.3 and 3.2.4.4;

(3) prior to designation, satisfactorily completes a curriculum within 12 calendar months that includes the following—

(i) evaluator duties, functions and responsibilities;

(ii) methods, procedures and techniques for conducting required tests and checks;

(iii) evaluation of pilot performance; and

(iv) management of unsatisfactory tests and subsequent corrective action; and

(4) if evaluating in-flight training equipment, satisfactorily pass a knowledge test and annual proficiency check in a flight simulator or aircraft in which the evaluator will be evaluating.

(b) For the purpose of computing when evaluator training is due, the Authority will consider that an evaluator who satisfactorily completes a curriculum required by paragraph (a)(3) in the calendar month before or the calendar month after the month in which it was due, to have taken it in the month it was due.

(c) The Authority may give credit for the requirements of paragraph (a)(3) to an evaluator who has satisfactorily completed an evaluator training course for an AOC holder if the Authority finds such a course equivalent to the requirements of paragraph (a)(3).

3.2.4.6 Level 1 ATO Personnel

(a) A Level 1 ATO shall have adequate personnel, including licensed flight instructors, licensed ground instructors, and holders of a commercial pilot license with a lighter than air rating, if applicable, and a chief instructor who are qualified and competent to perform the duties assigned in each approved training course.

(b) An instructor for ground or flight training shall hold a flight instructor license, ground instructor license, or commercial pilot license with a lighter than air rating, as appropriate, with ratings for the approved training course and any aircraft used in that course.

3.2.4.7 Level 1 ATO Chief Instructor Qualifications

To be designated as a chief instructor for a Level 1 ATO course, a person shall meet one or more of the requirements of IS:3.2.4.7 as applicable.

Implementing Standard: See IS: 3.2.4.7 for chief instructor qualification requirements.

3.2.4.8 Level 1 ATO Assistant Chief Instructor Qualifications

To be designated as an assistant chief instructor for a Level 1 ATO course, a person shall meet the requirements of IS: 3.2.4.8.

Implementing Standard: See IS: 3.2.4.8 for assistant chief instructor qualification requirements.

3.2.4.9 Level 1 ATO Check Instructor Qualifications

To be designated as a check instructor for a Level 1 ATO conducting student stage checks, end of course tests, and instructor proficiency checks
under this Part, a person shall meet the applicable requirements of IS: 3.2.4.9.

Implementing Standard: See of IS: 3.2.4.9 for check instructor qualification requirements.

3.2.4.10 Level 1 ATO Instructor Flight Training

(a) A person shall not give a student flight training under an approved course of training, unless he or she is a licensed flight instructor or commercial pilot with a lighter than air rating and, has the ratings and the minimum qualifications specified in the approved training course outline.

(b) An ATO shall not authorise a student pilot to start a solo flight until the flight has been approved by an authorised instructor who is present at the origination.

(c) A chief instructor or assistant chief instructor assigned to a training course shall complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course.

(d) A licensed flight instructor or commercial pilot with a lighter than air rating who is assigned to a flight training course shall satisfactorily complete the following tasks, which shall be administered by the school’s chief instructor, assistant chief instructor, or check instructor—

(1) prior to receiving authorisation to train students in a flight training course, accomplish—

(i) a review of and a briefing on the objectives and standards of that training course; and

(ii) an initial proficiency check in each make and model of aircraft used in that training course in which that person provides training.

(2) Every 12 calendar months after the month in which the person last complied with paragraph (d)(1)(ii), accomplish a proficiency check in one of the aircraft the person trains students.

3.2.4.11 Level 1 ATO Instructor Ground Training

(a) Except as provided in paragraph (b), an instructor who is assigned to a ground training course, shall hold a flight or ground instructor license, or a commercial pilot license with a lighter than air rating with the appropriate rating for that course of training.

(b) A person who does not meet the requirements of paragraph (a) may be assigned ground training duties in a ground training course, if—

(1) the chief instructor who is assigned to that ground training course finds the person qualified to give that training; and

(2) the instructor serves under the supervision of the chief instructor or the assistant chief instructor who is present at the facility when the training is given.

(c) An instructor shall not be used in a ground training course until he or she has been briefed in regard to the objectives and standards of that
course by the chief instructor, assistant chief instructor, or check instructor.

3.2.4.12 Level 1 ATO Chief Instructor Responsibilities

During training, a Level 1 ATO shall ensure that the chief instructor or an assistant chief instructor is available—

(1) at the Level 1 ATO, or

(2) by telephone, radio, or other electronic means.

3.2.5 Operating Rules

3.2.5.1 Applicability

This section prescribes the operating rules applicable to an ATO and operating a course or training program curriculum approved in accordance with this Part.

3.2.5.2 Privileges

(a) A Level 2 ATO may allow flight simulator instructors and evaluators to meet recency of experience requirements through the use of a flight simulator or flight training device if that flight simulator or flight training device is used in a course approved in accordance with Section 3.2.5.

(b) The ATO may advertise and conduct approved pilot training courses in accordance with the certificate and any ratings that it holds.

(c) A Level 1 ATO may credit towards the curriculum requirements of a course, previous training and pilot experience and knowledge, provided the student meets the requirements of IS: 3.2.5.2.

Implementing Standard: See IS: 3.2.5.2 for specific transfer credit requirements.

3.2.5.3 Limitations: ATO

(a) An ATO shall—

(1) ensure that a flight simulator or flight training device freeze, slow motion, or repositioning feature is not used during testing or checking; and

(2) ensure that a repositioning feature is used during line operational simulation for evaluation and line-oriented flight training only to advance along a flight route to the point where the descent and approach phase of the flight begins.

(b) When practical testing, flight checking, or line operational simulation is being conducted, the Level 2 ATO shall ensure that one of the following occupies each supporting crewmember position—

(1) a crewmember qualified as SIC in the aircraft category and class, provided that no flight instructor who is giving instruction may occupy a crewmember position; and

(2) a student, provided that no student may be used in a crewmember position with any other student not in the same specific course.

(c) Maintenance of Personnel, Facilities, and Equipment: An ATO shall not provide training to a student who is enrolled in an approved course
of training unless each airport, all flight training equipment, and each authorised instructor and evaluator continuously meet the requirements and the standards specified in the certificate holder’s training specifications.

(d) A certified ATO shall not require any student to attend classes of instruction more than 8 hours in any day or more than 6 days or 40 hours in any consecutive 7-day period.

3.2.5.4 Limitations: Enrolled Students in Actual Flight Curricula

(a) A student pilot shall carry the following items on each aircraft used for flight training and solo flights—

1. a pre-takeoff and pre-landing checklist; and
2. the operator’s handbook or AFM for the aircraft if one is furnished by the manufacturer or copies of the handbook to each student using the aircraft.

3.2.5.5 Level 1 ATO Enrolment Documents

(a) The holder of a Level 1 ATO certificate shall furnish each student, upon enrolment, with a copy of the following.

1. a certificate of enrolment containing—
   (i) the name of the course in which the student is enrolled; and
   (ii) the date of that enrolment.
2. a copy of the student’s training syllabus.
3. for pilot students, a copy of the safety procedures and practices that describe—
   (i) the use of facilities and the operation of its aircraft;
   (ii) the weather minimums required by the school for dual and solo flights;
   (iii) the procedures for starting and taxiing aircraft on the ramp;
   (iv) fire precautions and procedures;
   (v) redispacth procedures after unprogrammed landings, on and off airports;
   (vi) aircraft discrepancies and write offs;
   (vii) securing of aircraft when not in use;
   (viii) fuel reserves necessary for local and cross country flights;
   (ix) avoidance of other aircraft in flight and on the ground;
   (x) minimum altitude limitations and simulated emergency landing instructions; and
   (xi) a description of and instructions regarding the use of assigned practice areas.

(4) A Level 1 ATO shall maintain a monthly listing of persons enrolled in each training course offered by the school.

(b) A Level 1 ATO shall ensure that each training course for which it seeks approval meets the minimum curriculum requirements.
Implementing Standard: See IS: 3.2.5.5 for Level 1 training course contents.

3.3 Other Crewmembers

3.3.1 Special Curricula

An ATO may apply for approval to conduct a special course of airman training for which a curriculum is not prescribed in the implementing standards, if the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the requirements of Part 2, as applicable.

3.4 AIRMEN OTHER THAN FLIGHTCREW

3.4.1 Other than AMT Courses

3.4.1.1 Applicability

(a) This Subpart provides an alternative means to accomplish flight training required by Parts 2 or 9.

(b) Certification under this Subpart is not required for training that is—

(1) approved under the provisions of Part 9; and

(2) conducted under Part 2, unless that Part requires certification under this Part.

3.4.1.2 Other Training Courses

(a) The Authority may approve the following courses of instruction to an applicant for, or holder of an ATO certificate, provided the applicant meets the applicable requirements of 3.1.2.2(d):

(1) flight operations officer.

(2) flight engineer.

(3) cabin crew.

(4) material handlers.

(5) ground servicing personnel.

(6) security personnel.

(7) others approved by the Authority.

(b) The Authority will approve a course for which the application is made if the ATO, or ATO applicant, shows that the course contains a curriculum that will achieve a level of competency equal to, or greater than, that required by the applicable Parts of these regulations.

Implementing Standard: See IS: 3.2.1.1, Appendix M, for Flight Engineer Training Course Requirements.

3.4.1.3 Application, Duration, and Renewal

(a) Application. An ATO proposing to train flight operations officers shall submit an application containing—

(1) instruction in the areas of knowledge and topics;

(2) a minimum of 200 total course hours; and
(3) an outline of the major topics and subtopics to be covered and the number of hours proposed for each.

(b) Duration and renewal.

(1) the authority to operate an aircraft flight operations officer licensing course expires 24 months after the last day of the month of issuance of the authority;

(2) the holder of an approval for an aircraft flight operations officer licensing course shall apply to the Authority for renewal within 30 days prior to the expiration date.

(c) Instruction.

(1) the holder of a course approval shall ensure that it maintains an adequate number of instructors who maintain a 24 calendar-month average of at least 80 percent of the graduates of that school passing the practical test on the first attempt.

Implementing Standard: See IS: 3.2.5.5 for course approval requirements.

3.4.2 AMT Training Courses

3.4.2.1 Applicability

This Subpart prescribes the requirements for—

(1) issuing ATO certificates and ratings;

(2) conducting licensing courses and associated ratings for AMTs; and

(3) instructing the general operating rules for the holders of AMT licenses and ratings.

3.4.2.2 AMT Training Courses

The Authority may approve courses of instruction in accordance with the ratings defined in IS 2.4.4.3 of Part 2, provided the ATO meets the requirements of 3.1.2.2.

3.4.2.3 General Curriculum Requirements

(a) An ATO shall have an approved curriculum that is designed to qualify its students to perform the duties of an AMT for a particular rating or ratings.

(b) The curriculum shall cover the subjects and items prescribed in Part 2, Appendix 2.

(c) An ATO shall teach each subject to at least the indicated level of proficiency defined in Part 2, Appendix 2.

(d) The certificate holder shall maintain a curriculum that shows—

(1) the required practical projects to be completed;

(2) for each subject, the proportions of theory and other instruction to be given; and

(3) a list of the minimum required tests to be given.

(e) An ATO may issue AMT licenses of competency to persons successfully completing speciality courses provided that all
requirements are met and the licenses of competency specifies the aircraft make and model to which the license applies.

3.4.2.4 AMT Training Program Providers

(a) An ATO may apply to the Authority for approval for an AMT training program.

(b) An AOC holder, an AMO, or an ATO may apply to the Authority for approval for an AMT training program that meets the requirements of this Subpart.

Implementing Standard: See Part 2, Appendix 2, for AMT training program curriculum requirements.

3.4.2.5 Instructor Requirements

(a) An ATO shall provide the number of instructors holding appropriate licenses and ratings, issued under Part 2, Section 2.4.4, that the Authority determines is necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each class held in a shop where students are performing actual tasks appropriate to the curriculum.

(b) An ATO may provide specialised instructors, who are not licensed in accordance with Part 2, to teach mathematics, physics, basic electricity, basic hydraulics, drawing, and similar subjects.

(c) An ATO shall maintain a list of the names and qualifications of such specialised instructors, and upon request, provide a copy of the list, with a summary of the qualifications of each specialised instructor to the Authority.

3.4.2.6 Attendance and Credit for Prior Instruction or Experience

(a) An ATO may credit a student with instruction or previous experience as follows—

(1) Instruction satisfactorily completed at—

   (i) an accredited university, college, or junior college;

   (ii) an accredited vocational, technical, trade or high school;

   (iii) a military technical school; or

   (iv) an ATO.

(2) Previous aviation maintenance experience comparable to required curriculum subjects—

   (i) by determining the amount of credit to be allowed by documents verifying previous experience; and

   (ii) by giving the student a test equal to the one given to students who complete the comparable required curriculum subject at the ATO.

(3) Credit to be allowed for previous instruction—

   (i) by an entrance test equal to one given to the students who complete a comparable required;

   (ii) by an evaluation of an authenticated transcript from the student’s former school; or
(iii) in the case of an applicant from a military school, only on the basis of an entrance test.

(4) An ATO may credit a student seeking an additional rating with previous satisfactory completion of the common portions of an AMT’s curriculum.

(b) An ATO shall show hours of absence allowed and how it will make missed material available to the student.
PART 4
AIRCRAFT REGISTRATION AND MARKING

CONTENTS

PART 4 - AIRCRAFT REGISTRATION AND MARKING

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4.1 GENERAL

4.1.1.1 Applicability

Part 4 prescribes the requirements for registration and marking of Civil Aircraft under the provisions of the Civil Aviation Act for the time being in force.

4.1.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part I of the Schedule - “General Policies, Procedures and Definitions.”

4.1.1.3 Acronyms

There are no abbreviations used in Part 4.

4.2 REGISTRATION REQUIREMENTS

4.2.1.1 General

(a) No person may operate a civil aircraft that is eligible for registration under the laws of Saint Christopher and Nevis unless it has been registered by its owner or operator under the provisions of the laws of Saint Christopher and Nevis and the Authority has issued a certificate of registration for that aircraft which shall be carried aboard that aircraft for all operations.

(b) The certificate of aircraft registration will be issued by the Authority in the form as contained in Implementing Standards.

4.2.1.2 Registration Eligibility

An aircraft shall be eligible for registration in accordance with the requirements of Regulations 26(2).

4.2.1.3 Application

(a) A person who wishes to register an aircraft in Saint Christopher and Nevis must submit an application for aircraft registration to the Authority in a form and manner in a manner prescribed by the Authority. Each application shall—

(1) certify eligibility as required by Chapter 4;

(2) be signed by the applicant.

(b) The fee provided for by law will be submitted with the application for aircraft registration to the Authority.

(c) Upon an applicant meeting all requirements for registration, a certificate of Registration will be issued by the Authority.

4.2.1.4 Aircraft Registry

(a) The Authority shall maintain an aircraft registry showing for each aircraft registered by Saint Christopher and Nevis the information recorded on the certificate of aircraft registration and any other information required by the Authority.

(b) Upon request, the Authority will provide information to another ICAO Contracting State or to ICAO as to aircraft registration and/or ownership of any particular aircraft registered in Saint Christopher and Nevis.
4.3 NATIONALITY AND REGISTRATION MARKS

4.3.1.1 Applicability

This Subpart prescribes the requirements for the identification and marking of civil aircraft registered in Saint Christopher and Nevis.

4.3.1.2 General

(a) A person shall operate a civil aircraft registered in Saint Christopher and Nevis only if it displays the nationality and registration marks in accordance with the requirements of this section. The letter or letters used to identify the nationality of Saint Christopher and Nevis shall conform with the requirements outlined in ICAO Annex 7.

(b) Unless otherwise authorized by the Authority, a person shall not display on any aircraft any design, mark, or symbol that modifies the nationality and registration marks.

(c) Permanent marking of aircraft nationality and registration shall—

(1) Be painted on the aircraft or affixed by other means insuring a similar degree of permanence;

(2) Have no ornamentation;

(3) Contrast in colour with the background;

(4) Be legible, and

(5) Be kept clean and visible at all times.

4.3.1.3 Display Of Marks: General

(a) The nationality mark of the aircraft shall consist of the Roman capital letter denoting the nationality of Saint Christopher and Nevis followed by the registration number of the aircraft in Arabic numerals. Each suffix letter used in the marks displayed must also be a Roman capital letter.

(b) If, because of the aircraft configuration, it is not possible to mark the aircraft in accordance with this Part, the owner may apply to the Authority for a different procedure.

4.3.1.4 Size of Marks

(a) The operator of an aircraft shall display marks on the aircraft meeting the size requirements of this section.

(b) Height. The character marks in each separate group shall be of equal height and on—

(1) Fixed-wing aircraft—

(i) Wings- shall be at least 50 centimeters

(ii) Fuselage and vertical tail surfaces:- shall be at least 30 centimeters high;

(2) Rotorcraft shall be at least 30 centimeters high; and

(3) Lighter-than-air aircraft at least 50 centimeters high.

(c) Width. Characters must be two-thirds as wide as they are high, except the number “1”, which must be one-sixth as wide as it is high, and the letters “M” and “W” which may be as wide as they are high.
(d) Thickness. Characters shall be formed by solid lines one-sixth as thick as the character is high.

(e) Spacing. The space between each character may not be less than one-fourth of the character width.

(f) Uniformity. The marks required by this Part for fixed-wing aircraft must have the same height, width, thickness, and spacing on both sides of the aircraft.

4.3.1.5 Location of Marks on Heavier-Than-Air Aircraft

(a) The owner of a fixed-wing aircraft shall display the marks once on the lower surface of the wing structure as follows:

1. They shall be located on the left half of the lower surface of the wing structure unless they extend across the whole of the lower surface of the wing structure.

2. So far as is possible, the marks shall be located equidistant from the leading and trailing edge of the wings.

3. The tops of the letters and numbers shall be toward the leading edge of the wing.

(b) On a heavier than air aircraft with a fuselage (or equivalent structure) and/or a vertical tail surface, the marks shall appear on either the vertical tail surfaces or the sides of the fuselage as follows—

1. If displayed on the vertical tail surfaces, horizontally on both surfaces of a single vertical tail or on the outer surfaces of a multi-vertical tail.

2. If displayed on the fuselage surfaces, horizontally on both sides of the fuselage between the trailing edge of the wing and the leading edge of the horizontal stabilizer.

3. If engine pods or other appurtenances are located in the area described in paragraph (b) (2) and are an integral part of the aircraft, the marks may appear on those pods or appurtenances.

4.3.1.6 Location of Marks on Lighter-Than-Air Aircraft

(a) Airships. The operator shall place marks on an airship to appear on—

1. the hull, located lengthwise on each side of the hull and on its upper surface on the line of symmetry; or

2. the horizontal and vertical stabilizers surfaces—

   (i) for the horizontal stabilizer, located on the right half of the upper surface and on the left half of the lower surface, with the tops of the letters and numbers toward the leading edge; and

   (ii) for the vertical stabilizer, located on each side of the bottom half stabilizer, with the letters and numbers placed horizontally.

(b) Spherical balloons (other than unmanned free balloons). The operator shall apply marks to appear in two places diametrically opposite each other and located near the maximum horizontal circumference of the balloon.
(c) Non-spherical balloons (other than unmanned free balloons). The operator shall apply marks to appear on each side, located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(d) Lighter-than-air aircraft (other than unmanned free balloons). The operator shall apply side marks to be visible both from the sides and from the ground.

(e) Unmanned free balloons. The operator shall apply marks to appear on the identification plate.

4.3.1.7 Location of Marks on Rotorcraft

The operator of a rotorcraft shall display marks horizontally on both surfaces of the cabin, fuselage, boom, or tail, such that the rotorcraft can be readily identified.

4.3.1.8 Special Cases for Size and Location of Marks

(a) If either one of the surfaces authorised for displaying required marks is large enough for display of marks meeting the size requirements of this section and the other is not, the operator shall place full-size marks on the larger surface.

(b) If neither surface is large enough for full-size marks, the Authority may approve marks as large as practicable for display on the larger of the two surfaces.

(c) If, because of the aircraft configuration, it is not possible to mark the aircraft in accordance with this Part, the owner may apply to the Authority for a different procedure.

Sale of Aircraft: Removal of Marks

When an aircraft that is registered in Saint Christopher and Nevis is sold, the holder of the certificate of registration shall remove, before its delivery to the purchaser, all nationality and registration marks of Saint Christopher and Nevis, unless the purchaser is a citizen or other legal entity as prescribed in Regulation 26(2).

4.3.1.9 Identification Plate Required

The operator of an aircraft registered pursuant to these Regulations shall affix to the aircraft, an identification plate—

(1) containing the aircraft type, model, serial number, marks of nationality and operator’s name and location;

(2) made of fireproof metal or other fireproof material of suitable physical properties;

(3) secured onto the aircraft in a prominent position near the main entrance, or, in the case of a free balloon, affixed conspicuously to the exterior of the payload.

4.3.1.10 Transfer of Functions and Duties

(a) When an aircraft registered in Saint Christopher and Nevis is operated by an operator who has an AOC from another contracting State, that Saint Christopher and Nevis may, by agreement with such other State, transfer to it, all or part of its functions and duties as State of registry
in respect of that aircraft. Under such an agreement, Saint Christopher and Nevis shall be relieved of responsibility in respect of the functions and duties transferred;

(b) When an aircraft registered in another contracting State is operated by an operator who has an AOC from Saint Christopher and Nevis, the contracting State may, by agreement with Saint Christopher and Nevis, transfer all or part of its functions and duties as State of registry in respect of that aircraft to Saint Christopher and Nevis. Under such an agreement, the contracting State shall be relieved of responsibility in respect of the functions and duties transferred;

(c) The above transfer shall not have effect before the agreement between States, in which it is embodied, has been registered with the ICAO Council.
PART 5
AIRWORTHINESS

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PART 5 - AIRWORTHINESS

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5.1 GENERAL

5.1.1 Applicability
(a) This Part contains the requirements for—
   (1) certification of aircraft and aeronautical components;
   (2) issuance of Airworthiness Certificates and other certifications for aeronautical products;
   (3) continued airworthiness of aircraft and aeronautical components;
   (4) rebuilding and modifications of aircraft and aeronautical components;
   (5) maintenance and preventive maintenance of aircraft and aeronautical components;
   (6) aircraft inspection requirements; and
   (7) air operator aircraft maintenance and inspection requirements.

5.1.2 Definitions
For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions.”

5.1.3 Acronyms
(a) The following acronyms are used in Part 5—
   (1) AOC - Air Operator Certificate (Civil Aviation Law)
   (2) AMO - Approved Maintenance Organisation (Part 1)
   (3) MEL - Minimum Equipment List (Part 1)
   (4) PIC - Pilot in command (Part 1)
   (5) TSO - Technical Standard Order

5.2 AIRCRAFT AND COMPONENT ORIGINAL CERTIFICATION

5.2.1 Applicability
(a) This Section describes the procedures and designation of applicable rules for original certification of an aircraft and related aeronautical products.

(b) The Authority shall hold this Subpart reserved until such time as it has received an application for Type Certificates, Production Certificates or other related approvals.

(c) An applicant for a production certificate for any aircraft or aeronautical product thereof for manufacture in Saint Christopher and Nevis shall comply with the type certificate as required by the State of Design for approval.

(d) At such time as the application for production is presented the Authority shall make available suitable regulations or provisions for the issuance of an airworthiness certificate, or airworthiness document as appropriate for the product concerned.
5.3 SUPPLEMENTAL TYPE CERTIFICATES

5.3.1.1 Applicability

This section prescribes procedural requirements for the issue of supplemental type certificates.

5.3.1.2 Issuance of a Supplemental Type Certificate

(1) Any person who alters a product by introducing a major change in type design, not great enough to require a new application for a type certificate, shall apply for a Supplemental Type Certificate, or equivalent, to the regulatory agency of the State of Design that approved the type certificate for that product, or to the State of Registry of the aircraft.

(2) The person referred to under section (1) shall apply in accordance with the procedures prescribed by that State.

5.4 AIRWORTHINESS CERTIFICATES

5.4.1.1 Applicability

This section prescribes procedures required for the issue of airworthiness certificates.

5.4.1.2 Eligibility

(a) A registered owner or the agent of a registered owner of an aircraft registered in Saint Christopher and Nevis shall apply for an airworthiness certificate for that aircraft.

(b) An applicant for an airworthiness certificate under part (a) shall apply in a form and manner that is acceptable to the Authority.

5.4.1.3 Classifications of Airworthiness Certificates

(a) The Authority may issue a Standard Airworthiness Certificate for an aircraft which is used for either private or commercial flying;

(b) The Authority may issue a Special Airworthiness Certificate in the form of a restricted certificate;

(c) The Authority may issue an Aerial Work Certificate for an aircraft which is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

5.4.1.4 Amendment of Airworthiness Certificate

(a) The Authority may amend or modify an Airworthiness Certificate:

(1) upon application from an operator; or

(2) on its own initiative.

5.4.1.5 Transfer or Surrender of Airworthiness Certificate

(a) An owner of an aircraft shall transfer an Airworthiness Certificate—

(1) to the lessee upon lease of an aircraft within or outside Saint Christopher and Nevis; or

(2) to the buyer upon sale of the aircraft within Saint Christopher and Nevis.
(b) An owner shall surrender the Airworthiness Certificate for the aircraft to the issuing Authority upon sale of that aircraft outside of Saint Christopher and Nevis.

5.4.1.6 Effective Dates of Airworthiness Certificate

(a) Airworthiness Certificates are effective as follows unless sooner surrendered, suspended or revoked, or a special termination date is otherwise established by the Authority— (See IS: 5.4.1.6)(1)a Certificate of Airworthiness shall be renewed or shall remain valid, subject to the laws of the State of Registry, provided that the State of Registry shall require that the continuing airworthiness of the aircraft shall be determined by a periodical inspection at appropriate intervals having regard to lapse of time and type of service.

(b) When an aircraft imported for registration in Saint Christopher and Nevis has a Certificate of Airworthiness issued by another Contracting State, Saint Christopher and Nevis may, as an alternative to issuance of its own Certificate of Airworthiness, establish validity by suitable authorisation to be carried with the former Certificate of Airworthiness accepting it as the equivalent of a Certificate of Airworthiness issued by Saint Christopher and Nevis. The validity of the authorisation under part (b) shall not extend beyond the period of validity of the Certificate of Airworthiness or as indicated in IS 5.4.1.6.

5.4.1.7 Aircraft Identification

An applicant for an airworthiness certificate shall show that the aircraft is properly registered and marked, and includes at least one fireproof identification plate in accordance with Part 4.3.1.10

5.4.1.8 Issue of Airworthiness Certificates

(a) The Authority shall issue a Standard Airworthiness certificate if—

(1) the applicant presents evidence to the Authority that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to the applicable Airworthiness Directives of the State of Manufacture;

(2) the aircraft has been inspected in accordance with the performance rules of this regulation for inspections and found airworthy by persons authorised by the Authority to make such determinations within the last 30 calendar days; and

(3) the Authority finds after an inspection that the aircraft conforms to type design and is in condition for safe operation.

(b) The Authority may validate an airworthiness or aerial work certificate issued by another Contracting State upon registration of the aircraft in Saint Christopher and Nevis. The validity of the validation shall not extend beyond the period of validity of the airworthiness certificate or one year, whichever is less.

5.4.1.9 Airworthiness Directives

(a) Upon registration of an aircraft in Saint Christopher and Nevis, the Authority shall notify the State of Design of the aircraft of the registration in Saint Christopher and Nevis, and request that the Authority receives any and all airworthiness directives addressing that
aircraft, airframe, aircraft engine, propeller, appliance or component part.

(b) Whenever the State of Design or State of Manufacture considers that a condition in an aircraft, airframe, aircraft engine, propeller, appliance, or component part is unsafe as shown by the issuance of an airworthiness directive by that State, the requirements of such directives shall apply to Saint Christopher and Nevis registered civil aircraft of the type identified in that airworthiness directive.

(c) The Authority shall identify manufacturer’s service bulletins and other sources of data, or develop and prescribe inspections, procedures and limitations, for mandatory compliance pertaining to affected aircraft in Saint Christopher and Nevis.

(d) A person shall not operate any civil aircraft registered in Saint Christopher and Nevis to which the measures of this subsection apply, except in accordance with the applicable directives.

5.4.1.10 Commercial air transport

The Authority shall consider an airworthiness certificate valid for commercial air transport only when the aircraft is operated in accordance with a valid AOC issued by the State of the Operator.

5.4.1.11 Issue Of Special Airworthiness Certificates

SPECIAL AIRWORTHINESS CERTIFICATES

I. The Authority may issue a Special Airworthiness Certificate to an aircraft that does not qualify for a Standard Certificate;

II. Aircraft holding Special Airworthiness Certificates shall be subject to operating limitations within Saint Christopher and Nevis and may not make international flights;

III. The Authority may issue specific operating limitations for each Special Airworthiness Certificate.

FERRY FLIGHT PERMITS

I. The Authority may issue a Ferry Flight Permit to an aircraft that is capable of safe flight, but unable to meet applicable airworthiness requirements, for the purpose of —

   (1) flying to a base where repairs, modifications, maintenance, or inspections are to be performed, or to a point of storage;

   (2) delivering or exporting an aircraft;

   (3) evacuating aircraft from areas of impending danger;

   (4) operating at weights in excess of the aircraft’s maximum Certified Takeoff Weight for flight beyond normal range over water or land areas, where adequate landing facilities or appropriate fuel is not available and the excess weight is limited to additional fuel, fuel-carrying facilities and navigation equipment necessary for the flight; and

II. The Authority shall require a properly executed maintenance release in the aircraft permanent record by a suitably licensed person or AMO.
III. The Authority may issue specific operating limitations for each Ferry Flight Permit.

IV. The operator shall obtain all required overflight authorisations from countries to be overflown on flights outside of Antigua and Barbuda.

Note: Foreign Authorities may refuse flight from, into or through their airspace.

PERMITS TO FLY

I. The Authority may issue a Permit to Fly to an aircraft for testing after repairs, modifications, or maintenance;

II. The Authority shall require a properly executed maintenance release in the aircraft permanent record by a suitably licensed person or AMO;

III. The Authority may issue specific operating limitations for each Permit to Fly;

5.4.1.12 Aircraft Noise Certification

(a) Noise certification of an aircraft shall be granted by the Authority on the basis of satisfactory evidence that the aircraft complies with requirements specified in IS: 5.4.1.12.

(b) When an aircraft imported for registration in Saint Christopher and Nevis has a Noise Certificate issued by another Contracting State, Saint Christopher and Nevis may, as an alternative to issuance of its own Noise Certificate, establish validity by suitable authorisation to be carried with the former Noise Certificate, accepting it as the equivalent of a Noise Certificate issued by Saint Christopher and Nevis.

5.5 CONTINUED AIRWORTHINESS OF AIRCRAFT AND COMPONENTS

5.5.1.1 Applicability

This Section prescribes rules governing the continued airworthiness of civil aircraft registered in Saint Christopher and Nevis, whether operating inside or outside the borders of Saint Christopher and Nevis.

5.5.1.2 Responsibility

(a) An owner or a lessee of an aircraft shall be responsible for maintaining the aircraft in an airworthy condition by ensuring that—

(1) all maintenance, overhaul, modifications and repairs which affect airworthiness are performed as prescribed by the State of Registry;

(2) maintenance personnel make appropriate entries in the aircraft maintenance records certifying that the aircraft is airworthy;

(3) the approval for return to service (maintenance release) is completed to the effect that the maintenance work performed has been completed satisfactorily and in accordance with the prescribed methods; and

(4) in the event there are open discrepancies, the maintenance release includes a list of the uncorrected maintenance items and these items are made a part of the aircraft permanent record.
5.5.1.3 General

(a) A person shall not perform any maintenance, preventive maintenance, or modifications on an aircraft other than as prescribed in this regulation.

(b) A person shall not operate an aircraft for which a manufacturer’s maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitation section unless the:

(i) mandatory replacement times;

(ii) inspection intervals; and

(iii) related procedures specified in that section or alternative inspection intervals and related procedures set forth in the specific operating provisions approved under part 9, or in accordance with the inspection program approved under Part 8 have been complied with.

(c) A person shall not operate an aeronautical product to which an Airworthiness Directive applies, issued either by the State of Design, State of Manufacture or by the State of Registry for aircraft operated within Saint Christopher and Nevis, except in accordance with the requirements of that Airworthiness Directive.

(d) When the Authority determines that an airframe or aeronautical product has exhibited an unsafe condition and that condition is likely to exist or to develop in other products of the same type design, the Authority shall issue an Airworthiness Directive prescribing inspections and the conditions and limitations, if any, under which those products may continue to be operated.

5.5.1.4 Reporting of Failures, Malfunctions, and Defects

(a) An owner or an operator of an aircraft shall report to the Authority any failures, malfunctions, or defects that may result in at least the following—

(1) fires during flight and whether the related fire-warning system properly operated;

(2) fires during flight not protected by a related fire-warning system;

(3) false fire warning during flight;

(4) an engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(5) an aircraft component that causes accumulation or circulation of smoke, vapour, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(6) engine shutdown during flight because of flameout;

(7) engine shutdown during flight when external damage to the engine or aircraft structure occurs;

(8) engine shutdown during flight due to foreign object ingestion or icing;

(9) shutdown during flight of more than one engine;
(10) a propeller feathering system or ability of the system to control overspeed during flight;

(11) a fuel or fuel-dumping system that affects fuel flow or causes hazardous leakage during flight;

(12) an unintended landing gear extension or retraction, or opening or closing of landing gear doors during flight;

(13) brake system components that result in loss of brake actuating force when the aircraft is in motion on the ground;

(14) aircraft structure that requires major repair;

(15) cracks, permanent deformation, or corrosion of aircraft structure, if more than the maximum acceptable to the manufacturer or the Authority;

(16) aircraft components or systems malfunctions that result in taking emergency actions during flight (except action to shut down an engine);

(17) each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected technical difficulties or malfunctions;

(18) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure;

(19) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(20) the number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed; or

(21) the number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed.

(b) A report required by this Subsection shall—

(1) be made within 3 days after determining that the failure, malfunction, or defect required to be reported has occurred; and

(2) include as much of the following information as is available and applicable—

   (i) aircraft serial number;

   (ii) when the failure, malfunction, or defect is associated with an article approved under a TSO authorisation, the article serial number and model designation, as appropriate;

   (iii) when the failure, malfunction or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate;

   (iv) product model;

   (v) identification of the part, component, or system involved, including the part number; and

   (vi) nature of the failure, malfunction, or defect.
(c) The Authority, of the State of Registry of the aircraft, shall submit all such reports upon receipt to the State of Design.

(d) The Authority, if not the State of Registry of the aircraft, will submit all such reports upon receipt to the State of Registry.

5.6 AIRCRAFT MAINTENANCE AND INSPECTION

5.6.1.1 Applicability

This Section prescribes rules governing the maintenance and inspection of any aircraft having an Saint Christopher and Nevis Airworthiness Certificate or associated aeronautical products.

5.6.1.2 Persons Authorised to Perform Maintenance, Preventive Maintenance and Modifications

(a) The persons authorised to perform maintenance subject to this Subpart include—

(1) a pilot licensed by the Authority;
(2) a person performing maintenance under the supervision of an aviation maintenance technician;
(3) an aviation maintenance technician;
(4) an AMO.

(b) This Section outlines the privileges and limitations of these entities with respect to the extent and type of work they may perform regarding—

(1) maintenance;
(2) preventive maintenance;
(3) modification;
(4) inspection; and
(5) approvals for return to service.

5.6.1.3 Persons Authorised to Perform Maintenance

(a) A person shall not perform any task defined as maintenance on an aircraft or aeronautical products, except as provided in the following—

(1) a pilot licensed by the Authority may perform preventive maintenance on any aircraft owned or operated by that pilot so long as the aircraft is not listed for use by an AOC holder.

(2) a person working under the supervision of an aviation maintenance technician, may perform the maintenance, preventive maintenance and modifications that the supervisory aviation maintenance technician is authorised to perform—

(i) if the supervisor personally observes the work being done to the extent necessary to ensure that it is being done properly; and

(ii) if the supervisor is readily available, in person, for consultation.
(3) a licensed aviation maintenance technician may perform or supervise the maintenance or modification of an aircraft or aeronautical product for which he or she is rated subject to the limitations of Part 2, Section 2.4.4 of these regulations.

(4) an AMO may perform aircraft maintenance within the limits specified by the Authority.

(5) a manufacturer holding an AMO may—

(i) rebuild or alter any aeronautical product manufactured by that manufacturer under a type or production certificate;

(ii) rebuild or alter any aeronautical product manufactured by that manufacturer under a TSO Authorisation, a Parts Manufacturer Approval by the State of Design, or Product and Process Specification issued by the State of Design; and

(iii) perform any inspection required by Part 8 on aircraft it manufacturers, while currently operating under a production certificate or under a currently approved production inspection system for such aircraft.

5.6.1.4 Authorised Personnel to Approve for Return to Service

(a) A person or an entity, other than the Authority, shall not approve an aircraft, airframe, aircraft engine, propeller, appliance, or component part for return to service after it has undergone maintenance, preventive maintenance, rebuilding, or modification, except as provided in the following:

(1) a pilot licensed by the Authority may return his or her aircraft to service after performing authorised preventive maintenance.

(2) a licensed aviation maintenance technician may approve aircraft and aeronautical products for return to service after he or she has performed, supervised, or inspected its maintenance subject to the limitation of Part 2, Section 2.4.4 of these regulations.

(3) an AMO may approve aircraft and aeronautical products for return to service as provided in the specifications approved by the Authority.

5.6.1.5 Persons Authorised to Perform Inspections

(a) A person, unless otherwise authorised by the Authority, shall not perform the inspections required by 8.2.1.7 for aircraft and aeronautical products prior to or after it has undergone maintenance, preventive maintenance, rebuilding, or modification, except as provided in the following:

(1) an aviation maintenance technician may conduct the required inspections of aircraft and aeronautical products for which he or she is rated and current;

(2) an aviation maintenance technician may conduct the required duplicate inspections of aircraft and aeronautical products for which he or she is rated and current; (See IS: 5.6.1.5)

(3) an AMO may perform the required inspections of aircraft and aeronautical products as provided in the specifications approved by the Authority.
5.6.1.6 Performance Rules: Maintenance

(a) A person performing maintenance, preventive maintenance, or modification on an aeronautical product shall use the methods, techniques, and practices prescribed in—

(1) the current manufacturer’s maintenance manual or instructions for Continued Airworthiness prepared by its manufacturer; and

(2) additional methods, techniques and practices required by the Authority; or methods, techniques and practices designated by the Authority where the manufacturer’s documents were not available.

See Implementing Standard IS: 5.6.1.6

(b) A person shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with accepted industry practices. If the manufacturer involved recommends special equipment or test apparatus, the person performing maintenance shall use that equipment or apparatus or its equivalent acceptable to the Authority;

(c) If the manufacturer involved recommends special equipment or test apparatus, the person performing maintenance shall use that equipment or apparatus or its equivalent acceptable to the Authority;

(d) A person performing maintenance, preventive maintenance, or modification on an aeronautical product shall do that work in such a manner, and use materials of such a quality, that the condition of the aeronautical product worked on will be at least equal to its original or properly altered condition with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness;

(e) the methods, techniques, and practices contained in an AOC holder’s maintenance control manual and continuous maintenance program, as approved by the Authority, shall constitute an acceptable means of compliance with the requirements of this subsection;

(f) each person performing a major modification or repair defined in this Part will use data approved by the Authority—

(1) the approved data used must be referenced on the form or log entry used to approve the modification or repair for return to service.

(2) acceptable “approved data” is data specifically approved by the following for the modification or repair—

(i) the Authority;

(ii) the State of Manufacture;

(iii) a Designee authorised by the State of Manufacture for that type modification or repair;

(iv) the State of Design; or

(v) a Designee authorised by the State of Design for that type modification or repair.
5.6.1.7 Performance Rules: Inspections

(a) General. A person performing an inspection required by the Authority shall—

(1) perform the inspection so as to determine whether the aircraft, or portion(s) thereof under inspection, meets all applicable airworthiness requirements; and

(2) if there is an inspection program required or accepted for the specific aircraft being inspected, perform the inspection in accordance with the instructions and procedures set forth in the inspection program.

(b) Rotorcraft. A person performing an inspection required on a rotorcraft shall inspect the following systems in accordance with the maintenance manual or Instructions for Continued Airworthiness of the manufacturer concerned—

(1) the drive shafts or similar systems,

(2) the main rotor transmission gear box for obvious defects,

(3) the main rotor and centre section (or the equivalent area), and

(4) the auxiliary rotor on helicopters.

(c) Annual and 100-hour inspections.

(1) A person performing an annual or 100-hour inspection shall use a checklist while performing the inspection.

(2) The checklist referred to in section (1) may be of the person’s own design, one provided by the manufacturer of the equipment being inspected, or one obtained from another source and shall include the scope and detail of the items prescribed by the Authority.

Implementing Standard: See IS: 5.6.1.7 for components to be included in an annual or 100-hour inspection.

(3) A person approving a reciprocating-engine-powered aircraft for return to service after an annual or 100-hour inspection shall, before that approval, run the aircraft engine or engines to determine satisfactory performance in accordance with the current manufacturer’s recommendations of—

(i) power output (static and idle rpm);

(ii) magnetos;

(iii) fuel and oil pressure; and

(iv) cylinder and oil temperature.

(4) A person approving a turbine-engine-powered aircraft for return to service after an annual or 100-hour inspection shall, before that approval, run the aircraft engine or engines to determine satisfactory performance in accordance with the current manufacturer’s recommendations.
5.6.1.8 Performance Rules: Airworthiness Limitations

A person performing an inspection or other maintenance specified in an airworthiness limitations section of a current manufacturer’s maintenance manual, or Instructions for Continued Airworthiness, shall perform the inspection or other maintenance in accordance with that section, or in accordance with specifications approved by the Authority.

5.7 MAINTENANCE RECORDS AND ENTRIES

5.7.1.1 Content, Form and Disposition of Maintenance, Preventive Maintenance, Rebuilding and Modification Records

(a) A person who maintains, performs preventive maintenance, rebuilds or modifies an aircraft or aeronautical product shall, when the work is performed satisfactorily, make an entry in the maintenance record of that equipment as follows—

(1) a description (or reference to data acceptable to the Authority) of work performed;
(2) completion date of the work performed;
(3) name, signature, certificate number and kind of license held by the person approving the work.

Note: The signature constitutes the approval for return to service only for the work performed.

(b) A person performing the work under part (a) shall enter records of major repairs and major modifications, and dispose of that form in the manner prescribed by the Authority.

Implementing Standard: See IS: 5.7.1.1 for the maintenance form requirements and a sample major repair and modification form.

(c) A person working under supervision of an aviation maintenance technician shall not perform any inspection required in Part 8 or any inspection performed after a major repair or modification.

5.7.1.2 Records of Overhaul and Rebuilding

(a) A person shall not describe in any required maintenance entry or form, an aeronautical product as being overhauled unless—

(1) it has been disassembled, cleaned, inspected as permitted, repaired as necessary, and reassembled using methods, techniques, and practices acceptable to the Authority; and
(2) it has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance manufacturing approval.

(b) A person shall not describe in any required maintenance entry or form, an aircraft or other aeronautical product as being rebuilt unless it has been—

(i) disassembled;
(ii) cleaned;
(iii) inspected as permitted;
(iv) repaired as necessary, reassembled; and
(v) tested to the same tolerances and limits as a new item, using either new parts or used parts that conform to new part tolerances and limits.

Note: Part 5.7.1.2(a) reflects the required maintenance entry for rebuilt. As identified in Part 5.6.1.3(a)(5) only a manufacturer holding an AMO can rebuild an aeronautical product.

5.7.1.3 Approval for Return to Service after Maintenance, Preventive Maintenance, Rebuilding, or Modification

(a) A person shall not approve for return to service any aeronautical product that has undergone maintenance, preventive maintenance, rebuilding, or modification unless—

(1) the appropriate maintenance record entry has been made;
(2) the repair or modification form authorised by or furnished by the Authority has been executed in a manner prescribed by the Authority;
(3) if a repair or modification results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, those operating limitations or flight data are appropriately revised and set forth as prescribed.

Implementing Standard: See IS: 5.7.1.1 for the repair or modification form requirements.

5.7.1.4 Content, Form, and Disposition of Records for Inspections

(a) Maintenance record entries. A person approving or disapproving the return to service of an aeronautical product after any inspection performed in accordance with Part 8, shall make an entry in the maintenance record of that equipment containing the following information—

(1) type of inspection and a brief description of the extent of the inspection;
(2) date of the inspection and aircraft total time in service;
(3) signature, the license number, and kind of licence held by the person approving or disapproving for return to service the aeronautical product;
(4) if the aircraft is found to be airworthy and approved for return to service, the following or a similarly worded statement—“I certify that this aircraft has been inspected in accordance with (insert type) inspection and was determined to be in an airworthy condition”;
(5) if the aircraft is not approved for return to service because of needed maintenance, non-compliance with the applicable specifications, airworthiness directives, or other approved data, the following or a similarly worded statement—I certify that this aircraft has been inspected in accordance with (insert type)
inspection and a list of discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or operator; and

(6) if an inspection is conducted under an inspection programme provided for in Part 8, the person performing the inspection shall make an entry identifying the inspection programme accomplished, and containing a statement that the inspection was performed in accordance with the inspections and procedures for that particular programme.

(b) Listing of discrepancies. A person performing any inspection required in Part 8 who finds that the aircraft is not airworthy or does not meet the applicable type certificate data sheet, airworthiness directives or other approved data upon which its airworthiness depends, shall give the owner or the operator of the aircraft a signed and dated list of those discrepancies.
PART 6
APPROVED MAINTENANCE ORGANISATIONS

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PART 6 - APPROVED MAINTENANCE ORGANISATIONS

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6.1 GENERAL

6.1.1.1 Applicability

This Part prescribes the requirements for issuing approvals to organisations for the maintenance, preventive maintenance, and modifications of aircraft and aeronautical products and prescribes the general operating rules for an Approved Maintenance Organisation (AMO). The approval, when granted, shall apply to the whole organisation and shall be headed by the accountable manager.

6.1.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions.”

6.1.1.3 Acronyms

The following acronyms are used in this Part.

(1) AMO - Approved Maintenance Organisation
(2) PMA - Parts Manufacturing Authorisation
(3) TSO - Technical Standard Order

6.1.1.4 Certificate and Specific Operating Provisions

(a) The AMO certificate will consist of two documents—

(1) a one page certificate signed by the Authority, and
(2) a multi-page specific operating provisions signed by the Accountable Manager and the Authority containing the terms, conditions, and authorisations.

(b) A person shall not operate as an AMO without, or in violation of, an AMO certificate issued under this Part.

(c) An AMO may perform maintenance, preventive maintenance, or modifications on an aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof only for which it is rated and within the limitations placed in its specific operating limitations.

(d) The AMO certificate will contain—

(1) the certificate number specifically assigned to the AMO;
(2) the name and location (main place of business) of the AMO;
(3) the date of issue and period of validity;
(4) the ratings issued to the AMO; and
(5) authority signature.

(e) The AMO Specific Operating Provisions will contain—

(1) the certificate number specifically assigned to the AMO;
(2) the class or limited ratings issued in detail, including special approvals and limitations issued;
(3) the date issued or revised;
(4) accountable manager and Authority signatures.
(f) The certificate issued to each AMO must be available in the premises for inspection by the public and the Authority.

6.1.1.5 Advertising

(a) A person shall not advertise as an AMO until an AMO certificate has been issued to that person.

(b) An AMO shall not make any statement, either in writing or orally, about itself that is false or is designed to mislead any person.

(c) Whenever the advertising of an AMO indicates that it is an AMO, the advertisement must clearly state its AMO’s certificate number.

6.1.1.6 Deviation Authority

(a) The Authority may, upon consideration of the circumstances of a particular maintenance organisation, issue a deviation providing relief from specified sections of this Part, provided that the Authority finds that the circumstances presented warrant the deviation and that a level of safety will be maintained equal to that provided by the rule from which the deviation is sought. This deviation authority will be issued as a Letter of Deviation Authority.

(b) A Letter of Deviation Authority may be terminated or amended at any time by the Authority.

(c) A request for deviation authority must be made in a form and manner acceptable to the Authority and submitted to the Authority at least 60 days before the date the deviation from specified sections in this part is necessary for the intended maintenance, preventive maintenance, or modification. A request for deviation authority must contain complete statement of the circumstances and justifications for the deviation requested, and show that a level of safety will be maintained equal to that provided by the rule from which the deviation is sought.

(d) An AMO that receives a Letter of Deviation Authority must have a means of notifying the appropriate management, certifying staff, and personnel of the deviation, including the extent of the deviation and when the deviation is terminated or amended.

6.2 CERTIFICATION

6.2.1.1 Application for an AMO Certificate

(a) The Authority will require an applicant for an AMO certificate to submit the following—

(1) an application in a form and a manner prescribed by the Authority;

(2) its maintenance procedures manual;

(3) a list of the maintenance functions to be performed for it, under contract, by another AMO;

(4) a list of all AMO certificates and ratings pertinent to those certificates issued by any contracting State other than [STATE]; and

(5) any additional information the Authority requires the applicant to submit.
6.2.1.2 Issuance of an AMO Certificate

An applicant may be issued an AMO certificate if, after investigation, the Authority finds that the applicant—

(1) meets the applicable regulations and standards for the holder of an AMO;
(2) is properly and adequately equipped for the performance of maintenance of aircraft or aeronautical product for which it seeks approval; and
(3) is fit, having regard in particular to the applicant’s previous conduct, or if there is evidence of unlawful conduct in aviation or previous breaches of aviation regulations.

6.2.1.3 Duration and Renewal of Certificate

(a) A certificate or rating issued to an AMO located in [STATE] is effective for the period specified on the certificate or until the AMO surrenders it or the Authority suspends or revokes it.

(b) A certificate or rating issued to an AMO located outside the [STATE] is effective —
(1) for the period specified on the certificate; or
(2) until the AMO surrenders the certificate; or
(3) until the Authority suspends or revokes the certificate.

(c) The holder of a certificate that expires or is surrendered, suspended, or revoked by the Authority must return the certificate and specific operating provisions to the Authority.

(d) An AMO located outside [STATE] that applies for a renewal of its AMO certificate for aircraft registered in [STATE] must—
(1) submit its request for renewal to the Authority, no later than 45 days before the AMO’s current certificate expires. If a request for renewal is not made within this period, the AMO must follow the application procedure prescribed by the Authority.

6.2.1.4 Continued Validity of Approval

(a) Unless the approval has previously been surrendered, superseded, suspended, revoked or expired by virtue of exceeding any expiration date that may be specified in the approval certificate, the continued validity of approval is dependent upon—

(1) the AMO remaining in compliance with this Part;
(2) the Authority being granted access to the organisation’s facilities to determine continued compliance with this regulation; and

(3) the payment of any charges prescribed by the Authority.

(b) The holder of an AMO certificate that expires or is surrendered, suspended, or revoked, shall return it to the Authority.

6.2.1.5 Changes to the AMO and Certificate Amendments

(a) To enable the Authority to determine continued compliance with this Part, the AMO shall provide written notification to the Authority either prior to, or within a time period determined by the Authority to be as soon as practicable after, any of the following changes—

(1) the name of the organisation;

(2) the location of the organisation;

(3) the housing, facilities, equipment, tools, material, procedures, work scope and certifying staff that could affect the AMO rating or ratings;

(4) the ratings held by the AMO, whether granted by the Authority or held through an AMO certification issued by another contracting State;

Note: See subsection 6.2.1.1(a).

(5) additional locations of the organisation;

(6) the accountable manager; or

(7) the list of management personnel identified as described in the maintenance procedures manual.

(b) The Authority will amend the AMO certificate if the AMO notifies the Authority of a change in—

(1) location or housing and facilities;

(2) additional locations of the organisation;

(3) rating, including deletions;

(4) name of the organisation with same ownership; or

(5) ownership.

(c) The Authority may amend the AMO certificate if the AMO notifies the Authority of a change in—

(1) the accountable manager; or

(2) the list of management personnel identified as described in the maintenance procedure manual.

(d) When the Authority issues an amendment to an AMO certificate because of new ownership of the AMO, the Authority will assign a new certificate number to the amended AMO certificate.

(e) The Authority may—

(1) prescribe, in writing, the conditions under which the AMO may continue to operate during any period of implementation of the changes noted in subparagraph (a); and
(2) hold the AMO certificate in abeyance if the Authority determines that approval of the AMO certificate should be delayed; the Authority will notify the AMO certificate holder, in writing, of the reasons for any such delay.

(f) If changes are made by the AMO to the items listed in subparagraph (a) without notification to the Authority and amendment of the AMO certificate by the Authority, the AMO certificate may be suspended by the Authority.

6.2.1.6 Ratings of the AMO

The following ratings are issued under this Subpart—

(1) airframe ratings. An aircraft rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications on an aircraft, including work on the powerplant(s) of that aircraft up to, but not including, overhaul as that term defined in 5.1.1.2(a)(5) under the following classes—

(i) Class 1: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) of 5,700 kg maximum certificated takeoff weight or less.

(ii) Class 2: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) over 5,700 kg maximum certificated takeoff weight and up to, and including, 34,200 kg maximum certificated takeoff weight.

(iii) Class 3: Aircraft, (other than rotorcraft and aircraft composed primarily of composite material) over 34,200 kg maximum certificated takeoff weight.

(iv) Class 4: Rotorcraft (other than rotorcraft composed primarily of composite material) of 2,736 kg maximum certificated takeoff weight or less.

(v) Class 5: Rotorcraft (other than rotorcraft composed primarily of composite material) over 2,736 kg maximum certificated takeoff weight.

(vi) Class 6: Aircraft composed primarily of composite material, of 5,700 kg maximum certificated takeoff weight or less.

(vii) Class 7: Aircraft composed primarily of composite material, over 5,700 kg maximum certificated takeoff weight.

(2) Power plant ratings. A power plant rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications of power plants under the following classes—

(i) Class 1: Reciprocating engines.

(ii) Class 2: Turbopropeller and turboshaft engines.

(iii) Class 3: Turbojet and turbofan engines.

(3) Propeller ratings. A propeller rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications of propellers under the following classes—
(i) Class 1: Fixed-pitch and ground-adjustable propellers.

(ii) Class 2: Variable-pitch propellers.

(4) Avionics ratings. An avionics rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications of avionics equipment under the following ratings—

(i) Class 1: Communication equipment: Any radio transmitting equipment or receiving equipment, or both, used in aircraft to send or receive communications, regardless of carrier frequency or type of modulation used; including auxiliary and related aircraft interphone systems, amplifier systems, electrical or electronic intercrew signalling devices, and similar equipment; but not including equipment used for navigation of the aircraft or as an aid to navigation, equipment for measuring altitude or terrain clearance, other measuring equipment operated on radio or radar principles, or mechanical, electrical, gyroscopic, or electronic instruments that are a part of communications avionics equipment.

(ii) Class 2: Navigational equipment: Any avionics system used in aircraft for en-route or approach navigation, except equipment operated on radar or pulsed radio frequency principles, but not including equipment for measuring altitude or terrain clearance or other distance equipment operated on pulsed radio frequency principles.

(iii) Class 3: Pulsed equipment: Any aircraft electronic system operated on pulsed radio frequency principles.

(5) Computer systems ratings. A computer systems rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications of digital computer systems and components thereof, that have the function of receiving external data, processing such data, and transmitting and presenting the processed data under the following classes—

(i) Class 1: Aircraft computer systems.

(ii) Class 2: Powerplant computer systems.

(iii) Class 3: Avionics computer systems.

(6) Instrument ratings. An instrument rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications of instruments under the following classes—

(i) Class 1: Mechanical: Any diaphragm, bourdon tube, aneroid, optical, or mechanically driven centrifugal instrument that is used on aircraft or to operate aircraft, including tachometers, airspeed indicators, pressure gauges, drift sights, magnetic compasses, altimeters, or similar mechanical instruments.

(ii) Class 2: Electrical: Any self-synchronous and electrical indicating instruments and systems, including remote
indicating instruments, cylinder head temperature gauges, or similar electrical instruments.

(iii) Class 3: Gyroscopic: Any instrument or system using gyroscopic principles and motivated by air pressure or electrical energy, including automatic pilot control units, turn and bank indicators, directional gyros, and their parts, and flux gate and gyrosyn compasses.

(iv) Class 4: Electronic: Any instruments whose operation depends on electron tubes, transistors, or similar devices including capacitance type quantity gauges, system amplifiers, and engine analysers.

(7) Accessory ratings. An accessory rating on an AMO certificate permits that AMO to perform maintenance, preventive maintenance, or modifications of accessory equipment under the following classes—

(i) Class 1: Mechanical. The accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation.

(ii) Class 2: Electrical. The accessories that depend on electrical energy.

(iii) Class 3: Electronic. The accessories that depend on the use of an electron tube transistors, lasers, fiber optics, solid-state, integrated circuits, vacuum tubes, or similar electronic controls.

(iv) Class 4: Auxiliary power units (APU’s) that may be installed on aircraft as self-contained units to supplement the aircraft’s engines as a source of hydraulic, pneumatic, or electrical power.

Implementing Standard: See IS: 6.2.1.6 for a detailed explanation of each rating.

6.2.1.7 AMO Limited Ratings

(a) Whenever the Authority finds it appropriate, it may issue a limited rating to an AMO that maintains or alters only a particular type of airframe, powerplant, propeller, radio, instrument, or accessory, or parts thereof, or performs only specialised maintenance requiring equipment and skills not ordinarily found in an AMO. Such a rating may be limited to a specific model aircraft, engine, or constituent part, or to any number of parts made by a particular manufacturer.

(b) Limited ratings are issued for—

(1) aircraft;
(2) airframe;
(3) powerplants;
(4) propellers;
(5) avionics equipment;
(6) computer systems;
(7) instruments;
(8) accessories; and
(9) any other purpose for which the Authority finds the applicant’s request appropriate.

(c) Specialised service ratings. A specialised service rating may be issued to a maintenance organisation to perform specific maintenance or processes. The specific operating provisions of the AMO must identify the specification used in performing that specialised service. The specification may be—

(1) a civil or military specification that is currently used by industry and approved by the Authority; or

(2) a specification developed by the AMO and approved by the Authority.

6.3 HOUSING, FACILITIES, EQUIPMENT, & MATERIALS

6.3.1.1 General
A certificated AMO must provide personnel, facilities, equipment, and materials in quantity and quality that meet the standards required for the issuance of the certificate and ratings that the AMO holds.

6.3.1.2 Housing and Facility Requirements
(a) Housing and facilities shall be provided appropriate for all planned work ensuring, in particular, protection from weather.

(b) All work environments shall be appropriate for the task carried out and shall not impair the effectiveness of personnel.

(c) Office accommodation shall be appropriate for the management of planned work including, in particular, the management of quality, planning, and technical records.

(d) Specialised workshops and bays shall be segregated, as appropriate, to ensure that environmental and work area contamination is unlikely to occur.

(e) Storage facilities shall be provided for parts, equipment, tools and material.

(f) Storage conditions shall be provided security for serviceable parts, segregation of serviceable from unserviceable parts, and prevent deterioration of and damage to stored items.

Implementing Standard: See IS: 6.3.1.2 for detailed requirements pertaining to housing and facilities.

6.3.1.3 Equipment, Tools, and Material
(a) The AMO shall have available the necessary equipment, tools, and material to perform the approved scope of work and these items shall be under full control of the AMO. The availability of equipment and tools means permanent availability except in the case of any tool or equipment that is so rarely needed that its permanent availability is not necessary.

(b) The Authority may exempt an AMO from possessing specific tools and equipment for maintenance or repair of an aircraft or aeronautical
product specified in the AMO’s approval, if these items can be acquired temporarily, by prior arrangement and be under full control of the AMO when needed to perform required maintenance or repairs.

(c) The AMO shall control all applicable tools, equipment and test equipment used for product acceptance and/or for making a finding of airworthiness.

(d) The AMO shall ensure that all applicable tools, equipment and test equipment used for product acceptance and/or for making a finding of airworthiness are calibrated to ensure correct calibration to a standard acceptable to the Authority and traceable to the National Standards of [STATE], the United States, Canada, the United Kingdom, or other National Standard as individually accepted by the Authority.

(e) The AMO shall keep all records of calibrations and the standards used for calibration.

Implementing Standard: See IS: 6.3.1.3 for detailed requirements pertaining to tools, equipment, and test equipment.

6.4 ADMINISTRATION

6.4.1.1 Personnel and Training Requirements

(a) A management person or group of persons acceptable to the Authority, whose responsibilities include ensuring that the AMO is in compliance with these regulations, shall be nominated.

(b) The person or persons nominated as manager shall represent the maintenance management structure of the AMO, and be responsible for all functions specified in this Part.

(c) Nominated managers shall be directly responsible to an accountable manager who shall be acceptable to the Authority.

(d) The AMO shall employ sufficient personnel to plan, perform, supervise and inspect and release the work in accordance with the approval.

(e) The competence of personnel involved in maintenance shall be established in accordance with a procedure and to a standard acceptable to the Authority.

(f) A person signing a maintenance release or an approval for return to service shall be qualified in accordance with Part 2 or 2.4.4 as appropriate to the work performed and shall be acceptable to the Authority.

(g) The maintenance personnel and the certifying staff shall meet the qualification requirements and receive initial and continuation training to their assigned tasks and responsibilities in accordance with a program acceptable to the Authority. The training program established by the AMO shall include training in knowledge and skills related to human performance, including co-ordination with other maintenance personnel and flight crew.

Implementing Standard: See IS: 6.4.1.1 for detailed personnel requirements.
6.4.1.2 Rest and Duty Limitations for Persons Performing Maintenance Functions IN AN AMO

(a) A person shall not assign or perform maintenance functions for an aircraft, unless that person has had a minimum rest period of 8 hours prior to the beginning of duty.

(b) A person shall not schedule a person performing maintenance functions for aircraft for more than 12 consecutive hours of duty.

(c) In situations involving unscheduled aircraft unserviceability, persons performing maintenance functions for aircraft may be continued on duty for—
   (1) Up to 16 consecutive hours; or
   (2) 20 hours in 24 consecutive hours.

(d) Following unscheduled duty periods, the person performing maintenance functions for aircraft shall have a mandatory rest period of 10 hours.

(e) The AMO shall relieve the person performing maintenance functions from all duties for 24 consecutive hours during any 7 consecutive day period.

6.4.1.3 Record of Certifying Staff

(a) The AMO shall maintain a roster of all certifying staff, which includes details of the scope of their authorisation.

(b) Certifying staff shall be notified in writing of the scope of their authorisation.

Implementing Standard: See IS: 6.4.1.3 for detailed requirements pertaining to records of certifying staff.

6.5 AMO OPERATING RULES

6.5.1.1 AMO Procedures Manual

Note: The purpose of the AMO Procedures Manual is to set forth the procedures, the means, and methods of the AMO. Compliance with its contents will assure compliance with the Part 6 requirements, which is a pre-requisite to obtaining and retaining an AMO certificate.

(a) An AMO Maintenance Procedures Manual and any subsequent amendments thereto shall be approved by the Authority prior to use.

(b) The AMO Maintenance Procedures Manual shall specify the scope of work required of the AMO in order to satisfy the relevant requirements needed for an approval of an aircraft or aeronautical product for return to service.

(c) The AMO procedures manual and any other manual it identifies must—
   (1) include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;
   (2) be in a form that is easy to revise and contains a system which allows personnel to determine current revision status;
(3) have the date of the last revision printed on each page containing
the revision;

(4) not be contrary to any applicable [STATE] regulation or the
AMO’s specific operating provisions; and

(5) include a reference to appropriate civil aviation regulations.

(d) The Approved Maintenance Procedures Manual for use by the
organisation shall contain the following information—

(1) a statement signed by the accountable manager confirming that
the AMO Procedures Manual and any associated manuals define
the AMO’s compliance with this regulation and will be complied
with at all times;

(2) a procedure to establish and maintain a current list of the titles
and names of the management personnel accepted by the
Authority. The list of personnel may be separate from the
Procedures Manual but must be kept current and available for
review by the Authority when requested;

(3) a list which describes the duties and responsibility of the
management personnel and which matters on which they may
deal directly with the Authority on behalf of the AMO;

(4) an organisation chart showing associated chains of responsibility
of the management personnel.

(5) a procedure to establish and maintain a current roster of
certifying personnel;

Note: The list of certifying personnel may be separate from the procedures
manual but must be kept current and available for review by the Authority
when requested.

(6) a description of the procedures used to establish the competence
of maintenance personnel;

(7) a general description of manpower resources.

Note: Subparagraphs (1) to (7) constitute the management part of the
maintenance organisation Procedures Manual and therefore could be
produced as one document and made available to person(s) who should be
reasonably familiar with its contents.

(8) a description of the method used for the completion and retention
of the maintenance records;

(9) a description of the procedure for preparing the maintenance
release and the circumstances under which the release is to be
signed;

(10) a description, when applicable, of additional procedures for
complying with an AOC holder’s maintenance procedures and
requirements;

(11) a description of the procedures for complying with the service
information reporting requirement contained in 6.5.1.9;

(12) a description of the procedure for receiving, amending and
distributing within the AMO all necessary airworthiness data
from the type certificate holder or the type design organisation;
(13) a general description of the facilities located at each address specified in the AMO’s approval certificate;

(14) a general description of the AMO’s scope of work relevant to the extent of approval;

(15) the notification procedure for AMO to use when requesting the approval of changes to the organisation of the AMO from the Authority;

(16) the amendment procedure for the AMO procedures manual, including the submission to the Authority. Copies of all amendments to the manual shall be furnished promptly to all organisations or persons to whom the manual has been issued;

(17) the AMO’s procedures, acceptable to the Authority, to ensure good maintenance practices and compliance with all relevant requirements in this subsection;

(18) the AMO’s procedures to establish and maintain an independent quality system to monitor compliance with the adequacy of the procedures to ensure good quality maintenance practices and airworthy aircraft and aeronautical products. Compliance monitoring must include a feedback system to the person or group of persons specified in 6.4.1.1, and ultimately to the accountable manager to ensure, as necessary, corrective action. Such a system shall be acceptable to the Authority;

(19) the AMO procedures for self-evaluations, including methods and frequency of such evaluations, and procedures for reporting results to the accountable manager for review and action;

(20) a list of operators, if appropriate, to which the AMO provides an aircraft maintenance service;

(21) a list of organisations performing maintenance on behalf of the AMO; and

(22) a list of the AMO’s line maintenance locations and procedures, if applicable.

Implementing Standard: See IS: 6.5.1.1 for detailed requirements concerning the Procedures Manual and a sample Maintenance Procedures Manual format.

6.5.1.2 Maintenance Procedures and Independent Quality Assurance System

(a) The AMO shall establish procedures acceptable to the Authority to ensure good maintenance practices and compliance with all relevant requirements in these regulations such that aircraft and aeronautical products may be properly released to service.

(b) The AMO shall establish an independent quality assurance system, acceptable to the Authority, to monitor compliance with and adequacy of the procedures and by providing a system of inspection to ensure that all maintenance is properly performed.

(c) The quality assurance system shall include a procedure to initially qualify and periodically perform audits on persons performing work on behalf of the AMO.
(d) Compliance monitoring shall include a feedback system to the designated management person or group of persons directly responsible for the quality system and ultimately to the accountable manager to ensure, as necessary, corrective action.

(e) The maintenance procedures shall cover all aspects of maintenance activity and describe standards to which the AMO intends to work. The aircraft/aircraft component design, AMO standards and aircraft operator standards must be taken into account.

(f) The maintenance procedures should address the provisions and limitations of this Part.

(g) The AMO’s quality system shall be sufficient to review all maintenance procedures as described in the AMO’s Procedures Manual in accordance with an approved program once a year for each aircraft type maintained.

(h) The AMO’s quality system shall indicate when audits are due, when completed, and establish a system of audit reports, which can be seen by visiting Authority staff on request. The audit system shall clearly establish a means by which audit reports containing observations about non-compliance or poor standards are communicated to the accountable manager.

Implementing Standard: See IS: 6.5.1.2 for a detailed list of inspection items evaluated by the quality system.

6.5.1.3 Capability List

(a) An AMO must prepare and retain a current capability list approved by the Authority. The AMO may not perform maintenance, preventive maintenance, or modifications on an article until the article has been listed on the capability list in accordance with this Part and 6.5.1.1(d)(19).

(b) The capability list must identify each article by make and model, part number, or other nomenclature designated by the article’s manufacturer.

(c) An article may be listed on the capability list only if the article is within the scope of the ratings and classes of the AMO’s certificate, and only after the AMO has performed a self-evaluation in accordance with 6.5.1.1 (d)(19). The AMO must perform the self-evaluation described in this paragraph to determine that the maintenance organisation has all of the facilities, equipment, material, technical data, processes, housing, and trained personnel in place to perform the work on the article as required by this part. If the AMO makes that determination, it may apply to the Authority for approval to amend the capability list.

(d) The document of the evaluation described in paragraph (c) of this section must be signed by the accountable manager and must be retained on file by the AMO.

(e) Upon amending its capability list, the maintenance organisation must send a copy of the list to the Authority.

(f) The capability list(s) must be available in the premises for inspection by the public and the Authority.
(g) The self-evaluations must be available in the premises for inspection by the Authority.

(h) The AMO shall retain the capability list(s) and self-evaluation(s) for two years from the date accepted by the accountable manager.

6.5.1.4 Privileges of the AMO

(a) The AMO shall carry out the following tasks as permitted by and in accordance with the AMO maintenance procedures manual—

(1) maintain any aircraft or aeronautical product for which it is rated at the location identified in the approval certificate;

(2) maintain any aircraft for which it is rated at any location subject to the need for such maintenance arising from unserviceability of the aircraft;

(3) describe the activities in support of a specific AOC holder where that AOC holder has requested the services of the AMO at locations other than the location identified on the AMO certificate and the AMO has been rated to maintain the aircraft of that specific AOC holder at the requested location in the AMO operating provisions approved by the Authority; and

(4) issue an approval for return to service or a maintenance release in respect of subparagraphs (a) (1), (2), and (3) of this subsection upon completion of maintenance in accordance with limitations applicable to the AMO.

(b) An AMO shall not contract out the maintenance, preventative maintenance, modification or alteration of a complete type-certificated product unless the subcontractor has been approved by the Authority for the scope of work to be performed in accordance with this Part and, the AMO shall not provide only approval for return to service of a product following contract maintenance.

(c) An AMO shall not contract out the maintenance, preventative maintenance, modification or alteration of any other product unless the subcontractor has been approved by the Authority.

(d) The AMO may maintain or alter any article for which it is rated at a place other than the AMO, if—

(1) The function would be performed in the same manner as when performed at the AMO and in accordance with this Subpart;

(2) All necessary personnel, equipment, material, and technical and/or approved standards are available at the place where the work is to be done; and

(3) The maintenance procedure manual of the AMO sets forth approved procedures governing work to be performed at a place other than the AMO.

6.5.1.5 Limitations on the AMO

The AMO shall maintain an aircraft or aeronautical product for which it is approved only when all necessary housing, facilities, equipment, tools, material, approved technical data and certifying staff are available.
6.5.1.6 Certificate of Release to Service

(a) A certificate of release to service shall be issued by appropriately authorised certifying staff when satisfied that all required maintenance of the aircraft or aeronautical product has been properly carried out by the AMO in accordance with the maintenance procedure manual.

Note: An aeronautical product which has been maintained off the aircraft requires the issue of a certificate of release to service for such maintenance and another certificate of release to service in regard to being installed properly on the aircraft, when such action occurs.

(b) A certificate of release to service shall contain—

1. Basic details of the maintenance carried out;
2. The date such maintenance was completed; and
3. The identity, including the authorisation reference, of the AMO and certifying staff issuing the certificate.

Implementing Standard: See IS: 6.5.1.6 for detailed requirements concerning a certificate of release to service.

6.5.1.7 Maintenance Records

(a) The AMO shall record, in a form acceptable to the Authority, all details for maintenance work performed.

(b) The AMO shall provide a copy of each certificate of release to service to the aircraft operator, together with a copy of any specific airworthiness data used for repairs/ modifications performed.

(c) The AMO shall retain a copy of all detailed maintenance records and any associated airworthiness data for two years from the date the aircraft or aeronautical product to which the work relates was released from the AMO.

Note: Where an AOC holder contracts an AMO to keep the aircraft operator’s certificates of release to service and any associated airworthiness data, the retention period will be that required by Part 5.

(d) Each person who maintains, performs preventive maintenance, rebuilds, or modifies an aircraft/aeronautical product shall make an entry in the maintenance record of that equipment:

1. A description and reference to data acceptable to the Authority of work performed.
2. The date of completion of the work performed.
3. The name of the person performing the work if other than the person specified in this subsection.
4. If the work performed on the aircraft/aeronautical product has been performed satisfactorily, the signature, certificate number, and kind of certificate held by the person approving the work.
5. The authorised signature, the AMO certificate number, and kind of certificate held by the person approving or disapproving for return to service the aircraft, airframe, aircraft engine, propeller, appliance, component part, or portions thereof;
(6) The signature constitutes the approval for return to service only for the work performed;

(7) In addition to the entry required by this paragraph, major repairs and major modifications shall be entered on a form, and the form disposed of by the person performing the work, in the manner prescribed by the Authority;

(e) No person shall describe in any required maintenance entry or form an aircraft or aeronautical component as being overhauled unless—

(1) Using methods, techniques, and practices acceptable to the Authority, it has been disassembled, cleaned, inspected as permitted, repaired as necessary, and reassembled; and

(2) It has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under a TSO.

Note: For definitions of overhaul see 5.1.1.2(a)(7).

(f) No person may describe in any required maintenance entry or form, an aircraft or other aeronautical product as being rebuilt unless it has been—

(1) Disassembled, cleaned, inspected as permitted;

(2) Repaired as necessary; and

(3) Reassembled and tested to the same tolerances and limits as a new item, using either new parts or used parts that either conforms to new part tolerances and limits, or to approve oversized or undersized dimensions.

Note: For definitions of rebuild see 5.1.1.2(a)(8).

(g) No person may approve for return to service any aircraft or aeronautical product that has undergone maintenance, preventive maintenance, rebuilding, or modification unless—

(1) The appropriate maintenance record entry has been made;

(2) The repair or modification form authorised by or furnished by the Authority has been executed in a manner prescribed by the Authority;

(h) If a repair or modification results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, those operating limitations or flight data shall be appropriately revised and set forth as prescribed by the Authority.

(i) Maintenance record entries for inspections. The person approving or disapproving for return to service an aircraft/aeronautical product, after any inspection performed in accordance with this regulation, shall make an entry in the maintenance record of that equipment containing the following information—

(1) The type of inspection and a brief description of the extent of the inspection;
(2) The date of the inspection and aircraft total time in service; and

(3) The authorised signature, the AMO certificate number, and kind of certificate held by the person approving or disapproving for return to service the aircraft, airframe, aircraft engine, propeller, appliance, component part, or portions thereof;

(4) If the aircraft is found to be airworthy and approved for return to service, the following or a similarly worded statement—I certify that this aircraft has been inspected in accordance with (insert type) inspection and was determined to be in an airworthy condition in accordance with the requirements of the Regulations;

(5) If the aircraft is not approved for return to service because of needed maintenance, non-compliance with the applicable specifications, airworthiness directives, or other approved data, the following or a similarly worded statement—I certify that this aircraft has been inspected in accordance with (insert type) inspection and a list of discrepancies and unairworthy items dated (date) has been provided to the aircraft owner or operator in accordance with the Regulations; and

(6) If an inspection is conducted under an inspection program provided for in this regulation, the entry shall identify the inspection program accomplished, and contain a statement that the inspection was performed in accordance with the inspections and procedures for that particular program.

(j) Listing of discrepancies. If the person performing any inspection required by this regulation finds that the aircraft is not airworthy or does not meet the applicable type certificate data sheet, airworthiness directives, or other approved data upon which its airworthiness depends, that person shall give the owner or lessee a signed and dated list of those discrepancies.

6.5.1.8 Airworthiness Data

(a) The AMO shall be in receipt of all airworthiness data appropriate to support the work performed from the Authority, the aircraft/aeronautical product design organisation, and any other approved design organisation in the State of Manufacture or State of Design, as appropriate.

Note: The Authority may classify data from another authority or organisation as mandatory and may require the AMO to hold such data.

(b) Where the AMO modifies airworthiness data specified in paragraph (a) to a format or presentation more useful for its maintenance activities, the AMO shall submit to the Authority an amendment to the maintenance procedure manual for any such proposed modifications for acceptance.

(c) All airworthiness data used by the AMO shall be kept current and made available to all personnel who require access to that data to perform their duties.

Implementing Standard: See IS: 6.5.1.8 for detailed requirements concerning airworthiness data.
6.5.1.9 Reporting of Unairworthy Conditions

(a) The AMO shall report to the Authority and the aircraft design organisation of the State of Design any identified condition that could present a serious hazard to the aircraft.

(b) Reports shall be made on a form and in a manner prescribed by the Authority and contain all pertinent information about the condition known to the AMO.

(c) Where the AMO is contracted by an AOC holder to carry out maintenance, that AMO shall report to the AOC holder any condition affecting the aircraft or aeronautical product.

(d) Reports shall be made as soon as practicable, but in any case within three days of the AMO identifying the condition to which the report relates.

6.5.1.10 ECCAA Inspections

Each certificated approved maintenance organisation must allow the Authority to inspect that approved maintenance organisation and any of its contract maintenance facilities at any time to determine compliance with this part. Arrangements for maintenance, preventive maintenance, or modifications by a contractor must include provisions for inspections of the contractor by the Authority.

6.5.1.11 PERFORMANCE STANDARDS

(a) Each certificated approved maintenance organisation that performs any maintenance, preventive maintenance, modifications for an air operator certificated under Part 9 having an approved maintenance program under Part 9.4.1.12 and approved continuous maintenance program under Part 9.4.1.13 shall perform that work in accordance with the air operator’s manuals.

(b) Except as provided in paragraph (a), each certificated approved maintenance organisation shall perform its maintenance and modification operations in accordance with the applicable standards in Part 5. It shall maintain, in current condition, all manufacturer’s service manuals, instructions, and service bulletins that relate to the articles that it maintains or modifies.

(c) In addition, each certificated approved maintenance organisation with an avionics rating shall comply with those sections in Part 5 that apply to electronic systems, and shall use materials that conform to approved specifications for equipment appropriate to its rating. It shall use test apparatus, shop equipment, performance standards, test methods, modifications, and calibrations that conform to the manufacturer’s specifications or instructions, approved specification, and if not otherwise specified, to accept good practices of the aircraft avionics industry.
PART 7

INSTRUMENTS AND EQUIPMENT

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PART 7 - INSTRUMENTS AND EQUIPMENT

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7.1.1 General

7.1.1.1 Applicability

(a) This Part prescribes the minimum instrument and equipment requirements for all aircraft in all operations.

(b) The requirements of this Part use the following key designators—

(1) AAC: all aircraft, including Commercial Air Transport and AOC Holders appropriate to the subject of the regulations, e.g., an all aircraft regulation may only refer to seaplanes, but will include CAT and AOC seaplanes;

(2) CAT: commercial air transport (includes AOC Holders), appropriate to the subject of the regulations, e.g., a CAT regulation may only refer to seaplanes, but will include AOC seaplanes; and

(3) AOC: AOC Holders. Where AOC requirements are redundant to AAC or CAT requirements, or more detailed, the AOC requirements will be followed.

7.1.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions.”

7.1.1.3 Acronyms

The following acronyms are used in Part 7—

(1) ADF - Automatic Direction Finder

(2) AOC - Air Operator Certificate

(3) DH - Decision Height

(4) DME - Distance Measuring Equipment

(5) ELT - Emergency Locator Transmitter

(6) ILS - Instrument Landing System

(7) IFR - Instrument Flight Rating

(8) IMC - Instrument Meteorological Conditions

(9) LRNS - Long Range Navigation Systems

(10) MEL - Minimum Equipment List (Part 1)

(11) MHz - Megahertz

(12) MLS - Microwave Landing System

(13) MNPS - Minimal Navigation Performance Specifications

(14) NDB - Non-Directional Beacon

(15) PBE - Pressure Breathing Equipment

(16) RVSM - Reduced Vertical Separation Minimum

(17) SSR - Secondary Surveillance Radar

(18) VFR - Visual Flight Rules (see 8.8.3.1)

(19) VMC - Visual Meteorological Conditions
(20) VOR - VHF Omnidirectional Range
(21) VSM - Vertical Separation Minimum

**7.1.1.4 General Instrument and Equipment Requirements**

(a) [AAC] In addition to the minimum equipment necessary for the issuance of a certificate of airworthiness, the instruments, equipment and flight documents prescribed in this Part shall be installed or carried, as appropriate, in aircraft according to the aircraft used and to the circumstances under which the flight is to be conducted.

(b) [AAC] All required instruments and equipment shall be approved and installed in accordance with applicable airworthiness requirements.

(c) [AAC] Prior to operation in Saint Christopher and Nevis of any aircraft not registered in Saint Christopher and Nevis that uses an airworthiness inspection program approved or accepted by the State of Registry, the owner/operator shall ensure that instruments and equipment required by Saint Christopher and Nevis but not installed in the aircraft are properly installed and inspected in accordance with the requirements of the State of Registry.

(d) [AAC] An AOC holder shall ensure that a flight does not commence unless the required equipment—

1. meets the minimum performance standard and the operational and airworthiness requirements of all relevant standards;

2. is installed such that the failure of any single unit required for either communication or navigation purposes, or both, will not result in the inability to communicate and/or navigate safely on the route being flown; and

3. is in operable condition for the kind of operation being conducted, except as provided in the MEL.

(e) [AAC] If equipment is to be used by one flight crewmember at his station during flight, it shall be installed so as to be readily operable from his or her station.

(f) [AAC] When a single item of equipment is required to be operated by more than one flight crew member, it shall be installed so that the equipment is readily operable from any station at which the equipment is required to be operated.

(g) The aircraft shall be equipped with spare fuses and bulbs of appropriate ratings for the replacement of those accessible in flight.

(h) [AAC] An operator shall not employ electronic navigation data products that have been processed for application in the air and on the ground unless the State of the Operator has approved the operator’s procedures for ensuring that the process applied and the products delivered have met acceptable standards of integrity, and that the products are compatible with the intended function of the equipment that will use them. The State of the Operator shall ensure that the operator continues to monitor both process and products.

(i) [AAC] An operator shall implement procedures that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it.
7.1.2 Flight and Navigational Instruments

7.1.2.1 General Requirements

(a) [AAC] All aircraft shall be equipped with flight and navigational instruments which will enable the flight crew to—

(1) control the flight path of the aircraft;

(2) carry out any required procedural manoeuvres; and

(3) observe the operating limitations of the aircraft in the expected operating conditions.

(b) [AAC] When a means is provided for transferring an instrument from its primary operating system to an alternative system, the means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(c) [AAC] Those instruments that are used by any one flight crew member shall be so arranged as to permit the flight crew member to see the indications readily from his station, with the minimum practicable deviation from the position and line of vision which he normally assumes when looking forward along the flight path.

7.1.2.2 Minimum Flight and Navigational Instruments

(a) [AAC] A person shall not operate any aircraft unless it is equipped with the following flight and navigational instruments—

(1) an airspeed indicating system calibrated in knots;

(2) a sensitive pressure altimeter calibrated in feet with a sub-scale setting calibrated in hectopascals/millibars, adjustable for any barometric pressure likely to be set during flight;

(3) an accurate timepiece indicating the time in hours, minutes and seconds (approval not required);

(4) a magnetic compass.

(b) No person may operate an aeroplane with speed limitations expressed in terms of Mach number unless there is a properly installed Mach number indicator.

7.1.2.3 Instruments for Operations Requiring Two Pilots

(a) [AAC] Whenever two pilots are required, each pilot’s station shall have separate flight instruments as follows—

(1) an airspeed indicator calibrated in knots;

(2) a sensitive pressure altimeter calibrated in feet with a sub-scale setting calibrated in hectopascals/millibars, adjustable for any barometric pressure likely to be set during flight;

(3) a vertical speed indicator;

(4) a turn and slip indicator, or a turn co-ordinator incorporating a slip indicator;

(5) an attitude indicator; and

(6) a stabilised direction indicator.
(b) The second-in-command’s flight instruments shall meet the same requirements for markings, indications and illumination as those required for the pilot-in-command.

7.1.2.4 IFR Instruments

(a) [AAC] All aircraft when operated in IFR, or when the aircraft cannot be maintained in a desired attitude without reference to one or more flight instruments, shall be equipped with—

1. an airspeed indicating system with a means of preventing malfunctioning due to either condensation or icing;
2. a turn and slip indicator;
3. an attitude indicator (artificial horizon);
4. a heading indicator (directional gyroscope);
5. a means of indicating whether the supply of power to the gyroscopic instruments is adequate;
6. a means of indicating in the flight crew compartment the outside air temperature;
7. a rate-of-climb and descent indicator;
8. a minimum of two sensitive pressure altimeters with centre drum pointer or equivalent presentations, except for single pilot operations in propeller driven aircraft of less than 5700Kg MTOW, only one such altimeter is required; and
9. such additional instruments or equipment as may be prescribed by the Authority.

(b) [AOC] A person shall not operate an aircraft under IFR, or under VFR over routes that cannot be navigated by reference to visual landmarks, unless the aircraft is equipped with navigation equipment in accordance with the requirements of air traffic services in the area(s) of operation, but not less than—

1. one VOR receiving system, one ADF system, one DME and one Marker Beacon receiving system;
2. one ILS or MLS where ILS or MLS is required for approach navigation purposes;
3. an Area Navigation System when area navigation is required for the route being flown;
4. an additional VOR receiving system on any route, or part thereof, where navigation is based only on VOR signals; and
5. an additional ADF system on any route, or part thereof, where navigation is based only on NDB signals.

Provided that individual requirements of section 7.1.2.4 (b) may be met by combinations of instruments or by integrated flight systems or by a combination or parameters on electronic displays provided that the information so available to each required pilot is no less than that provided by the instruments and associated equipment specified.
(c) [AAC] All aircraft intended to land in IMC or at night shall be provided with radio navigation equipment capable of receiving signals providing guidance to—
   (1) a point from which a visual landing can be effected; or
   (2) each aerodrome at which it is intended to land in IMC; and
   (3) any designated alternate aerodromes.

(d) [AOC] A person shall not conduct single pilot IFR operations unless the aeroplane is equipped with an autopilot with at least altitude hold and heading mode.

7.1.2.5 Standby Attitude Indicator

(a) [AAC] A person shall not operate an aircraft with a maximum certified take-off mass exceeding 5,700 kg and aircraft having a maximum approved passenger seating configuration of more than 9 seats unless it is equipped with a single standby attitude indicator (artificial horizon) that—
   (1) operates independently of any other attitude indicating system;
   (2) is powered continuously during normal operation; and
   (3) after a total failure of the normal electrical generating system, is automatically powered for a minimum of 30 minutes from a source independent of the normal electrical generating system.

(b) [AAC] When the standby attitude indicator is being operated by emergency power, it shall be clearly evident to the flight crew.

(c) [AAC] Where the standby attitude indicator has its own dedicated power supply there shall be an associated indication, either on the instrument or on the instrument pane when this supply is in use.

(d) [AAC] If the standby attitude instrument system is installed and usable through flight attitudes of 360° of pitch and roll, the turn and slip indicators may be replaced by slip indicators.

7.1.2.6 Instruments and Equipment for Category II Operations

The instruments and equipment listed in this subsection shall be installed in each aircraft operated in a Category II operation:

Note: This subsection does not require duplication of instruments and equipment required by 7.1.2.2 or any other provisions of Part 7.

(1) Group I.
   (i) two localizer and glide slope receiving systems;
   
   Note: Each system shall provide a basic ILS display and each side of the instrument panel must have a basic ILS display. However, a single localizer antenna and a single glide slope antenna may be used.

   (ii) a communications system that does not affect the operation of at least one of the ILS systems;

   (iii) a marker beacon receiver that provides distinctive aural and visual indications of the outer and the middle markers;

   (iv) two gyroscopic pitch and bank indicating systems;
(v) two gyroscopic direction indicating systems;

(vi) two airspeed indicators;

(vii) two sensitive altimeters adjustable for barometric pressure, having markings at 20 foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the aircraft;

(viii) two vertical speed indicators;

(ix) a flight control guidance system that consists of either an automatic approach coupler or a flight director system;

Note: A flight director system must display computed information as steering command in relation to an ILS localizer and, on the same instrument, either computed information as pitch command in relation to an ILS glide slope or basic ILS glide slope information. An automatic approach coupler must provide at least automatic steering in relation to an ILS localizer. The flight control guidance system may be operated from one of the receiving systems required by paragraph (a)(1)(i).

(x) for Category II operations with decision heights below 150 feet either a marker beacon receiver providing aural and visual indications of the inner marker or a radio altimeter.

(2) Group II.

(i) warning systems for immediate detection by the pilot of system faults in items (a)(1)(i), (a)(1)(iv), (a)(1)(iv) and (a)(1)(ix), of Group I and, if installed for use in Category III operations, the radio altimeter and autothrottle system;

(ii) dual controls;

(iii) an externally vented static pressure system with an alternate static pressure source;

(iv) a windshield wiper or equivalent means of providing adequate cockpit visibility for a safe visual transition by either pilot to touchdown and rollout;

(v) a heat source for each airspeed system pitot tube installed or an equivalent means of preventing malfunctioning due to icing of the pitot system.

Implementing Standard: See IS: 7.1.2.6 for Category II instrument and equipment approval and maintenance requirements.

7.1.2.7 Navigation Equipment for Operations in RNP and MNPS Airspace

(a) [AOC] An AOC holder shall not operate an aeroplane in MNPS airspace unless it is equipped with navigation equipment that—

(1) continuously provides indications to the flight crew of adherence to or departure from track to the required degree of accuracy at any point along that track; and

(2) has been authorised by the State of Registry for MNPS operations concerned.
(b) [AOC] The navigation equipment required for operations in MNP S airspace shall be visible and usable by either pilot seated at his duty station;

(c) [AOC] For unrestricted operation in MNPS airspace an aeroplane shall be sufficiently provided with navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment will enable the aeroplane to navigate in accordance with the requirements of MNPS navigation;

(d) [AOC] For operation in MNPS airspace along notified special routes, an aeroplane shall be equipped with one LRNS, unless otherwise specified.

7.1.2.8 Autopilot

(a) A person shall not operate an aircraft above FL 290 unless that aircraft is equipped with an autopilot capable of automatically maintaining a selected flight level.

(b) A person shall not operate an aircraft in airspace for which minimum navigation performance specifications are prescribed unless that aircraft is equipped with an autopilot capable of receiving and automatically tracking the selected navigational equipment inputs.

(c) For commercial air transport: No person may operate an aeroplane with a single pilot under IFR unless that aeroplane is equipped with an autopilot with at least altitude hold and heading mode.

7.1.2.9 IFR Helicopter Stabilization System for Commercial Air Transport

A person shall not operate a helicopter in IFR commercial air transport operations without a stabilization system, unless that helicopter was certificated by the State of Manufacture as having adequate stability without such a system.

7.1.2.10 Equipment for Special Altimetry Accuracy (RVSM)

For flights in defined portions of airspace where, based on Regional Air Navigation Agreement, a reduced vertical separation minimum (RVSM) of 300 m (1 000 ft) is applied between FL 290 and FL 410 inclusive, an aeroplane—

(a) shall be provided with equipment which is capable of—

(1) indicating to the flight crew the flight level being flown;

(2) automatically maintaining a selected flight level;

(3) providing an alert to the flight crew when a deviation occurs from the selected flight level. The threshold for the alert shall not exceed ± 90 m (300 ft);

(4) automatically reporting pressure-altitude;

(b) shall be authorized by the State of the Operator for operation in the airspace concerned.

7.1.3 Communication Equipment

7.1.3.1 Radio Equipment

(a) [AAC] A person shall not operate an aircraft that is not equipped with radio equipment—
(1) in controlled flight;
(2) under instrument flight rules; or
(3) at night.

(b) [AAC] All aircraft operated in VFR as a controlled flight or in IFR shall be provided with radio communication equipment capable of conducting two-way communication with those aeronautical stations and on those frequencies prescribed by the Authority, including the aeronautic emergency frequency 121.5 MHz.

(c) [AAC] A person shall not operate an aircraft in IFR, or in VFR over routes that cannot be navigated by reference to visual landmarks, unless the aircraft is equipped with communication and navigation equipment in accordance with the requirements of air traffic services in the area(s) of operation, but not less than—

(1) two independent radio communication systems necessary under normal operating conditions to communicate with an appropriate ground station from any point on the route including diversions;

Note: Each system shall have an independent antenna installation except that, where rigidly supported non-wire antennae or other antenna installations of equivalent reliability are used, only one antenna is required.

(2) secondary Surveillance Radar transponder equipment as required for the route being flown.

(d) [AOC] When more than one communications or navigation unit is required, each shall be independent of the other to the extent that a failure in any one will not result in failure of any other.

(e) [AAC] A person shall not operate an aircraft under IFR unless it is equipped with an audio selector panel accessible to each required flight crewmember.

(f) [AOC] A person shall not conduct single pilot IFR or night operations unless the aircraft is equipped with a headset with boom microphone or equivalent and a transmit button on the control wheel.

(g) [CAT] A person shall not operate and aircraft unless equipped with Radio Communication equipment capable of receiving meteorological information at any time during the flight.

7.1.3.2 Crew Member Interphone System

(a) [AOC] An AOC holder shall not operate an aircraft on which a flight crew of more than one is required unless it is equipped with a flight crew interphone system, including headsets and microphones, not of a handheld type, for use by all members of the flight crew.

(b) [AOC] An AOC holder shall not operate an aircraft with a maximum certified take-off mass exceeding 15,000 kg or having a maximum approved passenger seating configuration of more than 19 unless it is equipped with a crew member interphone system that—

(1) operates independently of the public address system except for handsets, headsets, microphones, selector switches and signalling devices;
(2) provides a means of two-way communication between the flight crew compartment and each—
   (i) passenger compartment;
   (ii) galley located other than on a passenger deck level; and
   (iii) remote crew compartment that is not on the passenger deck and is not easily accessible from a passenger compartment;

(3) is readily accessible for use—
   (i) from each of the required flight crew stations in the flight crew compartment; and
   (ii) at required cabin crew member stations close to each separate or pair of floor level emergency exits;

(4) has an alerting system incorporating aural or visual signals for use by flight crew members to alert the cabin crew and for use by cabin crew members to alert the flight crew;

(5) has a means for the recipient of a call to determine whether it is a normal call or an emergency call; and

(6) provides on the ground a means of two-way communication between ground personnel and at least two flight crew members.

(c) A person engaged in commercial air transport shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

7.1.3.3 Altitude Reporting Transponder

(a) A person shall not operate an aircraft in airspace which requires a pressure altitude reporting transponder unless that equipment is operative.

(b) A person shall not operate an aircraft at altitudes above FL 290 unless it is equipped with a system which is automatically reporting pressure altitudes.

(c) For commercial air transport: A person shall not operate an aircraft in commercial air transport unless is equipped with a pressure-altitude reporting transponder which operates in accordance with the requirements of the appropriate air traffic service requirements.

7.1.4 Aircraft Lights and Instrument Illumination

7.1.4.1 Aircraft Lights and Instrument Illumination

(a) [AAC] All aircraft operated at night shall be equipped with—
   (1) a landing light;
   (2) illumination for all flight instruments and equipment that are essential for the safe operation of the aircraft;
   (3) lights in all passenger compartments;
   (4) a flashlight for each crew member station; (approval not required).
(5) aircraft navigation lights;
(6) an anti-collision beacon.

(b) [AOC] An AOC holder shall not operate an aircraft by day or night unless it is equipped with—

(1) two landing lights;
(2) an anti-collision light system;
(3) illumination for all flight instruments and equipment that are essential for the safe operation of the aircraft;
(4) lights in all passenger compartments; and
(5) A flashlight for each crew member station (approval not required).

(c) [AOC] An AOC holder shall not operate an aircraft by night unless, in addition to the equipment specified in paragraph (a) above, it is equipped with—

(1) navigation/position lights;
(2) two landing lights or a single light having two separately energised filaments; and
(3) lights to conform to the International regulations for preventing collisions at sea if the aircraft is a seaplane or an amphibian aircraft.

7.1.5 Engine Instruments

7.1.5.1 Engine Instruments

(a) [CAT] Unless the Authority allows or requires different instrumentation for turbine engine powered aircraft to provide equivalent safety, a person shall not conduct any commercial air transport operations in any aircraft without the following engine instruments—

(1) a fuel pressure indicator for each engine;
(2) a fuel flowmeter;
(3) a means for indicating fuel quantity in each fuel tank to be used;
(4) an oil pressure indicator for each engine;
(5) an oil quantity indicator for each oil-tank when a transfer or separate oil reserve supply is used;
(6) an oil-in temperature indicator for each engine;
(7) a tachometer for each engine;
(8) an independent fuel pressure warning device for each engine or a master warning device for all engines with a means for isolating the individual warning circuits from the master warning device.

(b) [AOC] In addition to the listed equipment requirements in paragraph (a), reciprocating engine aircraft shall have the following—

(1) a carburettor air temperature indicator for each engine;
(2) a cylinder head temperature indicator for each air-cooled engine;
(3) a manifold pressure indicator for each engine;
(4) a device for each reversible propeller, to indicate to the pilot when the propeller is in reverse pitch, that complies with the following—
   (i) the device may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch, but it may not give an indication at or above the normal low pitch stop position;
   (ii) the source of indication shall be actuated by the propeller blade angle or be directly responsive to it.

7.1.6 Warning Instruments and Systems

7.1.6.1 Machnumber Indicator
   (a) [AAC] All aircraft with speed limitations expressed in terms of Mach number shall be equipped with a Mach number indicator.
   (b) [AOC] A person shall not operate a turbo jet aircraft unless it is equipped with an installed aural mach overspeed warning.

7.1.6.2 Loss of Pressurisation Indicator
   [AAC] All pressurised aircraft intended to be operated at flight altitudes at which the atmospheric pressure is less than 376hpa shall be equipped with a device to provide positive warning to the flight crew of any dangerous loss of pressurisation.

7.1.6.3 Landing Gear: Aural Warning Device
   (a) [AOC] An aeroplane with landing gear shall have a landing gear aural warning device that functions continuously under the following conditions—
      (1) for aeroplanes with an established approach wing-flap position, whenever the wing flaps are extended beyond the maximum certified approach climb configuration position in the Aeroplane Flight Manual and the landing gear is not fully extended and locked.
      (2) for aeroplanes without an established approach climb wing flap position, whenever the wing flaps are extended beyond the position at which landing gear extension is normally performed and the landing gear is not fully extended and locked.
   (b) [AOC] The warning system required by paragraph (a) of this section:
      (1) shall not have a manual shutoff;
      (2) shall be in addition to the throttle-actuated device installed under the type certification airworthiness requirements; and
      (3) May utilise any part of the throttle-actuated system including the aural warning device.
   (c) [AOC] The flap position-sensing unit may be installed at any suitable place in the aeroplane.
7.1.6.4 Altitude Alerting System

(a) [AOC] An AOC holder shall not operate a turbine propeller powered aeroplane with a maximum certified take-off mass in excess of 5,700 kg or having a maximum approved passenger seating configuration of more than 9 seats, or a turbojet powered aeroplane, unless it is equipped with an altitude alerting system capable of—

(1) alerting the flight crew upon approaching preselected altitude in either ascent or descent; and

(2) alerting the flight crew by at least an aural signal, when deviating above or below a preselected altitude.

(b) [AAC] For operations in defined portions of airspace where, based on Regional Air Navigation Agreement, a VSM of 300 m (1,000 ft) is applied above FL 290, an aircraft shall be provided with equipment which is capable of providing an alert to the flight crew when a deviation occurs from the selected flight level. The threshold for the alert may not exceed ±90 m (300 ft).

7.1.6.5 Ground Proximity Warning System

(a) [CAT] No person may operate an aeroplane in excess of 5700 kg or, authorised to carry more than 9 passengers, unless it is equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

(b) [AOC] A ground proximity warning system installed on any aircraft shall be so equip to automatically provide, by means of aural signals which may be supplemented by visual signals, timely and distinctive warning to the flight crew of sink rate, ground proximity, altitude loss after take-off or go around, incorrect landing configuration and downward glideslope deviation.

(c) [AOC] A ground proximity warning system installed on any aircraft shall be so equip to provide, as a minimum, warnings of the following circumstances—

(1) excessive descent rate;

(2) excessive terrain closure rate;

(3) excessive altitude loss after take-off or go-around;

(4) unsafe terrain clearance while not in landing configuration; and

(5) excessive descent below the instrument glide path.

7.1.6.6 Weather Radar - Commercial Air Transport

(a) A person shall not operate an airplane having a maximum approved passenger seating of more than nine seats in commercial air transport unless it has an approved weather radar or thunderstorm detection device installed.

(b) A person shall not operate an airplane having a maximum certificated takeoff mass of more than 5700 kg in commercial air transport unless it has an approved weather radar installed.

(c) A person shall not begin a commercial air transport passenger flight under IFR, when current weather reports indicate that thunderstorms or other potentially hazardous conditions than could be detected by the
installed weather radar or thunderstorm detection device may reasonably be expected along the route, unless that equipment is operating satisfactorily.

(d) If the weather radar or thunderstorm detection device becomes inoperative on a commercial air transport passenger aircraft en route, the aircraft must be operated under the instructions and procedures specified in the AOC holder’s Operations Manual.

(e) An alternate electrical power supply is not required for the weather radar or thunderstorm detection device.

7.1.6.7 Airborne Collision Avoidance System (ACAS)

Note: In anticipation of changing international safety standards, the Authority recommends that all commercial air transport passenger aircraft be equipped with an ACAS.

(a) A person shall not operate a turbine engine aeroplane with a maximum certificated takeoff mass in excess of 15,000 kg or authorized to carry more than 30 passengers, unless it is equipped with an ACASII.

(b) A person shall not operate a turbine engine aeroplane with a maximum certificated takeoff mass in excess of 5,700 kg or authorized to carry more than 19 passengers, unless it is equipped with an ACASII.

7.1.6.8 Forward Looking Wind Shear Warning System - Turbojet Aircraft

Note: In anticipation of changing international safety standards, the Authority recommends that commercial air transport turbojet aircraft with a maximum certificated take off mass in excess of 5,700Kg or authorised to carry more than nine passengers, be equipped with a forward looking wind shear warning system.

(a) This system should be capable of providing the pilot with an aural and visual warning of wind shear ahead of the aircraft and the information required to permit the pilot to safely commence and continue a missed approach or go-around or to execute an escape manoeuvre if necessary.

(b) This system should also provide an indication to the pilot when the limits specified for the certification of automatic landing equipment are being approached, when such equipment is in use.

7.1.7 Flight and Cockpit Voice Recorders

7.1.7.1 Flight Data and Voice Recorders - General

(a) The flight recorders shall be constructed, located and installed so as to provide maximum practical protection for the recorders so that recorded information may be preserved, recovered and transcribed. To facilitate location and identification in case of an accident, the cockpit voice recorder shall—

1. be either bright orange or bright yellow;
2. have reflective tape affixed to the external surface to facilitate its location under water; and
3. have an approved underwater locating device on or adjacent to the recorder, which is secured in such a manner that it is not likely to be separated during a crash impact.
(b) Flight recorders shall—
   
   (1) Be calibrated and have operational checks and evaluations of recordings to ensure the continued serviceability of the recorders, as required by the Authority; and
   
   (2) shall meet the prescribed crashworthiness and fire protection specifications.

(c) Flight recorders shall record in a digital mode.

(d) An aircraft required to have both CVR and FDR may alternatively be equipped with—
   
   (1) a single combination (CVR/FDR) recorder, for aircraft with a maximum certificated takeoff mass of 5700 kg or less; or
   
   (2) two combination (CVR/FDR) recorders, for aircraft with a maximum certificated takeoff mass of more than 5700 kg.

7.1.7.2 Flight Deck Voice Recorders

(a) All aeroplanes of a maximum certificated take-off mass of over 5,700Kg, shall be equipped with a CVR, the objective of which is the recording of the aural environment on the flight deck during flight time;

(b) All helicopters of a maximum certificated take-off mass of over 3,180Kg, shall be equipped with a CVR, the objective of which is the recording of the aural environment on the flight deck during flight time. For helicopters not equipped with an FDR, at least main rotor speed shall be recorded on one track of the CVR.

   Note: In anticipation of changing international requirements, the Authority recommends that all AOC holders of multi-engined turbine powered aircraft with a maximum certificated takeoff mass of 5700 kg or less install a voice recorder.

(c) The flight deck voice recorder shall be capable of retaining the information recorded during at least the last 30 minutes. Except that for aircraft, for which the individual certificate of airworthiness was first issued after 1st January 2003, the CVR shall be capable of retaining the information recorded during at least the last two hours of its operation.

(d) If an aircraft is equipped to utilize digital communications with ATS, those communications shall be recorded on either the flight deck voice or flight data recorder. If recorded on the flight data recorder, the minimum recording duration of the digital communications shall be equal to the duration of the CVR and readily correlatable to the cockpit voice recorder recording.

(e) All aircraft which utilize data link communications for which the individual certificate of airworthiness was first issued after 1 January 2005 and are required to carry a CVR, shall record on a flight recorder, all data link communications to and from the aircraft. The minimum recording duration shall be equal to the duration of the CVR, and shall be correlated to the recorded cockpit audio. Sufficient information to derive the content of the data link communications message, and, whenever practical, the time the message was displayed to or generated by the crew shall be recorded.
7.1.7.3 **Flight Data Recorders**

(a) All aeroplanes of a maximum certificated take-off mass of over 27,000Kg, shall be equipped with a type I FDR;

(b) All aeroplanes of a maximum certificated take-off mass of over 5,700Kg, up to and including 27,000Kg, shall be equipped with a type II FDR;

(c) All aeroplanes of a maximum certificated take-off mass of over 5,700Kg, for which the individual certificate of airworthiness is first issued after 1st January 2005, shall be equipped with a type IIA FDR;

Note: In anticipation of changing international requirements, the Authority recommends that all AOC holders of multi-engined turbine powered aircraft with a maximum certificated takeoff mass of 5700 kg or less install a Type IIA FDR;

(d) All helicopters of a maximum certificated take-off mass of over 7,000Kg, shall be equipped with a type IV FDR;

(e) All helicopters of a maximum certificated take-off mass of over 3,180Kg, for which the individual certificate of airworthiness is first issued after 1st January 2005, shall be equipped with a type IVA FDR;

Note: In anticipation of changing international requirements, the Authority recommends that all AOC holders of helicopters with a maximum certificated takeoff mass of over 2700 kg up to and including 7000Kg install a Type V FDR.

(f) The use of engraving metal foil and photographic film flight data recorders shall be discontinued;

(g) FDRs shall be capable of retaining the information recorded during at least the last—

(1) Type I and II - 25 hours of operation  
(2) Type IIA - 30 minutes of operation

(h) The specific data to be recorded by flight recorders shall be as required in the most current edition of ICAO Annex 6, Part 1, Ch 6.3.

7.1.8 **Emergency, Rescue, and Survival Equipment**

7.1.8.1 **Emergency Equipment: All Aircraft**

[AAC] An item of emergency and flotation equipment shall be—

(1) readily accessible to the crew and, with regard to equipment located in the passenger compartment, to passengers without appreciable time for preparatory procedures;

(2) clearly identified and clearly marked to indicate its method of operation;

(3) marked as to date of last inspection; and

(4) marked as to contents when carried in a compartment or container.

7.1.8.2 **Emergency Exit Equipment**

(a) [AOC] A passenger-carrying land plane emergency exit (other than over-the-wing) that is more than 6 feet from the ground with the
aeroplane on the ground and the landing gear extended, shall have an approved means to assist the occupants in descending to the ground.

(b) [AOC] In any aeroplane, a passenger emergency exit, its means of access, and means of opening shall be conspicuously marked by a sign visible to occupants approaching along the main passenger aisle.

(c) [AOC] A passenger-carrying aeroplane shall have an emergency lighting system, independent of the main lighting system that—

1. illuminates each passenger exit marking and locating sign;
2. provides enough general lighting in the passenger cabin; and
3. includes floor proximity emergency escape path marking for aircraft—
   i. having a maximum total weight authorised exceeding 5700kg;
   ii. which are turbo-jet and which have a maximum total weight authorised exceeding 22,700kg;
   iii. which, in accordance with the certificate of airworthiness, may carry more than 19 passengers.

(d) [AOC] A passenger emergency exit and the means of opening that exit from the outside shall be conspicuously marked by a sign visible on the outside of the aeroplane.

(e) [AOC] A passenger-carrying aeroplane shall be equipped with a slip-resistant escape route that meets the requirements under which that aeroplane was type certified.

Implementing Standard: See IS: 7.1.8.2 for details of the emergency exit equipment requirements.

7.1.8.3 Visual Signalling Devices

[AAC] A person shall not operate an aircraft over water or across land areas which have been designated by Saint Christopher and Nevis as areas in which search and rescue will be difficult, unless equipped with such signalling devices as may be appropriate to the area overflown, to include—

1. visual signals for use by intercepting and intercepted aircraft; and
2. at least one pyrotechnic signalling device for each life raft required for overwater operations.

7.1.8.4 Survival Kits

(a) [AAC] A person shall not operate an aircraft across land areas which have been designated by Saint Christopher and Nevis as areas in which search and rescue would be especially difficult, unless equipped with enough survival kits for the number of occupants of the aircraft and is appropriately equipped for the route to be flown.

(b) [AAC] A person shall not operate an aircraft over water at distances which require the carriage of life rafts, unless each raft is equipped with life saving equipment, including means of sustaining life.
7.1.8.5 Emergency Locator Transmitter

(a) [AAC] All aircraft shall be equipped with at least one automatic ELT.

(b) All helicopters on all flights operated across land areas which have been designated by Saint Christopher and Nevis as areas in which search and rescue would be especially difficult, shall be equipped with at least one automatic ELT.

(c) All aircraft on all flights operated across land areas which have been designated by Saint Christopher and Nevis as areas in which search and rescue would be especially difficult, shall be equipped with at least one automatic ELT.

(d) All aircraft operated on over water flights under the following conditions, shall be equipped with at least two ELTs, one of which shall be automatic—

(i) on long range over water flights over routes on which the aircraft may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 740km (400NM), whichever is the lesser;

(ii) on flights away from land suitable for making an emergency landing in the event of the critical power unit becoming inoperative at any point along the route;

(iii) on flights away from land suitable for making an emergency landing when two power units are inoperative on aircraft having three or more power units; and

(iv) for all other aircraft, over routes on which the aircraft may be over water and at more than a distance corresponding to 30 minutes or 185km, whichever is the lesser.

(e) [AOC] A person shall not operate an aircraft in extended overwater operations without having on the aircraft a survival type ELT that transmits simultaneously on 121.5 and 406 MHz, and meets the technical standards specified in the current edition of Annex 10;

(f) [AOC] At least one survival type ELT shall be located with each liferaft carried (See 7.1.8.17).

(g) [AAC] Batteries used in ELT’s shall be replaced (or recharged if the battery is rechargeable) when—

(1) the transmitter has been in use for more than one cumulative hour; or

(2) 50 percent of their useful life (or for rechargeable batteries, 50 percent of their useful life of charge) has expired.

(h) [AAC] The expiration date for a replacement or recharged ELT battery shall be legibly marked on the outside of the transmitter.

Note: The battery useful life (or useful life of charge) requirements do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.
7.1.8.6 Portable Fire Extinguishers

[AOC] The owner or operator of an aircraft shall not operate an aircraft unless it is equipped with portable fire extinguishers accessible for use in crew, passenger, and cargo compartments. Each aircraft shall be equipped as follows—

(1) the type and quantity of extinguishing agent shall be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used;

Note: For passenger compartments, the extinguisher shall be designed to minimise the hazard of toxic gas concentrations.

(2) at least one portable fire extinguisher shall be provided and conveniently located for use in each Class E cargo compartment which is accessible to crew members during flight, and at least one shall be located in each upper and lower lobe galley;

(3) at least one portable fire extinguisher shall be conveniently located on the flight deck for use by the flight crew;

(4) at least one portable fire extinguisher shall be conveniently located in the passenger compartment of aircraft having a passenger seating capacity of 30 or less;

(5) for each aircraft having a passenger seating capacity of more than 30, there shall be at least the following number of portable fire extinguishers conveniently located and uniformly distributed throughout the compartment.

<table>
<thead>
<tr>
<th>Minimum Number of Hand Fire Extinguishers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Seating Capacity</td>
</tr>
<tr>
<td>30 through 60</td>
</tr>
<tr>
<td>61 through 200</td>
</tr>
<tr>
<td>201 through 300</td>
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<tr>
<td>301 through 400</td>
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<tr>
<td>401 through 500</td>
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<tr>
<td>501 through 600</td>
</tr>
<tr>
<td>601 or more</td>
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</tbody>
</table>

7.1.8.7 Lavatory Fire Extinguisher

(a) [AOC] A person shall not operate a passenger-carrying transport category aircraft unless each lavatory in the aeroplane is equipped with a built-in fire extinguisher for each disposal receptacle for towels, paper, or waste located within the lavatory.

(b) [AOC] Built-in lavatory fire extinguishers shall be designed to discharge automatically into each disposal receptacle upon occurrence of a fire in the receptacle.
7.1.8.8 Lavatory Smoke Detector

[AOC] A person shall not operate a passenger-carrying transport category aeroplane unless each lavatory in the aeroplane is equipped with a smoke detector system or equivalent that provides—

(1) a warning light in the cockpit; or

(2) a warning light or audio warning in the passenger cabin which would be readily detected by a Cabin Crew, taking into consideration the positioning of Cabin Crew throughout the passenger compartment during various phases of flight.

7.1.8.9 Crash Axe

[AOC] An AOC holder shall not operate a large aircraft unless it is equipped with a crash axe appropriate to effective use in that type of aircraft, stored in a place not visible to passengers on the aircraft.

7.1.8.10 Marking of Break-in Points

[AAC] If areas of the fuselage suitable for break-in by rescue crews in an emergency are marked on an aircraft, such areas shall be marked as shown below, and the colour of the markings shall be red or yellow and, if necessary, they shall be outlined in white to contrast with the background

(b) If the corner markings are more than 2 m apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 m between adjacent markings.

7.1.8.11 First-Aid and Emergency Medical Kit

(a) [AOC] A person shall not operate an aircraft unless it is equipped with accessible first-aid kits and, on passenger flights in aircraft authorised to carry more than 250 passengers, an approved emergency medical kit for treatment of injuries or medical emergencies that might occur during flight time or in minor accidents.

(b) [AOC] The number of first-aid kits to be carried shall be to the following scale:
7.1.8.12 Oxygen Storage and Dispensing Apparatus

(a) [AAC] All aircraft intended to be operated at altitudes requiring the use of supplemental oxygen shall be equipped with adequate oxygen storage and dispensing apparatus.

(b) [AAC] The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen shall meet applicable airworthiness standards for type certification in the transport category as specified by the Authority.

(c) [AOC] An AOC holder shall not operate an aircraft at altitudes above 10,000 feet unless it is equipped with oxygen masks, located so as to be within the immediate reach of flight crew members while at their assigned duty station.

(d) [AOC] An AOC holder shall not operate a pressurised aircraft at altitudes above 25,000 feet unless—

(1) flight crew member oxygen masks are of a quick donning type;

(2) sufficient spare outlets and masks and/or sufficient portable oxygen units with masks are distributed evenly throughout the cabin to ensure immediate availability of oxygen to each required cabin crew member and passenger regardless of his location at the time of cabin pressurisation failure

(3) an oxygen-dispensing unit connected to oxygen supply terminals is installed so as to be immediately available to each occupant, wherever seated. The total number of dispensing units and outlets shall exceed the number of seats by at least 10%. The extra units are to be evenly distributed throughout the cabin.

(e) [AOC] The amount of supplemental oxygen for sustenance required for a particular operation shall be determined on the basis of flight altitudes and flight duration, consistent with the operating procedures established for each operation in the Operations Manual and with the routes to be flown, and with the emergency procedures specified in the Operations Manual.

Implementing Standard: See IS: 7.1.8.12 to determine the amount of supplemental oxygen needed for non-pressurised and pressurised aircraft.

7.1.8.13 Protective Breathing Equipment

(a) [AOC] An AOC holder shall not operate an aircraft with a maximum certified takeoff mass exceeding 5700 kg. or having a maximum approved seating configuration of more than 19 seats unless—

<table>
<thead>
<tr>
<th>Number of passenger seats installed</th>
<th>Number of first-aid kits required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50</td>
<td>1</td>
</tr>
<tr>
<td>51 to 150</td>
<td>2</td>
</tr>
<tr>
<td>151 to 250</td>
<td>3</td>
</tr>
<tr>
<td>250 and more</td>
<td>4</td>
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</tbody>
</table>

Note: See IS 7.1.8.11
(1) it has PBE to protect the eyes, nose and mouth of at least one flight crew member while on flight deck duty and to provide oxygen for a period of not less than 15 minutes; and

(2) it has sufficient portable PBE to protect the eyes, nose and mouth of all required cabin crew members and to provide breathing gas for a period of not less than 15 minutes.

(b) [AOC] The oxygen supply for PBE may be provided by the required supplemental oxygen system.

(c) [AOC] The PBE intended for flight crew use shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at their assigned duty station.

(d) [AOC] The PBE intended for cabin crew use shall be installed adjacent to each required cabin crew member duty station.

(e) [AOC] Easily accessible portable PBE shall be provided and located at or adjacent to the required hand fire extinguishers except that, where the fire extinguisher is located inside a cargo compartment, the PBE shall be stowed outside but adjacent to the entrance to that compartment.

(f) [AOC] The PBE while in use shall not prevent required communication.

7.1.8.14 First Aid Oxygen Dispensing Units

(a) [AOC] An AOC holder shall not conduct a passenger carrying operation in a pressurised aircraft at altitudes above 25,000 feet, when a cabin crew member is required to be carried, unless it is equipped with—

(1) undiluted first-aid oxygen for passengers who, for physiological reasons, may require oxygen following a cabin depressurisation; and

(2) a sufficient number of dispensing units, but in no case less than two, with a means for cabin crew to use the supply.

(b) [AOC] The amount of first-aid oxygen required in paragraph (a) for a particular operation and route shall be determined on the basis of—

(1) flight duration after cabin depressurisation at cabin altitudes of more than 8,0 feet;

(2) an average flow rate of at least 3 litres Standard Temperature Pressure Dry/ minute/person; and

(3) at least 2% of the passengers carried, but in no case for less than one person.

7.1.8.15 Megaphones

(a) [AOC] Each person operating a passenger-carrying aircraft with a seating capacity of more than 19, shall have a portable battery-powered megaphone or megaphones readily accessible to the crew members assigned to direct emergency evacuation.

(b) [AOC] The number and location of megaphones required in paragraph (a) shall be determined as follows:
(1) on aircraft with a seating capacity of more than 19 and less than 100 passengers, one megaphone shall be located in the passenger cabin where it would be readily accessible to a normal Cabin Crew seat; and

(2) on aircraft with a seating capacity of more than 99 passengers, two megaphones in the passenger cabin on each aircraft one installed at the forward end and the other at the most rearward location where it would be readily accessible to a normal Cabin Crew seat.

### 7.1.8.16 Individual Flotation Devices

(a) [AOC] All Seaplanes on all flights, all other multi engine aircraft operated on flights over water at a distance of more than 93 km (50 NM) from land suitable for making an emergency landing, all single engine aircraft when flying over water beyond gliding distance from shore and all aircraft taking off or landing at an aerodrome where, in the opinion of the Authority, the take off or approach path is so disposed over water that in the event of a mishap there would be a likelihood of a ditching, shall be equipped with one life jacket for each person on board

(b) [AOC] All life jackets shall be stowed in a position easily accessible from the seat or berth of the person for whose use it is provided.

(c) [AOC] For extended overwater operations, each individual life jacket shall be fitted with an approved survivor locator light.

(d) [AOC] Upon application by an aircraft operator, the Authority may approve the operation of an aircraft over water without individual life jackets, if the aircraft operator shows that the water over which the aircraft is to be operated is not of such size and depth that individual life jackets should be required for the survival of its occupants in the event the flight terminates in that water.

### 7.1.8.17 Life Raft

(a) [AOC] A person shall not operate an aircraft in commercial air transport in extended overwater operations without having on the aircraft enough life rafts with rated capacities and buoyancy to accommodate the occupants of the aircraft.

Note: Unless excess rafts of enough capacity are provided, the buoyancy and seating capacity of the rafts shall accommodate all occupants of the aircraft in the event of a loss of one raft of the largest rated capacity.

(b) [AOC] Life rafts shall be stowed so as to facilitate their ready use in emergency.

(c) [AOC] Life rafts shall be equipped with—

1. a survivor locator light;
2. a survival kit;
3. a pyrotechnic signalling device; and
4. an Emergency Locator Transmitter (See 7.1.8.5).
(d) [AOC] Life rafts which are not deployable by remote control and which have a mass of more than 40 kg shall be equipped with some means of mechanically assisted deployment.

7.1.8.18 Flotation Device For Helicopter Ditching

[AAC] All helicopters flying over water at a distance from land corresponding to more than 10 minutes at normal cruise speed in the case of performance Class 1 or 2 helicopters, or flying over water beyond autorotational or safe forced landing distance from land in the case of performance Class 3 helicopters, shall be fitted with a permanent or rapidly deployable means of floatation so as to ensure a safe ditching of the helicopter.

7.1.9 Miscellaneous Systems and Equipment

7.1.9.1 Seats, Safety Belts and Shoulder Harnesses

[AOC] An aircraft used in passenger operations shall be equipped with the following seats, safety belts, and shoulder harnesses that meet the following airworthiness requirements for type certification of that aircraft:

1. a seat or berth with safety belt for each person on board over an age of 2;
   
   *Note: A berth designed to be occupied by two persons, such as a multiple lounge or divan seat, shall be equipped with an approved safety belt for use by two occupants during en route flight only.*

2. a flight deck station with a combined safety belt and shoulder harness. The shoulder harness for each station shall incorporate a device which will automatically restrain the occupant’s torso in the event of rapid deceleration;

   *NOTE: In anticipation of changing international safety standards, the Authority recommends that, when dual controls are installed, all commercial air transport passenger aircraft be equipped with a safety harness for each pilot seat which incorporates a restraining device to prevent the upper body of an incapacitated pilot from interfering with the flight controls.*

3. A forward or rearward facing (within 15 degrees of the longitudinal axis of the aircraft) seat in the passenger compartment, for the use of each cabin crew member required to satisfy the intent of 9.3.1.7 in respect of emergency evacuation.

7.1.9.2 Passenger and Pilot Compartment Doors

(a) [AAC] In all aircraft which are equipped with a flight crew compartment door, this door shall be capable of being locked and, to provide means by which cabin crew can discretely notify the flight crew in the event of suspicious activity or security breaches in the cabin

(b) All passenger carrying aircraft of a maximum certificated take off mass in excess of 45,500 kg or with a passenger seating capacity greater then 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel and, to resist forcible intrusions by unauthorised persons. This door shall be capable of being locked and unlocked from either pilot’s station
(c) In all aircraft equipped with a flight crew compartment door in accordance with (b)

(1) this door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and

(2) means shall be provided for monitoring from either pilot’s station the entire door area outside the flight crew compartment to identify persons requesting entry and, to detect suspicious behaviour or potential threat.

7.1.9.3 Passenger Information Signs

[CAT] An aircraft over 5700kg shall not operate unless it is equipped with—

(1) at least one passenger information sign (using either letters or symbols) notifying when safety belts should be fastened and shall, when illuminated, be legible to each person seated in the passenger cabin under all probable conditions of cabin illumination;

(2) signs which notify when safety belts should be fastened shall be so constructed that the crew can turn them on and off;

(3) at least one passenger information sign (using either letters or symbols) notifying when smoking is prohibited;

(4) a sign or placard affixed to each forward bulkhead and each passenger seat back that reads “Fasten Seat Belt While Seated.”

7.1.9.4 Public Address System

[AOC] An AOC holder shall not operate a passenger carrying aircraft with a maximum approved passenger seating configuration of more than 19 unless a public address system is installed that—

(1) operates independently of the interphone systems except for handsets, headsets, microphones, selector switches and signalling devices;

(2) for each required floor level passenger emergency exit which has an adjacent cabin crew seat, has a microphone which is readily accessible to the seated cabin crew member, except that one microphone may serve more than one exit, provided the proximity of the exits allows unassisted verbal communication between seated cabin crew members; and

(3) is capable of operation within 10 seconds by a cabin crew member at each of those stations in the compartment from which its use is accessible; and

(4) is audible and intelligible at all passenger seats, toilets, and cabin crew seats and workstations.

7.1.9.5 Materials For Cabin Interiors

(a) [AOC] Upon the first major overhaul of an aircraft cabin or refurbishing of the cabin interior, all materials in each compartment used by the crew or passengers that do not meet the current
airworthiness requirements pertaining to materials used in the interior of the cabin for type certification in the transport category as cited by the Authority, shall be replaced with materials that meet the requirements specified by the Authority.

(b) [AOC] Seat cushions, except those on flight crew member seats, in any compartment occupied by crew or passengers shall meet requirements pertaining to fire protection as specified by the Authority.

7.1.9.6 Materials for Cargo and Baggage Compartments

[AOC] A Class C or D cargo compartment greater than 200 cubic feet in volume in a transport category aircraft type certified after January 1, 1958 shall have ceiling and sidewall liner panels which are constructed of—

1. glass fibre reinforced resin;
2. materials which meet the test requirements for flame resistance of cargo compartment liners as prescribed for type certification; or
3. in the case of installations approved prior to March 20, 1989, aluminium.

Note: The term “liner” includes any design feature, such as a joint or fastener, which would affect the capability of the liner to safely contain fire.

7.1.9.7 Power Supply, Distribution, and Indication System

(a) [AOC] An AOC holder shall not operate an aircraft unless it is equipped with—

1. a power supply and distribution system that meets the airworthiness requirements for certification of an aircraft in the transport category, as specified by the Authority, or
2. a power supply and distribution system that is able to produce and distribute the load for the required instruments and equipment, with use of an external power supply if any one power source or component of the power distribution system fails;

Note: The use of common elements in the power system may be approved if the Authority finds that they are designed to be reasonably protected against malfunctioning.

3. a means for indicating the adequacy of the power being supplied to required flight instruments.

(b) [AOC] Engine-driven sources of energy, when used, shall be on separate engines.

7.1.9.8 Protective Circuit Fuses

[AOC] An AOC holder shall not be permitted to operate an aircraft in which protective fuses are installed unless there are spare fuses available for use in flight equal to at least 10% of the number of fuses of each rating or three of each rating whichever is the greater.
7.1.9.9 Icing Protection Equipment

(a) [AAC] Unless an aircraft is certified under the transport category airworthiness requirements relating to ice protection, a person shall not be permitted to operate an aircraft in icing conditions unless it is equipped for the prevention or removal of ice on windshields, wings, empennage, propellers and other parts of the aircraft where ice formation will adversely affect the safety of the aircraft.

(b) [AOC] An AOC holder shall not operate an aircraft in expected or actual icing conditions at night unless it is equipped with a means to illuminate or detect the formation of ice.

Note: Any illumination that is used shall be of a type that will not cause glare or reflection that would handicap crew members in the performance of their duties.

7.1.9.10 Pitot Heat Indication Systems

(a) [AAC] A person shall not be permitted to operate an aircraft in flight unless it is equipped with an airspeed indicating system with a heated pitot tube or equivalent means of preventing malfunctions due to either condensation or icing.

(b) [AOC] An AOC holder shall not operate a transport category aircraft equipped with a flight instrument pitot heating system unless the aircraft is also equipped with an operable pitot heat indication system that complies with the following requirements:

1. the indication provided shall incorporate an amber light that is in clear view of a flight crew member;

2. the indication provided shall be designed to alert the flight crew if either the pitot heating system is switched “off,” or the pitot heating system is switched “on” and any pitot tube heating element is inoperative.

7.1.9.11 Static Pressure System

(a) [AAC] A person shall not operate an aircraft unless it is equipped with two independent static pressure systems, vented to the outside atmospheric pressure so that they will be least affected by airflow variation or moisture or other foreign matter and installed so as to be airtight except for the vent.

(b) Propeller driven aircraft of less than 5,700Kg MTOW may have one static pressure system which includes an alternate static source.

7.1.9.12 Windshield Wipers

[AOC] An AOC holder shall not be permitted to operate an aircraft with a maximum certified take-off mass of more than 5700 kg unless it is equipped at each pilot station with a windshield wiper or equivalent means to maintain a clear portion of the windshield during precipitation.

7.1.9.13 Chart Holder

[AOC] All aircraft that have been originally type certificated with chart holders must have one installed. An AOC holder shall not be permitted to operate an aircraft with a chart holder unless it can be illuminated for night operations.
7.1.9.14 Cosmic Radiation Detection Equipment

[AOC] An AOC holder shall ensure that aircraft intended to be operated above 15,000 m (49,000 ft) are equipped with an instrument to measure and indicate continuously the dose rate of total cosmic radiation being received (i.e., the total of ionising and neutron radiation of galactic and solar origin) and the cumulative dose on each flight. The operator shall maintain records so that the total cosmic radiation dose received by each crew member over a period of twelve consecutive months can be determined. The operator shall maintain records so that the total cosmic radiation dose received by each crew member over a period of 12 consecutive months can be determined.

7.1.9.15 Maritime Sound Signalling Device

[AAC] All seaplanes for all flights shall be equipped with equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

7.1.9.16 Anchors

[AAC] All seaplanes for all flights shall be equipped with one anchor, and one sea anchor (drogue), when necessary to assist in manoeuvring (approval for the anchors not required).

Note.- “Seaplanes” includes amphibians operated as seaplanes.

7.1.9.17 Outside Air Temperature

A person shall not be permitted to operate an aircraft in flight unless it is equipped with a means of indicating the outside air temperature in the flight crew compartment.
PART 8
OPERATIONS

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8.1 GENERAL

8.1.1 Applicability and Definitions

8.1.1.1 Applicability

(a) This Part prescribes the requirements for operations—

(1) conducted by all airmen certified in Saint Christopher and Nevis while operating aircraft registered in Saint Christopher and Nevis;

(2) of a foreign registered aircraft by Saint Christopher and Nevis AOC holders;

(3) of an aircraft within Saint Christopher and Nevis by airmen or AOC holders of a foreign State.

(b) For operations outside of Saint Christopher and Nevis, all Saint Christopher and Nevis pilots and all operators shall comply with these requirements unless compliance would result in a violation of the laws of the foreign State in which the operation is conducted.

Note: Where a particular requirement is applicable only to a particular segment of aviation operations, it will be identified by a reference to those particular operations, such as “commercial air transport” or “small non-turbojet or turbofan aeroplanes.”

Note: Those specific subsections not applicable to foreign operators will include the phrase “This requirement is not applicable to foreign operators.”

8.1.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part I of the Schedule - “General Policies, Procedures and Definitions.”

8.1.1.3 Acronyms

(a) The following acronyms are used in Part 8:

(1) AFM - Aeroplane Flight Manual
(2) AGL - Above Ground Level
(3) AOC - Air Operator Certificate
(4) AOM - Aircraft Operating Manual
(5) APU - Auxiliary Power Unit
(6) ATC - Air Traffic Control
(7) CAT - Category
(8) CDL - Configuration Deviation List
(9) CRM - Crew Resource Management
(10) DH - Decision Height
(11) ETA - Estimated Time of Arrival
(12) ETOPS - Extended Twin-engine Operations
(13) FE - Flight Engineer
(14) FL - Flight Level
(15) GPS - Global Positioning System
(16) IMC - Instrument Meteorological Conditions
(17) INS - Inertial Navigation System
(18) LDA - Localizer-type Directional Aid
(19) LOC - Localizer
(20) LORAN - Long-range Navigation
(21) LVTO - Low Visibility Take Off
(22) MDA - Minimum Decent Altitude
(23) MEA — Minimum En Route Altitude
(24) MEL - Minimum Equipment List
(25) MMEL - Master Minimum Equipment List
(26) MOCA — Minimum Obstruction Clearance Altitude
(27) MSL - Mean Sea Level
(28) NOTAM - Notice to Airmen
(29) RFM - Rotorcraft Flight Manual
(30) RVR - Runway Visibility Range
(31) RVSM - Reduced Vertical Separation Minimum
(32) PBE - Protective Breathing Equipment
(33) PIC - Pilot In Command
(34) SIC - Co-pilot
(35) SCA - Senior Cabin Crew
(36) SM - Statute Miles
(37) TACAN - Tactical Air Navigation System
(38) VMC - Visual Meteorological Conditions
(39) VSM - Vertical Separation Minimum
(40) $V_1$. Takeoff decision speed.
(41) $V_{mo}$. Maximum operating speed.
(42) $V_{so}$. Stalling speed or the minimum steady flight speed in the landing configuration.

8.2 GENERAL OPERATIONS REQUIREMENTS

8.2.1 Aircraft Requirements

8.2.1.1 Registration Markings

A person shall not operate an aircraft registered in Saint Christopher and Nevis unless the aircraft displays the proper markings prescribed in Part 4.

8.2.1.2 Civil Aircraft Airworthiness

(a) A person shall not operate a civil aircraft unless the civil aircraft in an airworthy condition.
(b) A PIC shall

(i) determine whether an aircraft is in a condition for safe flight; and

(ii) discontinue a flight as soon as practicable when an unairworthy mechanical, electrical or structural condition occurs.

8.2.1.3 Special Airworthiness Certificate Operational Restrictions

A person shall not operate an aircraft with a special airworthiness certificate except as provided in the limitations issued with that certificate.

8.2.1.4 Aircraft Instruments and Equipment

A person shall not operate an aircraft unless the aircraft is equipped with the required instruments and navigation equipment appropriate to type of flight operation conducted and the route being flown.

Note: The instrument and equipment required for specific operations are listed in Part 7.

8.2.1.5 Inoperative Instruments and Equipment

(a) A person shall not, except as authorised by the Authority, takeoff an aircraft with inoperative instruments or equipment installed.

(b) An AOC Holder shall not operate an aircraft with inoperative instruments and equipment installed unless the following conditions are met—

(1) an approved Minimum Equipment List exists for that aircraft;

(2) the Authority has issued the AOC Holder specific operating provisions authorising operations in accordance with an approved Minimum Equipment List;

(3) the flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Authority in the AOC Holder’s specific operating provisions;

(4) the aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the specific operating provisions authorising use of the Minimum Equipment List;

(5) records identifying the inoperative instruments and equipment and the information required by paragraph (c)(ii) of this section must be available to the pilot.

(c) For the purposes of this section, an approved “Minimum Equipment List”, as authorised by the specific operating provisions, constitutes an approved change to the type design without requiring recertification and shall—

(i) be prepared in accordance with the limitations specified in paragraph (d) of this section;

(ii) provide for the operation of the aircraft with certain instruments and equipment in an inoperative condition;

(d) The following instruments and equipment shall not be included in the Minimum Equipment List—
(1) instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and which are essential for safe operations under all operating conditions;

(2) instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise;

(3) instruments and equipment required for specific operations under Part 7, Part 8 and/or Part 9 of these regulations.

(e) Notwithstanding paragraphs (d)(1) and (d)(3) of this section, an aircraft with inoperative instruments or equipment may be operated under a special flight permit under 5.4.1.11 of these regulations.

Note: Implementing Standard: See 8.2.1.5 for specific limitation on inoperative instruments and equipment.

8.2.1.6 Civil Aircraft Flight Manual, Marking and Placard Requirements

(a) A person shall not operate a civil aircraft registered in Saint Christopher and Nevis unless there is available in that aircraft—

(1) a current, approved AFM or RFM; and

(2) an AOM approved by the Authority for the AOC holder.

(b) A person shall not operate a civil aircraft within or over Saint Christopher and Nevis unless the person has complied with the operating limitations specified in the approved AFM or RFM, markings and placards, or as otherwise prescribed by the certifying authority for the aircraft’s State of Registry.

(c) An operator of an aircraft shall display in the aircraft all placards, listings, instrument markings or a combination thereof, containing the operating limitations prescribed by the certifying authority for the aircraft’s State of Registry for visual presentation.

8.2.1.7 Required Aircraft and Equipment Inspections

(a) Unless otherwise authorised by the Authority, a person shall not operate a civil aircraft registered in Saint Christopher and Nevis unless the aircraft has had the following inspections—

(1) an annual inspection within the past 12 calendar months;

(2) for remuneration or hire operations, a 100-hour or 6 month inspection;

(3) for IFR operations, an altimeter and pitot-static system inspection in the past 24 calendar months;

(4) for transponder equipped aircraft, a transponder check within the past 12 calendar months; and

(5) for ELT-equipped aircraft, an ELT check within the past 12 calendar months.

(b) Aircraft which is maintained under an alternate maintenance and inspection program approved by the Authority, shall not be required to have current annual or 100-hour inspections in their maintenance records.
Note: An “alternate maintenance and inspection program” may include a manufacturer’s recommended program, instructions for continued airworthiness, or a program designed by the operator and approved by the Authority.

Note: The requirements of these inspections are provided in Part 5.

8.2.1.8 Documents to be Carried on Aircraft:

(a) Except as provided in 8.2.1.6, a person shall not operate a civil aircraft, unless the aircraft has within it the following current and approved documents:

(1) for international flights, Registration Certificate issued to the owner;
(2) Airworthiness Certificate which must be displayed in accordance with CAR 1.2.1.1(g);
(3) Aircraft Radio License;
(4) for international flights, list of passenger names and points of embarkation and destination;
(5) cargo manifest including special loads information;
(6) Aircraft Technical Log;
(7) for international commercial flights, a certified true copy of the Air Operator Certificate;
(8) Noise Certificate, if required;
(9) AFM or RFM;
(10) For commercial operations, part(s) of the Operations Manual relevant to operation(s) conducted;
(11) MEL;
(12) Category II or III Manual, as applicable;
(13) for international commercial flights in excess of 1 hour, Operational Flight Plan;
(14) for international flights, filed ATC flight plan;
(15) for international flights, NOTAMS briefing documentation;
(16) for international flights, meteorological information;
(17) mass and balance documentation;
(18) roster of special situation passengers;
(19) for international flights, maps and charts for routes of proposed flight or possibly diverted flights;
(20) forms for complying with the reporting requirements of the Authority and the AOC holder;
(21) for international flights, a general declaration for customs;
(22) any documentation which may be required by the Authority or States concerned with a proposed flight.
Note: “Special situation passengers ” includes armed security personnel, deportees, persons in custody, and persons with special medical needs. International flights require all items, domestic flights require only those items not identified for international flights.

8.3 AIRCRAFT MAINTENANCE REQUIREMENTS

8.3.1.1 Applicability

(a) This Part prescribes the rules governing the inspection of a civil aircraft registered in Saint Christopher and Nevis operating within or outside Saint Christopher and Nevis.

(b) Subsections 8.3.1.3 and 8.3.1.4 shall not apply to an aircraft subject to an approved continuous maintenance program approved by the Authority for an AOC holder in Part 9.

(c) This Subpart applies to

(i) all aircraft, as designated below, operated as commercial air transport in Saint Christopher and Nevis if the operator has not been designated an AOC holder by Saint Christopher and Nevis;

(ii) all general aviation large, complex aircraft operated in Saint Christopher and Nevis, whether or not the aircraft is registered in Saint Christopher and Nevis.

(d) Where an aircraft that is not registered in Saint Christopher and Nevis and operating under an inspection program approved or accepted by the State of Registry, does not have the equipment required by Saint Christopher and Nevis—for operations within Saint Christopher and Nevis, the owner or the operator of the aircraft shall ensure that such equipment is installed and inspected in accordance with the requirements of the State of Registry, in a manner that is acceptable to the Authority, prior to operation of that aircraft in Saint Christopher and Nevis.

8.3.1.2 General

(a) The registered owner or operator of an aircraft shall be primarily responsible for maintaining that aircraft in an airworthy condition and complying with all airworthiness directives.

(b) A person shall not perform maintenance, preventive maintenance, or alterations on an aircraft other than as prescribed in this subpart, Part 5 and any other applicable regulations.

(c) A person shall not operate an aircraft for which a manufacturer’s maintenance manual or instructions for continued airworthiness has been issued, that contains an airworthiness limitations section unless the mandatory replacement times, inspection intervals and related procedures set forth in specific operating provisions are approved by the Authority under Part 9 or in accordance with an inspection program approved under 8.3.1.4(c).

8.3.1.3 Maintenance Required

(a) An owner or operator of an aircraft shall—

(1) ensure that the aircraft is inspected as prescribed in Part 8.3 and discrepancies repaired as prescribed in the Performance Rules of Part 5;
(2) repair, replace, remove, or inspect any inoperative instruments or items of equipment at the next required inspection, except when permitted under the provisions of an Minimum Equipment List (MEL);

(3) ensure that a placard has been installed on the aircraft when listed discrepancies include inoperative instruments or equipment; and

(4) ensure that maintenance personnel make appropriate entries in the aircraft maintenance records indicating the aircraft has been approved for return to service.

8.3.1.4 Inspections

(a) Except as provided in paragraph (c) of this section, a person shall not operate an aircraft unless, within the preceding 12 calendar months, the aircraft has had—

(1) an annual inspection in accordance with Part 5 and has been approved for return to service by a person authorised by 5.6.1.4; or

(2) an inspection for the issuance of an airworthiness certificate in accordance with Part 5.

Note: No inspection performed under paragraph (b) of this section may be substituted for any inspection required by this paragraph unless it is performed by a person authorised to perform annual inspections and is entered as an “annual” inspection in the required maintenance record.

(b) Except as provided in paragraph (c), a person shall not—

(i) operate an aircraft carrying any person (other than a crew member) for hire;

(ii) give flight instruction for hire in an aircraft which that person provides;

unless within the preceding 100 hours or six months of time in service the aircraft has received an annual or 100-hour inspection and been approved for return to service in accordance with Part 5 of this chapter or has received an inspection for the issuance of an airworthiness certificate in accordance with Part 5 of this chapter. The 100-hour or six months limitation may be exceeded by not more than 10 hours or 18 days while en route to reach a place where the inspection can be done. The excess time used to reach a place where the inspection can be done must be included in computing the next 100 hours of time in service.

(c) Paragraphs (a) and (b) of this section shall not apply to—

(1) an aircraft that carries a flight permit;

(2) an aircraft which is subject to the requirements of paragraph (d) or (e) of this section; or

(3) a turbine-powered rotorcraft when the operator elects to inspect that rotorcraft in accordance with paragraph (e) of this section.
(d) A registered owner or operator of an aircraft desiring to use a progressive inspection program shall submit a written request to the Authority, and shall provide the following—

1. an AMT, appropriately Type rated in accordance with Part 2, an AMO appropriately rated in accordance with Part 6, or the manufacturer of the aircraft to supervise or conduct the progressive inspection;

2. a current inspection procedures manual available and readily understandable to pilot and maintenance personnel containing, in detail—

   i. an explanation of the progressive inspection, including the continuity of inspection responsibility, the making of reports, and the keeping of records and technical reference material;

   ii. an inspection schedule, specifying the intervals in hours or days when routine and detailed inspections will be performed and including instructions for exceeding an inspection interval by not more than 10 hours while en-route and for changing an inspection interval because of service experience;

   iii. sample routine and detailed inspection forms and instructions for their use; and

   iv. sample reports and records and instructions for their use;

3. enough housing and equipment for necessary disassembly and proper inspection of the aircraft; and

4. appropriate current technical information for the aircraft.

Note: The frequency and detail of the progressive inspection shall provide for the complete inspection of the aircraft within each 12 calendar months and be consistent with the current manufacturer’s recommendations, field service experience, and the kind of operation in which the aircraft is engaged. The progressive inspection schedule shall ensure that the aircraft, at all times, will be airworthy and will conform to all applicable aircraft specifications, type certificate data sheets, airworthiness directives, and other approved data acceptable to the Authority. If the progressive inspection is discontinued, the owner or operator shall immediately notify the Authority, in writing, of the discontinuance. After the discontinuance, the first annual inspection under Part 8 is due within 12 calendar months after the last complete inspection of the aircraft under the progressive inspection. The 100-hour inspection under 8.2.1.7(a)(2) is due within 100 hours or six months after that complete inspection. A complete inspection of the aircraft, for the purpose of determining when the annual and 100 hour inspections are due, requires a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. A routine inspection of the aircraft and a detailed inspection of several components is not considered to be a complete inspection.

(e) A registered owner or operator of a large aeroplane, a turbojet multi-engine aeroplane, a turbo propeller-powered multi-engine aeroplane
and a turbine-powered rotorcraft shall select and identify in the aircraft maintenance records, and use one of the following programs for the inspection of the aircraft—

(1) a current inspection program recommended by the manufacturer and approved by the Authority;

(2) a continuous maintenance program that is part of a continuous maintenance program for that make and model of aircraft currently approved by the Authority for use by an AOC holder; or

(3) any other inspection program established by the registered owner or operator of that aircraft and approved by the Authority.

(f) An owner or an operator shall include in the program he selected above, the name and address of the person responsible for the scheduling of the inspections required by the programme and shall provide a copy of the program to the person performing inspection on the aircraft.

(g) An aircraft shall not be approved for return to service unless the replacement times for life-limited parts specified in the aircraft specification-type data sheets are complied with and the aircraft, including airframe, engines, propellers, rotors, appliances and survival and emergency equipment, is inspected in accordance with the inspection programme selected.

(h) A person who wishes to establish or change an approved inspection program shall submit the programme to the Authority for approval and shall include in writing—

(1) instructions and procedures for the conduct of inspections for the particular make and model aircraft, including necessary tests and checks. The instructions shall set forth in detail the parts and areas of the aeronautical products, including survival and emergency equipment required to be inspected; and

(2) a schedule for the inspections that shall be performed, expressed in terms of time in service, calendar time, number of system operations or any combination of these.

(i) When an owner or an operator changes from one inspection program to another, the owner or operator shall apply the time in service, calendar times, or cycles of operation accumulated under the previous program, in determining time the inspection is due under the new program.

### 8.3.1.5 Changes to Aircraft Maintenance Programs

(a) Where the Authority finds that revisions to an approved inspection program are necessary for the continued adequacy of the program, the Authority shall notify the owner or operator of the aircraft to make the changes to the program deemed to be necessary.

(b) The owner or operator may within thirty days after receipt of the notice, petition the Authority to reconsider the notice.

(c) Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Authority.
8.3.1.6 Inspections: All Other Aircraft

(a) A person shall not operate other aircraft unless within the preceding 12 calendar months the aircraft has—

(1) been inspected in accordance with the Performance Rules of Part 5 and approved for return to service by an authorised person; and

(2) been issued an Airworthiness Certificate by a representative of the Authority.

(b) A person shall not operate an aircraft for flight instruction, or for compensation or hire, unless within the preceding 100 hours or 6 months of time in service the aircraft has been inspected in accordance with the Performance Rules of Part 5 and approved for return to service by an authorised person as identified in Part 5.

8.3.1.7 Content, Form, and Disposition of Maintenance, Preventive Maintenance, Rebuilding and Modification Records

(a) An owner or operator of an aircraft shall keep a maintenance record of%

(1) the entire aircraft to include—
   (i) total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life limited parts;
   (ii) current inspection status of the aircraft, including the time since required or approved inspections were last performed;
   (iii) current empty mass and the location of the centre of gravity when empty;
   (iv) addition or removal of equipment;
   (v) type and extent of maintenance and alteration, including the time in service and date;
   (vi) when work was performed; and
   (vii) a chronological list of compliance with Airworthiness Directives, including methods of compliance.

(2) life limited products—
   (i) total time in service;
   (ii) date of the last overhaul;
   (iii) time in service since the last overhaul; and
   (iv) date of the last inspection.

(3) instruments and equipment, the serviceability and operating life of which are determined by their time in service including—
   (i) records of the time in service as are necessary to determine their serviceability or to compute their operating life; and
   (ii) date of last inspection.

8.3.1.8 Maintenance Records Retention

(a) Except for records maintained by an AOC holder, a registered owner or operator of an aircraft shall retain the following records until the
work is repeated or superseded by other work of equivalent scope and detail—

(1) records of the maintenance, preventive maintenance, minor modifications and records of the 100-hour, annual, and other required or approved inspections, as appropriate, for each aircraft (including the airframe) and each engine, propeller, rotor and appliance of an aircraft to include—

(i) a description (or reference to data acceptable to the Authority) of the work performed;

(ii) the date of completion of the work performed; and

(iii) the signature and certificate number of the person approving the aircraft for return to service.

(2) records containing the following information—

(i) the total time-in-service of the airframe, each engine, each propeller, and each rotor.

(ii) the current status of all life-limited aeronautical products;

(iii) the time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis;

(iv) the current inspection status of the aircraft, including the time since the last inspection required by the inspection program under which the aircraft and its appliances are maintained.

(v) the current status of applicable Airworthiness Directives including, for each, the method of compliance, the Airworthiness Directive number, and revision date. If the Airworthiness Directive involves recurring action, the time and date when the next action is required;

(vi) copies of the forms prescribed by this chapter for each major modification to the airframe and currently installed engines, rotors, propellers, and appliances.

(b) The records specified in paragraph (a) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold or leased.

(c) A list of defects shall be retained until the defects are repaired and the aircraft is approved for return to service.

(d) The owner or operator of an aircraft shall make all maintenance records required by this subsection available for inspection by the Authority.

8.3.1.9 Transfer of Maintenance Records

(a) An owner or operator of an aircraft who sells or leases an aircraft registered in Saint Christopher and Nevis shall transfer to the purchaser or to the lessor, at the time of sale or lease, the records identified in 8.3.1.8 of that aircraft, in plain language form or in coded form at the election of the purchaser or the lessor;
(b) Pursuant to subsection (a), if the coded form is requested by the purchaser or the lessor, it shall provide for the preservation and retrieval of information in a manner that is acceptable to the Authority.

8.4 FLIGHT CREW REQUIREMENTS

8.4.1 Composition of the Flight Crew

The number and composition of a flight crew shall not be less than that specified in the flight manual or all other documents associated with the airworthiness certificate.

(a) For operations under IFR an operator shall ensure that for all turbo-propeller aeroplanes with a maximum approved passenger seating configuration of more than 9 and, for all turbojet aeroplanes, the minimum flight crew is 2 pilots.

(b) Aeroplanes other than those covered in (a) above, can be operated by a single pilot provided that the requirements of IS: 8.4.1.1 are satisfied. If the requirements of IS: 8.4.1.1 are not satisfied, the minimum flight crew shall be 2 pilots.

8.4.1.2 Flight Crew Qualifications

(a) The operator shall ensure that the licenses of each flight crew member have been issued or rendered valid by the State of Registry, contain the proper ratings, and that all that the flight crew members have maintained recency of experience

(b) The PIC shall ensure that the licenses of each flight crew member have been issued or rendered valid by the State of Registry, contain the proper ratings, and that all that the flight crew members have maintained recency of experience.

(c) A person shall not operate a civil aircraft in commercial air transport or aerial work unless the person is qualified for the specific operation and in the specific type of aircraft to be used.

8.4.1.3 (Reserved)

8.4.1.4 Licences Required

(a) A person shall not act as a PIC or in any other capacity as a required flight crew member of a civil aircraft—

(1) registered in Saint Christopher and Nevis, unless the person carries in his or her personal possession the appropriate and current licence for that flight crew position for that type of aircraft and a valid medical certificate;

(2) of a foreign registry, unless the person carries in his or her personal possession a valid and current licence for that type of aircraft issued to them by the State in which the aircraft is registered.

8.4.1.5 Airman: Limitations On Use Of Services For Commercial Air Transport

A person shall not serve as an airman, nor shall an AOC holder use an airman in any commercial air transport unless the person is otherwise qualified for the operations for which he or she is to be used.
Note: The qualifications for airman engaged in commercial air transport are provided in Subpart 8.10.

8.4.1.6 Rating Required for IFR Operations
(a) A person shall not act as PIC or co-pilot of a civil aircraft under IFR or in weather conditions less than the minimums prescribed for VFR flight unless, in the case of—
   (1) an aeroplane, the person holds an instrument rating and a commercial or an ATP licence with an appropriate aeroplane category, class, and type rating for the aeroplane being flown;
   (2) a helicopter, the person holds a helicopter instrument rating and a commercial or an ATP licence for helicopters not limited to VFR operations.

8.4.1.7 Special Authorisation Required for Category II/III Operations
(a) Except as stated in paragraph (b), a person shall not act as a pilot crew member of a civil aircraft in a Category II/III operation unless in the case of—
   (1) a PIC, he or she holds a current Category II or III pilot authorisation for that type aircraft; or
   (2) a co-pilot, he or she is authorised by the State of Registry to act as co-pilot in that aircraft in Category II/III operations.
(b) An authorisation shall not be required for individual pilots of an AOC holder which has operations specifications approving Category II or III operations.

8.4.1.8 Pilot Logbooks
(a) A pilot shall show the aeronautical training and experience used to meet the requirements for a licence or rating, or recency of experience, by a reliable record.
(b) A PIC shall carry his or her logbook on all general aviation international flights.
(c) A student pilot shall carry his or her logbook, including the proper flight instructor endorsements, on all solo cross-country flights.
   Note: The acceptable methods of logging experience are outlined in Part 2 - Personnel Licensing.

8.4.1.9 Pilot Currency: Takeoff and Landings
(a) A person shall not act as a PIC or as a co-pilot of an aircraft carrying passengers unless, within the preceding 90 days he or she has:
   (1) made 3 takeoffs and landings as the sole manipulator of the flight controls in an aircraft of the same category and class and if a type rating is required, of the same type;
   (2) for a tailwheel aeroplane, made the 3 takeoffs and landings in a tailwheel aeroplane with each landing to a full stop;
   (3) for night operations, made the 3 takeoffs and landings required by paragraph (a)(1) at night.
(b) A person who has not met the recency of experience for takeoffs and landings shall satisfactorily complete a requalification curriculum acceptable to the Authority.

(c) An AOC holder shall not assign a pilot to act in the capacity of cruise relief pilot in a type or variant of a type of an aeroplane unless, within the preceding 90 days that pilot has either:

(i) operated as a pilot-in-command, co-pilot or cruise relief pilot on the same type of aeroplane; or

(ii) carried out flying skill refresher training including normal, abnormal and emergency procedures specific to cruise flight on the same type of aeroplane and has practised approach and landing procedures, where the approach and landing procedure practice may be performed as the pilot who is not flying the aeroplane.

(d) The requirements of paragraphs (a), (b) and (c) may be satisfied in a flight simulator approved by the Authority.

Note: When a PIC, a co-pilot or a cruise relief pilot is flying several variants of the same type of aeroplane or different types of aeroplane with similar characteristics in terms of operating procedures, systems and handling, the Authority shall decide under which conditions the requirements for each variant or each type of aeroplane can be combined

8.4.1.10 Pilot Currency: IFR Operations

(a) A person shall not act as a PIC or as a co-pilot under IFR, nor in IMC, unless he or she has, within the past 6 calendar months—

(1) logged at least 6 hours of instrument flight time including at least 3 hours in flight in the category of aircraft; and

(2) completed at least 6 instrument approaches.

(b) A pilot who has completed an instrument proficiency check with an authorised representative of the Authority shall be deemed to have retained currency for IFR operations for 6 calendar months following that check.

8.4.1.11 Pilot Currency: General Aviation Operations

(a) A person shall not act as a PIC or as a co-pilot of an aircraft type certified for more than one pilot unless, since the beginning of the past 12 calendar months, he or she has passed a proficiency check with an authorised representative of the Authority, in an aircraft requiring more than one pilot.

(b) A person shall not act as a PIC or as a co-pilot of an aircraft type certified for more than one pilot unless, since the beginning of the past 24 calendar months, he or she has passed a proficiency check in the type aircraft to be operated.

(c) A person shall not act as a PIC of an aircraft type certified for a single pilot unless, since the beginning of the past 24 calendar months, he or she has passed a proficiency check with an authorised representative of the Authority.
(d) The person conducting the proficiency checks shall ensure that each check duplicates the manoeuvres of the type rating practical test.

Note: Subsection 8.4.1.11 does not apply to pilots engaged in commercial air transport operations. Those requirements are outlined in 8.10.1.21.

8.4.1.12 Pilot Privileges and Limitations

A pilot shall conduct operations only within the general privileges and limitations of each licence as specified in Part 2.

8.5 CREW MEMBER DUTIES AND RESPONSIBILITIES

8.5.1.1 Authority and Responsibility of the PIC

(a) A PIC shall be responsible for the safety of all crew members, passengers and cargo on board when the doors are closed. The pilot-in-command shall also be responsible for the operation and safety of the aircraft from the moment it is ready to move for the purpose of taking off until the moment it finally comes to rest at the end of the flight and the engine(s) used as primary propulsion units are shut down.

(b) A PIC of an aircraft shall have the final authority as to the operation of the aircraft while he or she is in command.

(c) A PIC of an aircraft shall, whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the rules of the air, except that the PIC may depart from these rules in emergency circumstances that render such departure absolutely necessary in the interests of safety.

(d) A pilot that exercises his or her emergency authority shall notify the authority in writing within 10 days of the occurrence.

8.5.1.2 Compliance with Local Regulations

(a) A PIC shall comply with the relevant laws, regulations and procedures of the States in which the aircraft is operated.

(b) If an emergency situation which endangers the safety of the aircraft or persons necessitates the taking of action which involves a violation of local regulations or procedures, the PIC shall—

(1) notify the appropriate local authority without delay;

(2) submit a report of the circumstances, if required by the State in which the incident occurs; and

(3) submit a copy of this report to the State of Registry.

(c) A PIC shall submit reports specified in paragraph (b) to the Authority within 10 days in the form prescribed.

8.5.1.3 Negligent or Reckless Operations of the Aircraft

A person shall not operate an aircraft in a negligent or reckless manner so as to endanger the life or property of others.

8.5.1.4 Fitness of Flight Crew Members

(a) A person shall not act as a PIC or in any other capacity as a required flight crew member if the person is aware of any decrease in his or her
medical fitness which might render him or her unable to safely exercise the privileges of his or her licence.

(b) A PIC shall be responsible for ensuring that a flight is not—

(1) commenced if any flight crew member is incapacitated from performing duties by any cause such as injury, sickness, fatigue, the effects of alcohol or drugs; or

(2) continued beyond the nearest suitable aerodrome if a flight crew members’ capacity to perform functions is significantly reduced by impairment of faculties from causes such as fatigue, sickness or lack of oxygen.

8.5.1.5 Use of Narcotics, Drugs or Intoxicating Liquor

(a) A person shall not act or attempt to act as a crew member of a civil aircraft—

(1) within 8 hours after the consumption of any alcoholic beverage;

(2) while under the influence of alcohol; or

(3) while using any drug that affects the person’s faculties in any way contrary to the safety requirements.

(b) A crew member shall, up to 8 hours before or immediately after acting or attempting to act as a crew member, on the request of a law enforcement officer or the Authority, submit to a test to indicate the presence of alcohol or narcotic drugs.

Implementing Standard: See IS 8.5.1.5 for specific requirements pertaining to testing for alcohol or narcotics.

8.5.1.6 Crew Member Use of Seat Belts and Shoulder Harnesses

(a) A crew member shall have his or her seat belts fastened during takeoff and landing and at all other times when seated at his or her station.

(b) A crew member occupying a station equipped with a shoulder harness shall fasten that harness during takeoff and landing, except in the circumstances where the crew member cannot perform the required duties with the shoulder harness fastened.

(c) An occupant of a seat equipped with a combined safety belt and shoulder harness shall have the combined safety belt and shoulder harness properly secured during takeoff and landing and be able to properly perform his or her assigned duties.

(d) A crew member shall ensure that the safety belt and shoulder harness of an unoccupied seat, if installed, shall be secured so as not to interfere with crew members in the performance of their duties or with the rapid egress of occupants in an emergency.

8.5.1.7 Flight Crew Members at Duty Stations

(a) A required flight crew member shall remain at the assigned duty station during take-off and landing and at the critical phases of flight.

(b) A flight crew member shall remain at his or her station during all phases of flight unless—

(1) absence is necessary for the performance of his or her duties in connection with the operation;
(2) absence is necessary for physiological needs, provided one qualified pilot remains at the controls at all times; or

(3) the crew member is taking a rest period and a qualified relief crew member replaces him or her at the duty station.

Implementing Standard: IS 8.5.1.7 for specific requirement pertaining to qualified relief crew members.

8.5.1.8 Required Crew Member Equipment

(a) A crew member involved in night operations shall have a flashlight at his or her station.

(b) A pilot crew member shall have at his or her station an aircraft checklist containing at least the pre-takeoff, after takeoff, before landing and emergency procedures.

(c) A pilot crew member shall have at his or her station current and suitable charts to cover the route of the proposed flight and any route along which it is reasonable to expect that the flight may be diverted.

(d) A flight crew member assessed as fit to exercise the privileges of a license subject to the use of suitable correcting lenses, shall have a spare set of the correcting lenses readily available when performing as a required crew member in commercial air transport.

8.5.1.9 Compliance With Checklists

A PIC shall when operating an aircraft, ensure that the flight crew follows the approved checklist procedures.

8.5.1.10 Search and Rescue Information

A PIC of all international flights shall have on board the aircraft essential information concerning the search and rescue services in the areas over which they intend to operate the aircraft.

8.5.1.11 Production of Aircraft and Flight Documentation

A PIC shall, within a reasonable time of being requested to do so by a person authorised by the Authority, produce to that person the documentation required to be carried on the aircraft.

8.5.1.12 Locking of Flight Deck Compartment Door: Commercial Air Transport

A PIC shall ensure that the flight deck compartment door (if installed) is locked at all times during passenger-carrying commercial air transport operations, except as necessary to accomplish approved operations or to provide for emergency evacuation.

8.5.1.13 Admission to the Flight Deck: Commercial Air Transport

(a) A person shall not admit any person to the flight deck of an aircraft engaged in commercial air transport operations unless the person being admitted is—

(1) an operating crew member;

(2) a representative of the authority responsible for certification, licensing or inspection, if this is required for the performance of his or her official duties; or
(3) permitted by and carried out in accordance with instructions contained in the Operations Manual.

(b) A PIC shall ensure that—

(1) in the interest of safety, admission on the flight deck does not cause distraction and/or interference with the flight’s operations; and

(2) all persons carried on the flight deck are made familiar with the relevant safety procedures.

8.5.1.14 Admission of Inspector to the Flight Deck
Whenever, in performing the duties of conducting an inspection, an inspector from the Authority presents his Inspector’s Credential to the PIC, the PIC shall give the inspector free and uninterrupted access to the flight deck of the aircraft.

8.5.1.15 Duties During Critical Phases of Flight: Commercial Air Transport
(a) A flight crew member shall not perform any duties during a critical phase of flight except those required for the safe operation of the aircraft.

(b) A PIC shall not permit a flight crew member to engage in any activity during a critical phase of flight which could distract or interfere with the performance of their assigned duties.

8.5.1.16 Manipulation of the Controls: Commercial Air Transport
(a) A PIC shall not allow an unqualified person to manipulate the controls of an aircraft during commercial air transport operations.

(b) A person shall not manipulate the controls of an aircraft during commercial air transport operations unless he or she is qualified to perform the applicable crew member functions and is authorised by the AOC holder.

8.5.1.17 Simulated Abnormal Situations in Flight: Commercial Air Transport
A person shall not cause or engage in simulated abnormal or emergency situations or the simulation of IMC by artificial means during commercial air transport operations.

8.5.1.18 Completion of the Technical Logbook: Commercial Air Transport
A PIC shall ensure that all portions of the technical logbook are handwritten in ink, at the appropriate points before, during and after flight operations.

8.5.1.19 Reporting Mechanical Irregularities
A PIC shall ensure that all mechanical irregularities occurring during flight time are—

(1) for general aviation operations—

(a) entered in the aircraft logbook and disposed of in accordance with the MEL or other approved or prescribed procedure;

(b) A Mandatory Occurrence Report shall be submitted to the Authority within 3 days if the failure, malfunction or defect is listed in Part 5.5.1.4
(2) for commercial air transport operations:
   (a) entered in the technical log of the aircraft at the end of that sector;
   (b) A Mandatory Occurrence Report shall be submitted to the Operator, without delay, if the failure, malfunction or defect is listed in Part 5.5.1.4.

8.5.1.20 Reporting of Facility and Navigation Aid Inadequacies

A crew member shall report, without delay, any inadequacy or irregularity of a facility or navigational aid observed in the course of operations to the person responsible for that facility or navigational aid.

8.5.1.21 Reporting Of Hazardous Conditions

A PIC shall report to the appropriate ATC facility, without delay and with enough detail to be pertinent to the safety of other aircraft, any hazardous flight conditions encountered en route, including those associated with meteorological conditions.

8.5.1.22 Reporting of Incidents

(a) A PIC shall submit, without delay, an air traffic incident report whenever an aircraft in flight has been endangered by—
   (1) a near collision with another aircraft or object;
   (2) faulty air traffic procedures or lack of compliance with applicable procedures by ATC or by the flight crew; or
   (3) a failure of ATC facilities.

(b) In the event a bird constitutes an in-flight hazard or an actual bird strike a PIC shall, without delay—
   (1) inform the appropriate ground station whenever a potential bird hazard is observed; and
   (2) submit a written bird strike report after landing.

(c) A PIC shall inform the appropriate ATC facility, if the situation permits, when an in-flight emergency occurs involving dangerous goods on board.

(d) A PIC shall submit a report to the local authorities and to the Authority, without delay, following an act of unlawful interference with the crew members on board an aircraft.

8.5.1.23 Accident Notification

(a) A PIC shall notify the nearest appropriate authority, by the quickest available means, of any accident involving his or her aircraft that results in serious injury or death of any person, or substantial damage to the aircraft or property.

(b) A PIC shall submit a report to the Authority, by the quickest available means, of any accident which occurred while he or she was responsible for the flight.

8.5.1.24 Operation of Flight Deck Voice and Flight Data Recorders

(a) A PIC shall ensure that whenever an aircraft has flight recorders installed, those recorders are operated continuously from the instant—
(1) for a flight data recorder, the aircraft begins its takeoff roll until it has completed the landing roll; and

(2) for a flight deck voice recorder, the initiation of the pre-start checklist until the end of the securing aircraft checklist.

(b) A PIC shall not permit a flight data recorder or flight deck voice recorder to be disabled, switched off or erased during flight, unless necessary to preserve the data for an accident or incident investigation.

(c) In the event of an accident or incident on an aircraft, a PIC shall act to preserve the recorded data for subsequent investigation.

8.5.1.25 Crew Member Oxygen: Minimum Supply and Use

(a) A PIC shall ensure that breathing oxygen and masks are available to crew members in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of the faculties of crew members.

(b) In no case shall the minimum supply of oxygen on board the aircraft be less than that prescribed by the Authority.

Note: The requirements for oxygen supply and use are prescribed in Part 7, 7.1.8.12, Required Instruments and Equipment.

(c) A PIC shall ensure that all flight crew members, when engaged in performing duties essential to the safe operation of an aircraft in flight, use breathing oxygen continuously at cabin altitudes exceeding 10,000 ft for a period in excess of 30 minutes and whenever the cabin altitude exceeds 13,000 ft.

(d) At least one pilot at the controls of a pressurised aircraft in flight shall wear and use an oxygen mask—

   (1) for general aviation operations, at flight levels above 350, if there is no other pilot at their duty station; and;

   (2) for commercial air transport operations, at flight levels above 250, if there is no other pilot at their duty station.

8.5.1.26 Portable Electronic Devices

(a) A PIC or SCA shall not permit a person to use and a person shall not use a portable electronic device on board an aircraft that may adversely affect the performance of aircraft systems and equipment unless—

   (1) for IFR operations other than commercial air transport, the PIC allows such a device prior to its use; or

   (2) for commercial air transport operations, the AOC holder makes a determination of acceptable devices and publishes that information in the Operations Manual for the crew members use; and

   (3) the PIC informs passengers of the permitted use.
8.6 FLIGHT PLANNING AND SUPERVISION

8.6.1 Flight Plans

8.6.1.1 Submission of a Flight Plan

(a) A pilot shall file a VFR or IFR flight plan as applicable, prior to operating one of the following—

(1) any flight (or portion thereof) to be provided with air traffic control service;

(2) any IFR flight within advisory airspace;

(3) any flight within or into designated areas, or along designated routes, when so required by the appropriate ATC authority to facilitate the provision of flight information, alerting and search and rescue services;

(4) any flight within or into designated areas, or along designated routes, when so required by the appropriate ATC authority to facilitate co-ordination with appropriate military units or with ATC facilities in adjacent states, in order to avoid the possible need for interception for the purpose of identification; and

(5) any flight across international borders.

(b) A PIC shall submit a flight plan before departure or during flight, to the appropriate ATC facility, unless arrangements have been made for submission of repetitive flight plans.

(c) Unless otherwise prescribed by the appropriate ATC authority, a pilot shall submit a flight plan to the appropriate ATC facility—

(1) at least sixty minutes before departure; or

(2) if submitted during flight, at a time which will ensure its receipt by the appropriate ATC facility at least ten minutes before the aircraft is estimated to reach—

(i) the intended point of entry into a control area or advisory area; or

(ii) the point of crossing an airway or advisory route.

8.6.1.2 Air Traffic Control Flight Plan: Commercial Air Transport

A person shall not takeoff an aircraft in commercial air transport if an ATC flight plan has not been filed, except as authorised by the Authority.

8.6.1.3 Contents of a Flight Plan

(a) A person filing an IFR or VFR flight plan shall include in it the following information—

(1) aircraft identification;

(2) flight rules and type of flight;

(3) number and type(s) of aircraft and wake turbulence category;

(4) equipment;

(5) departure aerodrome and alternate (if required);

(6) estimated off-block time;
(7) cruising speed(s);
(8) cruising level(s);
(9) route to be followed;
(10) destination aerodrome and alternate (if required);
(11) fuel endurance;
(12) total number of persons on board;
(13) emergency and survival equipment; and
(14) any other information.

Note: Whatever the purpose for which it is submitted, a flight plan shall contain information, as applicable, on relevant items up to and including “alternate aerodrome(s)” regarding the whole route or the portion thereof for which the flight plan is submitted.

8.6.1.4 Planned Reclearance

If a person determines during flight planning that there is a possibility, depending on fuel endurance, that a flight may be able to change destinations and still comply with minimum fuel supply planning requirements, that person shall notify the appropriate ATC facility of this possibility when the flight plan is submitted.

Note: The intent of this provision is to facilitate a new clearance to a revised destination, normally beyond the filed destination aerodrome.

8.6.1.5 Changes to a Flight Plan

(a) A pilot shall report as soon as practicable to the appropriate ATC Facility any change which occurs to a flight plan submitted for an IFR flight or a VFR flight operated as a controlled flight.

(b) A pilot shall report as soon as practicable to the appropriate ATC Facility any significant changes for VFR flights other than those operated as controlled flight.

(c) Operational instructions involving a change to the ATC flight plan shall be, when practicable, coordinated with the appropriate ATC facility before transmission to the aircraft

Note: Information submitted prior to departure regarding fuel endurance or total number of persons carried on board, if incorrect at time of departure, constitutes a significant change and shall be reported.

8.6.1.6 Closing a Flight Plan

(a) A PIC shall make a report of arrival either in person or by radio to the appropriate ATC facility at the earliest possible moment after landing at the destination aerodrome, unless ATC automatically closes a flight plan.

(b) When a flight plan has been submitted for a portion of a flight, but not the arrival at destination, the pilot shall close that flight plan en route with the appropriate ATC facility.
(c) When no ATC facility exists at the arrival aerodrome, the pilot shall contact the nearest ATC facility to close the flight plan as soon as practicable after landing and by the quickest means available.

(d) A Pilot shall include the following elements of information in his or her arrival reports—

1. aircraft identification;
2. departure aerodrome;
3. destination aerodrome (only in the case of a diversionary landing);
4. arrival aerodrome; and
5. time of arrival.

8.6.2 Flight Planning and Preparation

8.6.2.1 Aircraft Airworthiness and Safety Precautions

(a) A PIC shall not operate a civil aircraft in flight until he or she is satisfied that—

1. the aircraft is airworthy, duly registered and that appropriate certificates are aboard the aircraft;
2. the instruments and equipment installed in the aircraft are appropriate, taking into account the expected flight conditions; and
3. any necessary maintenance has been performed and a maintenance release, if applicable, has been issued in respect to the aircraft.

(b) For commercial air transport operations, a PIC shall certify by signing the aircraft technical log that he or she is satisfied that the requirements of paragraph (a) have been met for a particular flight.

(c) An AOC holder shall, at all times, have available in the Operations Department, for immediate communication to rescue coordination centres, lists containing information on the emergency and survival equipment carried on board any of their aircraft engaged in international air navigation. The information shall include, as applicable, the number, colour and type of life rafts and pyrotechnics, details of emergency medical supplies, water supplies and the type and frequencies of the emergency portable radio equipment.

8.6.2.2 Adequacy of Operating Facilities

A person shall not commence a flight unless it has been determined by every reasonable means available that the ground and/or water areas and facilities available and communication facilities and navigation aids directly required for such flight and for the safe operation of the aircraft, are adequate.

Note: “Reasonable means” denotes use, at the point of departure, of information available to the PIC either through official information published by the aeronautical information services or readily obtainable in other sources.
8.6.2.3 Weather Reports and Forecasts

(a) A PIC shall before commencing a flight, ensure that he is familiar with all available meteorological information appropriate to the intended flight.

(b) A PIC shall include, during preparation for a flight away from the vicinity of the place of departure, and for every flight under the instrument flight rules—

1) a study of available current weather reports and forecasts; and

2) the planning of an alternative course of action to provide for the eventuality that the flight cannot be completed as planned, because of adverse weather conditions.

8.6.2.4 Limitations for VFR Flights

(a) A person shall not commence a flight to be conducted in accordance with VFR unless available current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, will, at the appropriate time, allow VFR operations.

(b) A person shall not conduct a flight in accordance with VFR during the period of darkness between half an hour after sunset and half an hour before sunrise.

8.6.2.5 IFR Destination Aerodromes

A person shall not commence an IFR flight unless the available information indicates that the weather conditions at the aerodrome of intended landing and, if required, at least one suitable alternate at the estimated time of arrival, will be at or above the—

1) minimum ceiling and visibility values for the standard instrument approach procedure to be used; or

2) minimum operating altitude, if no instrument approach procedure is to be used, that would allow a VMC decent to the aerodrome.

Note: A partial exception is granted for commercial air transport IFR flight planning, to the effect that the weather at the destination does not have to be at or above the approach minima to release and commence a flight, as long as the designated alternate aerodrome meets the IFR weather selection criteria.

8.6.2.6 IFR Destination Alternate Requirement

(a) A person shall not commence an IFR flight in an aircraft without at least one destination alternate aerodrome listed in the flight plan unless—

1) there is a standard instrument approach procedure prescribed for the aerodrome of intended landing by the jurisdictional authorities; and

2) there is available current meteorological information indicating that the following meteorological conditions will exist from two hours before to two hours after the estimated time of arrival—
(i) a cloud base of at least 300 m (1,000 ft) above the minimum associated with the instrument approach procedure; and

(ii) visibility of at least 5.5 km or of 4 km more than the minimum associated with the procedure.

(b) The ceiling and visibility requirements of paragraph (a) may be reduced upon approval of the Authority for—

(1) helicopters; or

(2) commercial air transport where no suitable destination alternate exists.

8.6.2.7 IFR Alternate Aerodrome Selection Criteria

(a) If alternate minimums are published, a PIC shall not designate an alternate aerodrome in an IFR flight plan unless the current available forecast indicates that the meteorological conditions at that alternate at the ETA will be at or above those published alternate minimums.

(b) If alternate minimums are not published, and if there is no prohibition against using the aerodrome as an IFR planning alternate, a PIC shall ensure that the meteorological conditions at that alternate at the ETA will be at or above—

(1) for a precision approach procedure, a ceiling of at least 200 meters (600 feet) and visibility of not less than 2 statute miles; or

(2) for a non-precision approach procedure, a ceiling of at least 300 meters (800 feet) and visibility of not less than 2 statute miles.

8.6.2.8 Off-Shore Alternates For Helicopter Operations

(a) A person shall not designate an offshore alternate landing site when it is possible to carry enough fuel to have an on-shore alternate landing site.

Note: The selection of offshore alternates should be exceptional cases, the details of which have been approved by the Authority, and should not include payload enhancement in IMC.

(b) A person selecting an off-shore alternate landing site shall consider the following—

(1) until the point of no return, using an on-shore alternate. The offshore alternate may be used only after a point of no return;

(2) attaining one engine inoperative performance capability prior to arrival at the alternate;

(3) guaranteeing helideck availability;

(4) the weather information at the helideck shall be available from a source approved by the Authority;

(5) for IFR operations, an instrument approach procedure shall be prescribed and available.

Note: The landing technique specified in the flight manual following control system failure may preclude the selection of certain helidecks as alternate aerodromes. The mechanical reliability of critical control systems shall be taken into account when determining the suitability and necessity for an offshore alternate.
8.6.2.9 Takeoff Alternate Aerodromes: Commercial Air Transport Operations

(a) A person shall not release or takeoff an aircraft without a suitable takeoff alternate specified in the flight release if it would not be possible to return to the aerodrome of departure.

(b) A operator shall ensure that each takeoff alternate specified shall be located within—

(1) for two-engine aircraft, one hour flight time at single-engine cruise speed unless the aircraft and crews are authorised for ETOPS; or

(2) for three or four-engine aircraft, two hours flight time based on the one-engine-inoperative cruising speed.

Note: All calculations are based on the one-engine-inoperative cruising speed according to the AFM in still air conditions, based on the actual takeoff mass.

8.6.2.10 Maximum Distance from An Adequate Aerodrome for Two-Engined aeroplanes without an Etops Approval

(a) Unless specifically approved by the Authority (ETOPS Approval), an AOC holder shall not operate a two engined aeroplane over a route which contains a point further from an adequate aerodrome than, in the case of—

(1) large, turbine engine powered aeroplanes the distance flown in 60 minutes at the one-engine-inoperative cruise speed determined in accordance with paragraph (b) with either—

   (i) a maximum approved passenger seating configuration of 20 or more; or

   (ii) a maximum takeoff mass of 45360kg or more;

(2) reciprocating engine powered aeroplanes—

   (i) the distance flown in 120 minutes at the one-engine-inoperative cruise speed determined in accordance with paragraph (b); or

   (ii) 300 nautical miles, whichever is less.

(b) An AOC holder shall determine a speed for the calculation of the maximum distance to an adequate aerodrome for each two engined aeroplane type or variant operated, not exceeding Vmo based upon the true airspeed that the aeroplane can maintain with one engine inoperative under the following conditions:

(1) international Standard Atmosphere;

(2) level flight—

   (i) for turbine engined powered aeroplanes at—

      (A) FL 170; or

      (B) at the maximum flight level to which the aeroplane, with one engine inoperative, can climb, and maintain, using the gross rate of climb specified in the AFM, whichever is less.
(ii) for propeller driven aeroplanes—
   (A) FL 80; or
   (B) at the maximum flight level to which the aeroplane, with one engine inoperative, can climb, and maintain, using the gross rate of climb specified in the AFM, whichever is less.

(3) maximum continuous thrust or power on the remaining operating engine;

(4) an aeroplane mass not less than that resulting from—
   (i) take off at sea level at maximum take off mass until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (a);
   (ii) all engines climb to the optimum long range cruise altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in subparagraph (a); and
   (iii) all engines cruise at the long range cruise speed at this altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (a).

(c) An AOC holder shall ensure that the following data, specific to each type or variant, is included in the Operations Manual—
   (1) the one-engine-inoperative cruise speed determined in accordance with paragraph (b); and
   (2) the maximum distance from an adequate aerodrome determined in accordance with paragraphs (a) and (b).

(d) An AOC holder shall ensure that the maintenance procedures, operating practices, flight dispatch procedures and crew training programmes provide the overall level of safety intended by the provisions of Annexes 6 and 8 to the Chicago Convention, taking into account the routes to be flown, the anticipated operating conditions and the location of adequate en-route alternate aerodromes.

   Note: The speeds and altitudes (flight levels) specified above are only intended to be used for establishing the maximum distance from an adequate aerodrome.

8.6.2.11 Extended Range Operations with Two-Engined Aeroplanes

(a) An AOC holder shall not conduct operations beyond the threshold distance determined in accordance with 8.6.2.10 unless approved to do so by the Authority.

(b) Prior to conducting an ETOPS flight, an AOC holder shall ensure that a suitable ETOPS enroute alternate is available, within either the approved diversion time or a diversion time based on MEL generated serviceability status of the aeroplane, whichever is shorter.

8.6.2.12 En Route Alternate Aerodromes: Etops Operations

(a) A PIC shall ensure that the required en route alternates for ETOPS are selected and specified in ATC and operational flight plans in accordance with the ETOPS diversion time approved by the Authority.
(b) A person shall not select an aerodrome as an ETOPS en-route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that during a period commencing 1 hour before and ending 1 hour after the expected time of arrival at the aerodrome, the weather conditions will be at or above the planning minima prescribed in the table below, and in accordance with the operator’s ETOPS approval.

*Note: The forecast weather criteria used in the selection of alternate aerodromes for IFR flight will also be used for the selection of ETOPS alternates.*

<table>
<thead>
<tr>
<th>Type of Approach</th>
<th>Planning Minima</th>
</tr>
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<tbody>
<tr>
<td>(RVR/visibility required &amp; ceiling, if applicable)</td>
<td></td>
</tr>
<tr>
<td>Aerodrome with at least 2 separate approach procedures based on 2 separate aids serving 2 separate runways (See note 1)</td>
<td>that least 2 separate approach procedures based on 2 separate aids serving 1 runway or, at least 1 approach procedure based on 1 aid serving 1 runway</td>
</tr>
<tr>
<td>Precision Approach Cat II, III (ILS, MLS)</td>
<td>Precision Approach Cat I (ILS, MLS)</td>
</tr>
<tr>
<td>Non-Precision Approach Cat 1 (ILS, MLS)</td>
<td>Non-Precision Approach Minima</td>
</tr>
<tr>
<td>Non-Precision Approach</td>
<td>The lower of non-precision approach minima plus 200 ft/1000 m or circling minima</td>
</tr>
<tr>
<td>Circling Approach</td>
<td>The higher of non-precision approach minima plus 200 ft/1000 m or circling minima</td>
</tr>
</tbody>
</table>

*Note 1: Runways on the same aerodrome are considered to be separate runways when they are separate landing surfaces which may overlay or cross such that if one of the runways is blocked, it will not prevent the planned type of operations on the other runway and each of the landing surfaces has a separate approach based on a separate aid.*

### 8.6.2.13 Fuel, Oil, and Oxygen Planning and Contingency Factors

(a) A person shall not commence a flight unless he or she takes into account the fuel, oil, and oxygen needed, including any reserves to be carried for contingencies to ensure the safe completion of the flight.

(b) A person computing the required minimum fuel supply shall ensure that additional fuel, oil, and oxygen are carried to provide for the increased consumption that would result from any of the following contingencies—

1. expected winds or other meteorological conditions;
2. possible variations in ATC routings;
3. anticipated traffic delays;
4. a complete instrument approach procedure and possible missed approach at destination;
(5) loss of pressurisation en route;
(6) loss of one power-unit en route; and
(7) any other conditions that may delay landing of the aircraft or increase fuel and oil consumption.

(c) A person computing the required minimum fuel supply shall ensure that, for flights of more than 2,000 nm, the minimum fuel supply calculation includes an additional amount of fuel equal to that necessary to fly 10% of the total time for the flight from takeoff to destination.

(d) A PIC shall not commence a flight to an aerodrome where no suitable alternate aerodrome is available because the destination aerodrome is isolated, without enough reserve fuel for two additional hours flight at normal cruise consumption, at 1,500 feet above the aerodrome.

(e) The Authority may grant specific approval for commercial air transport operations to isolated aerodromes without regard to consumption requirement of paragraph (d).

Note: If the Authority requires that fuel, in addition to any other requirement herein, is necessary on a particular route or flight operation in the interest of safety, this additional fuel will be included in the minimum fuel supply for that route.

8.6.2.14 Minimum Fuel Supply for VFR Flights

(a) A person shall not commence a flight in an aeroplane under VFR unless, considering the wind and forecast weather conditions, there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed—

(1) in a propeller-driven aeroplane, fuel for 45 minutes;

(2) in a turbojet or turbofan aeroplane, fuel for 30 minutes at holding speed at 450 m (1,500 ft) above the aerodrome, plus a reserve for contingencies specified by the operator and approved by the Authority;

(3) for international flights, for at least an additional 15% of the total flight time calculated for cruise flight.

(b) A person shall not commence a flight in a helicopter under VFR unless (considering the wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed—

(1) for 20 minutes thereafter; or

(2) for international flights, for at least an additional 10% of the total flight time calculated.

8.6.2.15 Minimum Fuel Supply for IFR Flights

(a) A person shall not commence a flight under IFR unless there is enough fuel supply, considering weather reports and forecasts, to—

(1) fly to and execute an approach, and a missed approach, at the aerodrome to which the flight is planned, and thereafter;
(2) fly from that aerodrome to the planned alternate aerodrome, if required; and

(3) fly thereafter for a period of—

(i) in a propeller-driven aeroplane, for 45 minutes;

(ii) in a rotorcraft, turbojet or turbofan aeroplane, for 30 minutes at holding speed at 450 m (1,500 ft) above the aerodrome, plus a reserve for contingencies specified by the operator and approved by the Authority.

(b) For IFR flights to isolated aerodromes, the 2-hour minimum reserve specified in 8.6.2.13 applies, except paragraph (e) shall not apply to commercial air transport operations unless specifically approved by the Authority.

8.6.2.16 Flight Planning Document Distribution and Retention: Commercial Air Transport

(a) A PIC shall ensure completion of and sign the following flight preparation documents prior to the departure for commercial operations—

(1) An operational flight plan (when required), including NOTAMs and weather pertinent to the flight planning decisions regarding minimum fuel supply, en route performance, and destination and alternate aerodromes;

(2) A load manifest, showing the distribution of the load, centre of gravity, takeoff and landing weights and compliance with maximum operating weight limitations, and performance analysis;

(3) An applicable technical log page, if mechanical irregularities were entered after a previous flight, maintenance or inspection functions were performed or a maintenance release was issued at the departure aerodrome.

(b) A person shall not takeoff an aircraft in commercial air transport unless all flight release documents, signed by the PIC, are retained and available at the point of departure.

(c) A PIC shall carry a copy of the documents specified in paragraph (a) on the aircraft to the destination aerodrome.

(d) The records under this section shall be retained for a period of six months.

Note: These documents are in addition to those specified in Subpart 8.2 for all aircraft operations.

Note: The Authority may approve a different retention location where all documents can be available for subsequent review.

8.6.2.17 Aircraft Loading, Mass and Balance

(a) A person shall not operate an aircraft unless all loads carried on the aircraft are properly distributed and safely secured.

(b) A person shall not operate an aircraft unless the calculations for the mass of the aircraft and centre of gravity location indicate that the
flight can be conducted safely, taking into account the flight conditions expected. (See Note 1)

c) All weights used for the calculations for the mass of the aircraft must be of the same calibration standard. (See Note 2)

d) For commercial air transport operations, a PIC shall not commence a flight unless the PIC is satisfied that the loading and mass and balance calculations contained in the load manifest are accurate and comply with the aircraft limitations.

Note 1: When load masters, load planners or other qualified personnel are provided by the AOC holder in a commercial air transport operation, the PIC may delegate these responsibilities, but shall ascertain that proper loading procedures are followed.

Note 2: If fuel gauges are calibrated in pounds then the load manifest calculations shall be in pounds.

8.6.2.18 Maximum Allowable Weights to be Considered on all Load Manifests

(a) A PIC shall ensure that the maximum allowable weight for a flight does not exceed the maximum allowable takeoff weight—

(1) for the specific runway and conditions existing at the takeoff time; and

(2) considering anticipated fuel and oil consumption that allows compliance with applicable en route performance, landing weight, and landing distance limitations for destination and alternate aerodromes.

8.6.2.19 Flight Release Required: Commercial Air Transport

(a) A person shall not commence a flight under a flight following system without specific authority from the person authorised by the AOC holder to exercise operational control over the flight.

(b) A person shall not commence a passenger-carrying flight in commercial air transport for which there is a published schedule, unless a qualified person authorised by the AOC holder to perform operational control functions has issued a flight release for that specific operation or series of operations.

8.6.2.20 Operational Flight Plan: Commercial Air Transport

(a) A person shall not commence a flight in excess of 1 hour, unless the operational flight plan has been signed by the PIC.

(b) A PIC shall sign the operational flight plan only when the PIC and the person authorised by the operator to exercise operational control have determined that the flight can be safely completed.

Note: The operational flight plan shall include the routing and fuel calculations, with respect to the meteorological and other factors expected, to complete the flight to the destination and all required alternates.

(c) A PIC signing the operational flight plan shall have access to the applicable flight planning information for fuel supply, alternate aerodromes, weather reports and forecasts and NOTAMs for the routing and aerodrome.
(d) A person shall not continue a flight from an intermediate aerodrome without a new operational flight plan if the aircraft has been on the ground more than 6 hours.

8.7 AIRCRAFT OPERATING AND PERFORMANCE LIMITATIONS

8.7.1 All Aircraft

8.7.1.1 Applicability

This Section prescribes the operating and performance limitations for all civil aircraft.

8.7.1.2 General

A person shall not operate an aircraft in a manner that—

(1) exceeds its designed performance limitations for any operation, as established by the State of Registry; or

(2) exceeds operating limitations contained in the aircraft’s flight manual, or its equivalent.

8.7.1.3 Aircraft Performance Calculations

(a) An operator of an aircraft shall ensure that the performance data contained in the AFM, RFM, or other authorised source is used to determine compliance with the appropriate requirements of Subpart 8.7.

(b) When applying performance data, a person performing calculations shall account for the aircraft configuration, environmental conditions, and the operation of any system or systems which may have an adverse effect on performance.

(c) Aircraft operating procedures for noise abatement should comply with the provisions of PANS-OPS (Doc 8168). Noise abatement procedures specified by an operator for any one aeroplane type should be the same for all aerodromes.

8.7.1.4 General Weight and Obstruction Clearance Limitations

(a) A person shall not takeoff an aircraft without ensuring that the maximum allowable weight for a flight does not exceed the maximum allowable takeoff or landing weight, or any applicable en route performance or landing distance limitations considering the—

(1) condition of the takeoff and landing areas to be used;

(2) gradient of runway to be used (landplanes only);

(3) pressure altitude;

(4) ambient temperature;

(5) current and forecast winds; and

(6) any know conditions (e.g., atmospheric and aircraft configuration) which may adversely affect performance.

(b) A person shall not takeoff an aircraft at a weight that, assuming normal engine operation, cannot safely clear all obstacles during all phases of flight, including all points along the intended en route path or any planned diversions.
8.7.2 Aircraft Used in Commercial Air Transport

8.7.2.1 Applicability

This Section prescribes aircraft performance and operating limitations for aircraft used in commercial air transport operations, except those aircraft holding a special authority or waiver by the Authority which exempt them from specific operating and performance limitations.

8.7.2.2 General

(a) A person operating an aircraft engaged in commercial air transport shall comply with the provisions of Section 8.7.2.

(b) The Authority may authorise deviations from the requirements of Section 8.7.2 if special circumstances make a literal observance of a requirement unnecessary for safety.

(c) Where full compliance with the requirements of Section 8.7.2 cannot be shown due to specific design characteristics (e.g., seaplanes, airships, or supersonic aircraft), the operator shall apply approved performance standards that ensure a level of safety not less restrictive than those of relevant requirements of this Section.

(d) Single engine turbine aircraft shall only be operated in conditions of weather and light, and over such routes and diversions that permit a safe forced landing to be executed in the event of engine failure. Single engine piston aircraft may be operated with special approval from the Authority which will consider such factors as terrain and operating conditions. The Authority may also impose additional restrictions.

(e) A person shall not operate a multiengine aircraft used for revenue passenger carrying operations that is unable to comply with any of the performance limitations of subsections 8.7.2.4 through 8.7.2.8 unless that aircraft is continually operated—

(1) in daylight;

(2) in VFR; and

(3) at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute when operating at the MEAs of the intended route or any planned diversion, or at 5,000 feet MSL, whichever is higher.

(f) A multiengine airplane that is unable to comply with paragraph (e)(3) is, for the purpose of this Section, considered to be a single engine aircraft and shall comply with the requirements of paragraph (d).

(g) A helicopter intended to be flown over water shall be fitted with a permanent or rapidly deployable means of flotation so as to ensure a safe ditching of the helicopter when—

(i) flying over water at a distance from land corresponding to more than 10 minutes at normal cruise speed in the case of performance Class 1 or 2 helicopters; or

(ii) flying over water beyond autorotational or safe forced landing distance from land in the case of performance Class 3 helicopters.
Note. All helicopters on flights over water in accordance with 8.7.2.2 (g) shall be certificated for ditching. Sea state shall be an integral part of the ditching information.

8.7.2.3 Aircraft Performance Calculations

(a) A person shall not takeoff an aircraft used in commercial air transport without ensuring that the applicable operating and performance limitations required for this Section can be accurately computed based on the AFM, RFM, or other data source approved by the Authority.

(b) A person calculating performance and operating limitations for aircraft used in commercial air transport shall ensure that performance data used to determine compliance with this Section can, during any phase of flight, accurately account for—

(i) any reasonably expected adverse operating conditions that may affect aircraft performance;

(ii) one engine failure for aircraft having two engines, if applicable; and

(iii) two engine failures for aircraft having three or more engines, if applicable.

(c) A person performing the calculations for the performance and limitation requirements of subsections 8.7.2.4 to 8.7.2.8 shall, for all engines operating and for inoperative engines, accurately account for—

(1) in all phases of flight—

(i) the effect of fuel and oil consumption on aircraft weight;

(ii) the effect of fuel consumption on fuel reserves resulting from changes in flight paths, winds, and aircraft configuration;

(iii) the effect of fuel jettisoning on aircraft weight and fuel reserves, if applicable and approved;

(iv) the effect of any ice protection system, if applicable and weather conditions require its use;

(v) ambient temperatures and winds along intended route and any planned diversion;

(vi) flight paths and minimum altitudes required to remain clear of obstacles.

(2) during takeoff and landing—

(i) the condition of the takeoff runway or area to be used, including any contaminates (e.g., water, slush, snow, ice);

(ii) In determining the length of the runway available, account shall be taken of the loss, if any, of runway length due to alignment of the aeroplane prior to take-off;

(iii) the gradient of runway to be used;

(iv) the runway length including clearways and stopways, if applicable;

(v) pressure altitudes at takeoff and landing sites;
(vi) current ambient temperatures and winds at takeoff;
(vii) forecast ambient temperatures and winds at each destination and planned alternate landing site;
(viii) the ground handling characteristics (e.g., braking action) of the type of aircraft; and
(ix) landing aids and terrain that may affect the takeoff path, landing path, and landing roll.

Note: Where conditions are different from those on which the performance is based, compliance may be determined by interpolation or by computing the effects of changes in the specific variables, if the results of the interpolation or computations are substantially as accurate as the results of direct tests.

Note: To allow for wind effect, takeoff data based on still air may be corrected by taking into account not more than 50 percent of any reported headwind component and not less than 150 percent of any reported tailwind component, and landing data based on.

8.7.2.4 Takeoff Limitations

(a) Aeroplanes. A person shall not takeoff an aeroplane used in commercial air transport unless the following requirements are met when determining the maximum permitted take-off mass—

(1) the takeoff run shall not be greater than the length of the runway;

(2) for turbine engine powered aeroplanes—
   (i) the takeoff distance shall not exceed the length of the runway plus the length of any clearway, except that the length of any clearway included in the calculation shall not be greater than 1/2 the length of the runway; and
   (ii) the accelerate-stop distance shall not exceed the length of the runway, plus the length of any stopway, at any time during takeoff until reaching V1.

(3) for reciprocating engine powered aeroplanes—
   (i) the accelerate-stop distance shall not exceed the length of the runway at any time during takeoff until reaching V1.;

(4) if the critical engine fails at any time after the aeroplane reaches V1, to continue the takeoff flight path and clear all obstacles either—
   (i) by a height of at least 9.1 m (35 ft) vertically for turbine engine powered aeroplanes or 15.2 m (50 ft) for reciprocating engine powered aeroplanes; and
   (ii) by at least 60 m (200 ft) horizontally within the aerodrome boundaries and by at least 90 meters (300 feet) horizontally after passing the boundaries, without banking more than 15 degrees at any point on the takeoff flight path.

(5) The AOC holder shall take account of charting accuracy when assessing compliance with Part 8.7.2.4 (4);
(b) Helicopters. A person shall not takeoff a helicopter used in commercial air transport that, in the event of a critical engine failure, cannot—

(1) for Class 1 helicopters—

(i) at or before the takeoff decision point, discontinue the takeoff and stop within the rejected takeoff area; or

(ii) after the takeoff decision point, continue the takeoff and then climb, clearing all obstacles along the flight path, until a suitable landing site is found.

(2) for Class 2 helicopters—

(i) before reaching a defined point after take-off, safely execute a forced landing within the rejected takeoff area; or

(ii) at any point after reaching a defined point after take-off, continue the takeoff and then climb, clearing all obstacles along the flight path, until a suitable landing site is found.

(3) Performance Class 3 helicopters shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, that permit a safe forced landing to be executed in the event of engine failure.

(4) The operator shall take account of charting accuracy when assessing compliance with the above.

(c) Only performance Class 1 helicopters shall be permitted to operate from elevated heliports in congested areas.

8.7.2.5 En Route Limitations: All Engines Operating

A person shall not take off a reciprocating engine powered aeroplane used in commercial air transport at a weight that does not allow a rate of climb of at least 6.9 Vso (that is, the number of feet per minute obtained by multiplying the aircraft’s minimum steady flight speed by 6.9) with all engines operating, at an altitude of at least 300 m (1,000 ft) above all terrain and obstructions within ten miles of each side of the intended track.

8.7.2.6 En Route Limitations: One Engine Inoperative

(a) Aeroplane. A person shall not take off an aeroplane used in commercial air transport having two engines unless that aeroplane can, in the event of a power failure at the most critical point en route, continue the flight to a suitable aerodrome where a landing can be made while allowing—

(1) for reciprocating engine powered aeroplanes—

(i) at least a rate of climb of 0.079 - (0.106/number of engines installed) Vso2 (when Vso is expressed in knots) at an altitude of 300 m (1,000 ft) above all terrain and obstructions within 9.3 km (5 sm), on each side of the intended track; and

(ii) a positive slope at an altitude of at least 450 m (1,500 ft) above the aerodrome where the aeroplane is assumed to land.

(2) for turbine engine powered transport category aeroplanes—
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(i) a positive slope at an altitude of at least 300 m (1,000 ft) above all terrain and obstructions within 9.3 km (5 sm), on each side of the intended track;

(ii) a net flight path from cruising altitude to the intended landing aerodrome that allows at least 600 m (2,000 ft) clearance above all terrain and obstructions within 9.3 km (5 sm), on each side of the intended track; and

(iii) a positive slope at an altitude of at least 450 m (1,500 ft) above the aerodrome where the aeroplane is assumed to land;

Note: The climb rate specified in paragraph (a)(1)(i) may be amended to $0.026 \frac{V_{so}^2}{2}$ feet per minute for large transport category aircraft issued a type certificate prior to 1953.

Note: The 9.3 km (5 sm) clearance margin stated in paragraph (a) shall be increased to 18.5 km (10 sm) if navigational accuracy does not meet the 95% containment level.

(b) Helicopter. A person shall not takeoff a helicopter used in commercial air transport having two engines unless that helicopter can, in the event of the critical engine failing and any point in the en route phase, continue the flight to the destination or alternate landing site without flying below the minimum flight altitude at any point and clearing all obstacles in the approach path by a safe margin.

8.7.2.7 En Route Limitations: Two Engines Inoperative

(a) Aeroplane. A person shall not takeoff an aeroplane used in commercial air transport having three or more engines at such a weight where there is no suitable landing aerodrome within 90 minutes at any point along the intended route (with all engines operating at cruising power), unless that aircraft can, in the event of simultaneous power failure of two critical engines at the most critical point along that route, continue to a suitable landing aerodrome while allowing—

(1) for turbine engine powered aeroplanes—

(i) a net flight path (considering the ambient temperatures anticipated along the track) clearing vertically by at least 2,000 feet all terrain and obstructions within five statute miles (4.34 nautical miles) on each side of the intended track;

(ii) a positive slope at 1,500 feet above the aerodrome of intended landing; and

(iii) enough fuel to continue to the aerodrome of intended landing, to arrive at an altitude of at least 1,500 feet directly over the aerodrome, and thereafter to fly for 15 minutes at cruise power.

Note: The consumption of fuel and oil after the engine failure is the same as the consumption that is allowed for in the net flight path data in the AFM.

(2) for reciprocating engine powered aeroplanes—

(i) A rate of climb at $0.013 \frac{V_{so}^2}{2}$ feet per minute (that is, the number of feet per minute is obtained by multiplying the number of knots squared by 0.013) at an altitude of 1,000
feet above the highest ground or obstruction within 10 miles on each side of the intended track, or at an altitude of 5,000 feet, which ever is higher; and

(ii) enough fuel to continue to the aerodrome of intended landing and to arrive at an altitude of at least 300 m (1,000 ft) directly over that aerodrome.

Note: When the two engines of the reciprocating aeroplane are predicted to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb need not be shown during the descent from the cruising altitude to the prescribed minimum altitude, if those requirements can be met once the prescribed minimum altitude is reached, and assuming descent to be along a net flight path and the rate of descent to be 0.013 \( V \sin^2 \) greater than the rate in the approved performance data.

Note: If fuel jettisoning is authorised (or planned), the aeroplane’s weight at the point where the two engines fail is considered to be not less than that which would include enough fuel to proceed to an aerodrome and to arrive at an altitude of at least 300 m (1,000 ft) directly over that aerodrome.

(b) Helicopters. A person shall not takeoff a Class 1 or Class 2 helicopter used in commercial air transport having three or more engines unless that helicopter can, in the event of two critical engines failing simultaneously at any point in the en route phase, continue the flight to a suitable landing site.

8.7.2.8 Landing Limitations

(a) Aeroplane. A person shall not take off an aeroplane used in commercial operations unless its weight on arrival at either the intended destination aerodrome or any planned alternate aerodrome would allow a full stop landing from a point 50 feet above the intersection of the obstruction clearance plane and the runway, and within—

(1) for non propeller driven aeroplanes, 60 percent of the effective length of each runway;

(2) for propeller driven aeroplanes, 70 percent of the effective length of each runway.

(b) For the purpose of determining the allowable landing weight at the destination aerodrome, each person determining the landing limit shall ensure that—

(1) the aeroplane is landed on the most favourable runway and in the most favourable direction, in still air; or

(2) the aeroplane is landed on the most suitable runway considering the probable wind velocity and direction, runway conditions, the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids and terrain.

Note: If the runway at the landing destination is reported or forecast to be wet or slippery, the landing distance available shall be at least 115 percent of the required landing distance unless, based on a showing of actual operating landing techniques on wet or slippery
runways, a shorter landing distance (but not less than that required by paragraph (a)) has been approved for a specific type and model aeroplane and this information is included in the AFM.

(c) A turbine powered transport category aeroplane that would be prohibited from taking off because it could not meet the requirements of paragraph (a)(1), may take off if an alternate aerodrome is specified that meets all the requirements of paragraph (a).

(d) Helicopters. No person may take off a helicopter used in commercial air transport unless, with all engines operating on arrival at the intended destination landing site or any planned alternate landing, it can clear all obstacles on the approach path and can land and stop within the landing distance available.

(e) Helicopters. A person shall not take off a helicopter used in commercial air transport unless, in the event of any engine becoming inoperative in the approach and landing phase on arrival at the intended destination landing site or any planned alternate landing, can—

(1) for Class 1 helicopters—

(i) before the landing decision point, clear all obstacles on the approach path and be able to land and stop within the landing distance available or to perform a balked landing and clear all obstacles in the flight path by an adequate margin; or

(ii) after the landing decision point, land and stop within the landing distance available.

(2) for Class 2 and Class 3 helicopters—

(i) before reaching a defined point before landing, safely execute a forced landing within the landing distance available.

8.8 FLIGHT RULES

8.8.1 All Operations

8.8.1.1 Operation of Aircraft on the Ground

(a) A person shall not taxi an aircraft on the movement area of an aerodrome unless the person at the controls—

(1) has been authorised by the owner, the lessee, or a designated agent;

(2) is fully competent to taxi the aircraft;

(3) is qualified to use the radio if radio communications are required; and

(4) has received instructions from a competent person in respect of aerodrome layout, and where appropriate, information on routes, signs, marking, lights, ATC signals and instructions, phraseology and procedures, and is able to conform to the operational standards required for safe aircraft movement at the aerodrome.

(b) A person shall not cause a helicopter rotor to be turned under power unless there is a qualified pilot at the controls.
8.8.1.2 Takeoff Conditions

Before commencing takeoff, a PIC shall ensure that—

(1) according to the available information, the weather at the aerodrome and the condition of the runway intended to be used will allow for a safe takeoff and departure; and

(2) the RVR or visibility in the takeoff direction of the aircraft is equal to or better than the applicable minimum.

8.8.1.3 Flight into Known or Expected Icing

(a) A person shall not takeoff an aircraft or continue to operate an aircraft en route when icing conditions are expected or encountered, without ensuring that the aircraft is certified for icing operations and has sufficient operational de-icing or anti-icing equipment.

(b) A person shall not takeoff an aircraft when frost, ice or snow is adhering to the wings, control surfaces, propellers, engine inlets or other critical surfaces of the aircraft which might adversely affect the performance or controllability of the aircraft.

(c) For commercial air transport operations, a person shall not takeoff an aircraft if conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless the procedures approved for the AOC holder by the Authority are followed to ensure ground de-icing and anti-icing is accomplished.

8.8.1.4 Altimeter Settings

A person operating an aircraft shall maintain the cruising altitude or flight level by reference to an altimeter set—

(1) below transition level to—

   (i) the current reported altimeter setting of a station along the route and within 100 nautical miles of the aircraft;

   (ii) the current reported altimeter setting of a nearby station, if there is not a station along the route; or

   (iii) in the case of an aircraft not equipped with a radio, the elevation of the departure aerodrome or an appropriate altimeter setting available before departure; or

(2) above transition altitude to 1013.2 hPa

*Implementing Standard: See IS 8.8.1.4 to determine the lowest usable flight level.*

8.8.1.5 Minimum Safe Altitudes: General

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes—

(1) Anywhere, an altitude allowing, if a power unit fails, continuation of flight or an emergency landing without undue hazard to persons or property on the surface;

(2) Over congested areas, over any congested area of a city, town, or settlement, or over any open-air assembly of persons, an altitude of 300m (1,000 feet) above the highest obstacle within a horizontal radius of 600m (2,000 feet) of the aircraft;
(3) Over other than congested areas, an altitude of 150m (500 feet) above the surface, except over open water or sparsely populated areas where the aircraft may not be operated closer than 150m (500 feet) to any person, vessel, vehicle, or structure;

(4) Helicopters. pilots of helicopters are not subject to the proximity restrictions provided they are operate in a manner that is not hazardous to persons and property on the surface. The PIC of a helicopter shall comply with any routes or altitudes for the area that are prescribed for helicopters by the Authority.

8.8.1.6 Minimum Safe VFR Altitudes: Commercial Airtransport Operations

(a) A person shall not operate an aeroplane in commercial air transport during the day, under VFR, at an altitude less than 1,000 feet above the surface or within 1,000 feet of any mountain, hill, or other obstruction to flight.

(b) A person shall not operate an aircraft in commercial air transport at night, under VFR.

8.8.1.7 Instrument Approach Operating Minima

(a) An Operator shall establish aerodrome operating minima for each aerodrome to be used, and the Authority shall approve the method of determination of such minima. Such minima shall not be lower than any that may be established for such aerodromes by the State in which the aerodrome is located, except when specifically approved by that State.

(b) Category II and Category III instrument approach and landing operations shall not be authorized unless RVR information is provided.

(c) For instrument approach and landing operations, aerodrome operating minima below 800 m visibility should not be authorized unless RVR information is provided.

8.8.1.8 Category II and III Operations: General Operating Rules

(a) A person shall not operate a civil aircraft in a Category II or III operation unless—

(1) the PIC and Co-Pilot of the aircraft hold the appropriate authorisations and ratings prescribed in 2.2.1.6.

(2) each flight crew member has adequate knowledge of, and familiarity with, the aircraft and the procedures to be used; and

(3) the instrument panel in front of the pilot who is controlling the aircraft has appropriate instrumentation for the type of flight control guidance system that is being used.

(b) Unless otherwise authorised by the Authority, a person shall not operate a civil aircraft in a Category II or Category III operation unless each ground component required for that operation and the related airborne equipment is installed and operating.

(c) When the approach procedure being used provides for and requires the use of a DH, the authorised DH is the highest of the following—

(1) the DH prescribed by the approach procedure;

(2) the DH prescribed for the PIC;
(3) the DH for which the aircraft is equipped.

(d) Unless otherwise authorised by the Authority, a pilot operating an aircraft in a Category II or Category III approach that provides and requires use of a DH shall not continue the approach below the authorised decision height unless the following conditions are met—

(1) the aircraft is in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal manoeuvres, and where that descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot—

   (i) the approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable;

   (ii) the threshold;

   (iii) the threshold markings;

   (iv) the threshold lights;

   (v) the touchdown zone or touchdown zone markings;

   (vi) the touchdown zone lights.

(e) Unless otherwise authorised by the Authority, a pilot operating an aircraft shall immediately execute an appropriate missed approach whenever, prior to touchdown, the requirements of paragraph (d) of this section are not met.

(f) A person operating an aircraft using a Category III approach without DH shall not land that aircraft except in accordance with the provisions of the letter of authorisation issued by the Authority.

(g) Paragraphs (a) through (f) of this section shall not apply to operations conducted by AOC holders issued a certificate under Part 9.

(h) A person shall not operate a civil aircraft in a Category II or Category III operation conducted by an AOC holder unless the operation is conducted in accordance with that AOC holder’s operations specifications.

8.8.1.9 Category II and Category III Manual

(a) Except as provided in paragraph (c) of this section, a person shall not operate a civil aircraft in a Category II or a Category III operation unless—

   (1) there is available in the aircraft a current and approved Category II or Category III manual, as appropriate, for that aircraft;

   (2) the operation is conducted in accordance with the procedures, instructions, and limitations in the appropriate manual; and

   (3) the instruments and equipment listed in the manual that are required for a particular Category II or Category III operation
have been inspected and maintained in accordance with the maintenance program contained in the manual.

(b) An operator shall keep a current copy of each approved manual at its principal base of operations and must make each manual available for inspection upon request by the Authority.

(c) Paragraphs (a) and (b) shall not apply to operations conducted by an AOC holder issued a certificate under Part 9.

Implementing Standard: See IS 8.8.1.9 for specific Category II manual requirements.

8.8.1.10 Authorisation For Deviation From Certain Category II Operations

The Authority may authorise deviations from the requirements of 8.8.1.8 and 8.8.1.9 for the operation of small aircraft in Category II operations if the Authority finds that the proposed operation can be safely conducted.

Note: Such authorisation does not permit operation of the aircraft carrying persons or property for compensation or hire.

8.8.1.11 Diversion Decision

(a) Except as provided in paragraph (b), the PIC shall land the aircraft at the nearest suitable aerodrome at which a safe landing can be made whenever an engine of an aircraft fails or is shut down to prevent possible damage.

(b) If not more than one engine of an aeroplane having three or more engines fails, or its rotation is stopped, the PIC may proceed to an aerodrome if he or she decides that proceeding to that aerodrome is as safe as landing at the nearest suitable aerodrome after considering the—

(1) nature of the malfunction and the possible mechanical difficulties that may occur if the flight is continued;

(2) altitude, weight, and usable fuel at the time of engine stoppage;

(3) weather conditions en route and at possible landing points;

(4) air traffic congestion;

(5) kind of terrain; and

(6) familiarity with the aerodrome to be used.

8.8.1.12 Operating Near Other Aircraft

(a) A person shall not operate an aircraft so close to another aircraft as to create a collision hazard.

(b) A person shall not operate an aircraft in formation flight except by arrangement with the PIC of each aircraft in the formation.

(c) A person shall not operate an aircraft, carrying passengers for hire, in formation flight.


(a) General.

(1) A pilot shall maintain vigilance so as to see and avoid other aircraft;
(2) when a rule of this subsection gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.

(b) In distress. An aircraft in distress has the right-of-way over all other aircraft.

(c) Converging.

(1) When aircraft of the same category are converging at approximately the same altitude (except head-on, or nearly so), the aircraft to the other’s right has the right-of-way;

(2) if the converging aircraft are of different categories—

(i) a balloon has the right-of-way over any other category of aircraft;

(ii) a glider has the right-of-way over an airship, aeroplane, or rotorcraft; and

(iii) an airship has the right-of-way over an aeroplane or rotorcraft.

(d) Towing or refuelling. An aircraft towing or refuelling any other aircraft shall have the right-of-way over all other engine-driven aircraft, except aircraft in distress.

(e) Approaching head-on. When two or more aircraft are approaching each other head-on, or nearly so, the pilot of each aircraft shall alter course to the right.

(f) Overtaking. An aircraft that is being overtaken shall have the right-of-way and each pilot of an overtaking aircraft shall alter course to the right to pass well clear.

(g) Landing. An aircraft, while on final approach to land or while landing, shall have the right-of-way over other aircraft in flight or operating on the surface.

Note: The PIC may not take advantage of this rule to force an aircraft off the runway surface which has already landed and is attempting to make way for an aircraft on final approach.

(h) More than one landing aircraft. When two or more aircraft are approaching an aerodrome for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way.

Note: The PIC will not take advantage of this rule to cut in front of another which is on final approach to land or to overtake that aircraft.


(a) General. A person operating an aircraft on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right-of-way by any rule of this subsection.

(b) Crossing. When an aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other’s right has the right-of-way.
(c) Approaching head-on. When an aircraft, or an aircraft and a vessel, are approaching head-on, or nearly so, each shall alter its course to the right to keep well clear.

(d) Overtaking. An aircraft or vessel that is being overtaken shall have the right-of-way, and the one overtaking shall alter course to keep well clear.

(e) Special circumstances. When an aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, the aircraft or the vessel shall proceed with care having regard to the existing circumstances, including the limitations of the respective craft.

8.8.1.15 Use of Aircraft Lights

(a) If an aircraft has red rotating beacon lights installed, the pilot shall switch the lights on prior to starting engines and shall display them at all times when the engines are running.

(b) A person shall not operate an aircraft between the period from sunset to sunrise unless—
   (1) it has lighted navigation lights; and
   (2) if anticollision lights are installed, those lights are lighted.

Note: A pilot is permitted to switch off or reduce the intensity of any flashing lights if they do or are likely to adversely affect the satisfactory performance of duties or to subject an outside observer to harmful dazzle.

(c) A person shall not park or move an aircraft at night in, or in a dangerous proximity to, a movement area of an aerodrome, unless the aircraft—
   (1) is clearly illuminated;
   (2) has lighted navigation lights, or
   (3) is in an area that is marked by obstruction lights.

(d) A person shall not anchor an aircraft unless that aircraft—
   (1) has lighted anchor lights; or
   (2) is in an area where anchor lights are not required on vessels.

8.8.1.16 Simulated Instrument Flight

(a) A person shall not operate an aircraft in simulated instrument flight unless—
   (1) that aircraft has fully functioning dual controls;
   (2) the other control seat is occupied by a safety pilot who holds at least a private pilot licence with category and class ratings appropriate to the aircraft being flown; and
   (3) the safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot.

(b) A person shall not engage in simulated instrument flight conditions during commercial air transport operations.
8.8.1.17 **Inflight Simulation of Abnormal Situations**
A person shall not simulate an abnormal or emergency situation during commercial air transport operations.

8.8.1.18 **Dropping, Spraying, Towing**
Except under conditions prescribed by the Authority, a pilot shall not take the following actions—

(1) dropping, dusting or spraying from an aircraft;
(2) towing of aircraft or other objects; or
(3) allowing parachute descents.

8.8.1.19 **Aerobatic Flight**
(a) A person shall not operate an aircraft in aerobatic flight—

(1) over any city, town or settlement;
(2) over an open air assembly of persons;
(3) within the lateral boundaries of the surface areas of Class B, C, D or E airspace designated for an aerodrome;
(4) below an altitude of 1,500 feet above the surface; or
(5) when the flight visibility is less than 3 statute miles.

(b) A person shall not operate an aircraft in manoeuvres exceeding a bank of 60 degrees or pitch of 30 degrees from level flight attitude unless all occupants of the aircraft are wearing parachutes packed by a qualified parachute rigger in the past 12 calendar months.

8.8.1.20 **Flight Test Areas**
A person shall not flight-test an aircraft except over open water, or sparsely populated areas having light traffic.

8.8.1.21 **Prohibited Areas and Restricted Areas**
A person shall not operate an aircraft in prohibited areas, or in restricted areas, the particulars of which have been duly published, except in accordance with the conditions of the restrictions or by permission of the State over whose territory the areas are established.

8.8.1.22 **Operations in MNPS or RVSM Airspace**
(a) A person shall not operate a civil aircraft of Saint Christopher and Nevis registry in airspace designated as MNPS airspace or in airspace designated as RVSM without a written authorisation issued by the Authority.

(b) A person shall not operate an aircraft in MNPS or RVSM airspace, except in accordance with the following conditions—

(1) the vertical navigation performance capability of the aeroplane satisfies the requirements of MNPS / RVSM airspace;
(2) the operator has instituted appropriate procedures in respect of continued airworthiness (maintenance and repair) practices and programmes; and
(3) the operator has instituted appropriate flight crew procedures for operations in RVSM airspace.

Note - See 7.1.2.7 for requirements regarding navigation equipment for operations in MNPS/RVSM airspace.

8.8.1.23 Operations on or in the Vicinity of an Uncontrolled Aerodrome

(a) When approaching to land at an aerodrome without an operating control tower, a pilot of—

(1) an aeroplane shall make all turns of that aeroplane to the left; or to the right, if appropriately indicated by the authorities having jurisdiction over that aerodrome;

(2) a helicopter shall avoid the flow of aeroplanes.

(b) When departing an aerodrome without an operating control tower, a pilot of an aircraft shall comply with any traffic patterns established by the authorities having jurisdiction over that aerodrome.

(c) A pilot of an aircraft shall land and takeoff into the wind unless safety, the runway configurations, or traffic considerations determine that a different direction is preferable.

Implementing Standard: See IS 8.8.2.11 for the appropriate displays of light signals or visual markings.

8.8.1.24 Aerodrome Traffic Pattern Altitudes: Turbojet, Turbofan, or Large Aircraft

(a) When arriving at an aerodrome, the PIC of a turbojet, turbofan, or large aircraft shall enter the traffic pattern at least 1,500 feet AGL until further descent is required for landing.

(b) When departing, the PIC of a turbojet, turbofan, or large aircraft shall climb to 1,500 AGL as rapidly as practicable.

8.8.1.25 Compliance with Visual and Electronic Glide Slopes

(a) The PIC of an aeroplane approaching to land on a runway served by a visual approach slope indicator shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

(b) The PIC of a turbojet, turbofan, or large aeroplane approaching to land on a runway served by an ILS shall fly that aeroplane at or above the glide slope from the point of interception to the middle marker.

(c) An AOC holder shall establish operational procedures designed to ensure that an aircraft being used to conduct precision approaches crosses the threshold by a safe margin, with the aeroplane in the landing configuration and attitude.

8.8.1.26 Restriction or Suspension of Operations: Commercial Air Transport

If a PIC or an AOC holder knows of conditions, including aerodrome and runway conditions, that are a hazard to safe operations, the PIC or the AOC holder shall restrict or suspend all commercial air transport operations to such aerodromes and runways as necessary until those conditions are corrected.
8.8.1.27 Continuation of Flight When Destination Aerodrome is Temporarily Restricted: Commercial Air Transport

A PIC shall not allow a flight to continue toward any aerodrome of intended landing where commercial air transport operations have been restricted or suspended, unless—

(1) in the opinion of the PIC, the conditions that are a hazard to safe operations may reasonably be expected to be corrected by the estimated time of arrival; or

(2) there is no safer procedure.

8.8.1.28 Interception

When intercepted by a military or government aircraft, a PIC shall comply with the international standards when interpreting and responding to visual signals as specified in the implementing standards.

Implementing Standard: See IS 8.8.2.11 for signals applicable to interception.

8.8.2 Control of Air Traffic

8.8.2.1 ATC Clearances

(a) A PIC shall obtain an ATC clearance prior to operating a controlled flight, or a portion of a flight as a controlled flight.

(b) A PIC shall request an ATC clearance through the submission of a flight plan to an ATC facility.

(c) Whenever an aircraft has requested a clearance involving priority, a PIC shall submit a report explaining the necessity for such priority, if requested by the appropriate ATC facility.

(d) A person operating an aircraft on a controlled aerodrome shall not taxi on the manoeuvring area or any runway without clearance from the aerodrome control tower.

8.8.2.2 Adherence to ATC Clearances

(a) When an ATC clearance has been obtained, no PIC may deviate from the clearance, except in an emergency, unless he or she obtains an amended clearance.

Note: A flight plan may cover only part of a flight, as necessary, to describe that portion of the flight or those manoeuvres which are subject to air traffic control. A clearance may cover only part of a current flight plan, as indicated in a clearance limit or by reference to specific manoeuvres such as taxiing, landing or taking off.

Note: Paragraph 8.8.2.2(a) does not prohibit a pilot from cancelling an IFR clearance when operating in VMC or cancelling a controlled flight clearance when operating in airspace that does not require controlled flight.

(b) When operating in airspace requiring controlled flight, no PIC may operate contrary to ATC instructions, except in an emergency.

(c) A PIC who deviates from an ATC clearance or instructions in an emergency, shall notify ATC of that deviation as soon as possible.
8.8.2.3 **Communications**

A person operating an aircraft on a controlled flight shall maintain a continuous listening watch on the appropriate radio frequency of, and establish two-way communication as required with, the appropriate ATC facility.

*Note: More specific procedures may be prescribed by the appropriate ATC authority in respect of aircraft forming part of aerodrome traffic at a controlled aerodrome.*

*Note: Automatic signalling devices may be used to satisfy the requirement to maintain a continuous listening watch, if authorised by the Authority.*

8.8.2.4 **Route to be Flown**

(a) Unless otherwise authorised or directed by the appropriate ATC facility, the PIC of a controlled flight shall, in so far as practicable—

(1) when on an established ATC route, operate along the defined centre line of that route; or

(2) when on any other route, operate directly between the navigation facilities and/or points defining that route.

(b) A PIC of a controlled flight operating along an ATC route defined by reference to VORs shall change over for primary navigation guidance from the facility behind the aircraft to that ahead of it, or as close as operationally feasible to, the change-over point, where established.

*Note: These requirements do not prohibit manoeuvring the aircraft to pass well clear of other air traffic or the manoeuvring of the aircraft in VFR conditions to clear the intended flight path both before and during climb or descent.*

8.8.2.5 **Inadvertent Changes**

A PIC shall take the following action in the event that a controlled flight inadvertently deviates from its current flight plan—

(1) Deviation from track. If the aircraft is off track, the PIC shall adjust the heading of the aircraft to regain track as soon as practicable;

(2) Variation in true airspeed. A PIC shall inform the appropriate ATC facility if the average true airspeed at cruising level between reporting points varies from that given in the flight plan or is expected to vary by plus or minus 5 per cent of the true airspeed;

(3) Change in time estimate. A PIC shall notify the appropriate ATC facility and give a revised estimated time as soon as possible if the time estimate for a reporting point, flight information region boundary, or destination aerodrome, whichever comes first, is found to be in excess of three minutes from that notified to ATC, or such other period of time as is prescribed by the appropriate ATC authority or on the basis of air navigation regional agreements.

8.8.2.6 **ATC Clearance: Intended Changes**

Any requests for flight plan changes shall include the following information—

(1) Change of cruising level. Aircraft identification, requested new cruising level and cruising speed at this level, and revised time
estimates, when applicable, at subsequent flight information region boundaries;

(2) Change of route—

(i) Destination unchanged. Aircraft identification, flight rules; description of new route of flight including related flight plan data beginning with the position from which requested change of route is to commence; revised time estimates, and any other pertinent information;

(ii) Destination change. Aircraft identification; flight rules; description of revised route of flight to revised destination aerodrome including related flight plan data, beginning with the position from which requested change of route is to commence; revised time estimates; alternate aerodrome(s); any other pertinent information.

8.8.2.7 Position Reports

(a) A pilot of a controlled flight shall report to the appropriate ATC facility, as soon as possible, the time and level of passing each designated compulsory reporting point, together with any other required information, unless exempted from this requirement by the appropriate ATC authority.

(b) A pilot of a controlled flight shall make position reports in relation to additional points or intervals when requested by the appropriate ATC facility.

8.8.2.8 Operations on or in the Vicinity of a Controlled Aerodrome

(a) A person shall not operate an aircraft to, from, through, or on an aerodrome having an operational control tower unless two-way communications are maintained between that aircraft and the control tower.

(b) A PIC shall, on arrival, establish communications required by paragraph (a) prior to 4 nautical miles from the aerodrome when operating from the surface up to and including 2,500 feet.

(c) A PIC shall, on departure, establish communications with the control tower prior to taxi.

(d) Takeoff, landing, taxi clearance. A person shall not, at any aerodrome with an operating control tower, operate an aircraft on a runway or taxiway or takeoff or land an aircraft, unless an appropriate clearance has been received by ATC.

Note: A clearance to “taxi to” the takeoff runway is not a clearance to cross or taxi on to that runway. It does authorise the PIC to cross other runways during the taxi to the assigned runway. A clearance to “taxi to” any other point on the aerodrome is a clearance to cross all runways that intersect the taxi route to the assigned point.

(e) Communications failure. If the radio fails or two-way communication is lost, a PIC may continue a VFR flight operation and land if—

(1) the weather conditions are at or above basic VFR minimums; and

(2) clearance to land is received by light signals.
Note: During IFR operations, the two-way communications failure procedures will apply.

8.8.2.9 Unlawful Interference
A PIC shall, when and if possible, notify the appropriate ATC facility when an aircraft is being subjected to unlawful interference, including—
(1) any significant circumstances associated with the unlawful interference; and
(2) any deviation from the current flight plan necessitated by the circumstances.

8.8.2.10 Time Checks
(a) A PIC shall use Co-ordinated Universal Time (UTC), expressed in hours and minutes of the 24-hour day beginning at midnight, in flight operations.
(b) A PIC shall obtain a time check prior to operating a controlled flight and at such other times during the flight as may be necessary.

8.8.2.11 Universal Signals
(a) Upon observing or receiving any of the designated universal aviation signals, a person operating an aircraft shall take such action as may be required by the interpretation of the signal.
(b) Universal signals shall have only the meanings designated.
(c) A person using universal signals in the movement of aircraft shall only use them for the purpose indicated.
(d) A person shall not use signals likely to cause confusion with universal aviation signals.

Implementing Standard: See IS 8.8.2.11 for a list of universal aviation signals.

8.8.3 VFR Flight Rules
8.8.3.1 Visual Meteorological Conditions
A person shall not operate an aircraft under VFR when the flight visibility is less than, or at a distance from the clouds that is less than that prescribed, or the corresponding altitude and class of airspace in the following table—

<table>
<thead>
<tr>
<th>Airspace and VMC Minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airspace Class</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Above 900m (3,000 ft) MSL or above 300m</td>
</tr>
<tr>
<td>At and below 900m (3,000 ft) MSL or 300m (1,000 ft) above terrain, whichever is the higher</td>
</tr>
</tbody>
</table>
8.8.3.2 VFR Weather Minimums for Takeoff and Landing

(a) A person shall not enter the traffic pattern, land or takeoff an aircraft under VFR from an aerodrome located in Class B, Class C, Class D or Class E airspace unless the—
   (1) reported ceiling is at least 1,500 feet; and
   (2) reported ground visibility is at least 3 statute miles, if reported.

(b) If the ground visibility is not reported, the pilot shall maintain 3 statute miles flight visibility.

(c) Class G Airspace. A person shall not enter the traffic pattern, land or takeoff an aircraft under VFR from an aerodrome located in Class G airspace below 1,200 AGL unless—
   (1) For aeroplanes, the visibility is at least 1 statute mile and the aeroplane can be operated clear of clouds within one-half mile of the runway; or
   (2) For helicopters, the helicopter can be operated clear of clouds at a speed that allows the pilot adequate opportunity to see any air traffic or obstruction in time to avoid a collision.

Note: The only exception to the required weather minimums of this subsection is during a Special VFR operation.

8.8.3.3 Special VFR Operations

(a) A person shall not conduct a Special VFR flight operation to enter the traffic pattern, land or takeoff an aircraft under Special VFR from an aerodrome located in Class B, Class C, Class D or Class E airspace unless—
   (1) authorised by an ATC clearance;
   (2) the aircraft remains clear of clouds; and
   (3) the flight visibility is at least 1 statute mile.

(b) A person shall not conduct a Special VFR flight operation in an aircraft between sunset and sunrise unless the—
   (1) the PIC and co-pilot are current and qualified for IFR operations; and
   (2) the aircraft is qualified to be operated for IFR flight.

8.8.3.4 VFR Cruising Altitudes

A person operating an aircraft in level cruising flight under VFR at altitudes above 900 m (3,000 ft) from the ground or water, shall maintain—

(1) for magnetic courses from zero degrees to 179 degrees, any odd thousand MSL altitude or flight level plus 500 feet (such as 3,500, 5,500 or FL 215);
(2) for magnetic courses from 180 degrees to 359 degrees, any even thousand MSL altitude or flight level plus 500 feet (such as 4,500, 6,500 or FL 225). Paragraphs (1) and (2) do not apply when otherwise authorised by ATC, when operating in a holding pattern, or during manouevring in turns.
8.8.3.5 ATC Clearances for VFR Flights

A pilot of a VFR flight shall obtain and comply with ATC clearances and maintain a listening watch before and during operations—

(1) within Classes B, C and D airspace;
(2) as part of aerodrome traffic at controlled aerodromes; and
(3) under Special VFR.

8.8.3.6 VFR Flights Requiring ATC Authorisation

Unless authorised by the appropriate ATC authority, a pilot shall not operate in VFR flight—

(1) above FL 200; or
(2) at transonic and supersonic speeds.

Note: ATC authorisation for VFR flights may not be granted in areas where a vertical separation minimum of only 300m (1,000 ft) applied above FL 290.

8.8.3.7 Weather Deterioration Below VMC

A pilot of a VFR flight operated as a controlled flight shall, when he or she finds that it is not practical or possible to maintain flight in VMC in accordance with the ATC flight plan—

(1) request an amended clearance enabling the aircraft to continue in VMC to its destination or to an alternative aerodrome, or to leave the airspace within which an ATC clearance is required;
(2) if no clearance can be obtained, continue to operate in VMC and notify the appropriate ATC facility of the action being taken either to leave the airspace concerned or to land at the nearest suitable aerodrome;
(3) operating within a control zone, request authorisation to operate as a special VFR flight; or
(4) request clearance to operate in IFR, if currently rated for IFR operations.

8.8.3.8 Changing from VFR to IFR

A pilot operating in VFR who wishes to change to IFR shall—

(1) if a flight plan was submitted, communicate the necessary changes to be effected to its current flight plan; or
(2) submit a flight plan to the appropriate ATC facility and obtain a clearance prior to proceeding IFR when in controlled airspace.

8.8.3.9 Two-Way Radio Communication Failure in VFR

If radio failure occurs in VMC while under ATC control, or if VFMC is encountered after the failure, a pilot shall—

(1) continue the flight under VFR;
(2) land at the nearest suitable aerodrome; and
(3) report arrival to ATC by the most expeditious means possible.
8.8.4 IFR Flight Rules

8.8.4.1 IFR in Controlled Airspace

A person shall not operate an aircraft in controlled airspace under IFR unless the person has—

(1) filed an IFR flight plan; and
(2) received an appropriate ATC clearance.

8.8.4.2 IFR Flights Outside Controlled Airspace

(a) A PIC of an IFR flight operating outside controlled airspace but within or into areas, or along routes, designated by the appropriate ATC authority, shall maintain a listening watch on the appropriate radio frequency and establish two-way communication, as necessary, with the ATC facility providing flight information service.

(b) A PIC of an IFR flight operating outside controlled airspace for which the appropriate ATC authority requires a flight plan, shall maintain a listening watch on the appropriate radio frequency and establish two-way communication, as necessary, with the ATC facility providing flight information service and shall report position as specified for controlled flights.

8.8.4.3 IFR Takeoff Minimums for Commercial Air Transport

Unless otherwise authorised by the Authority, a pilot operating an aircraft in commercial air transport operations shall not accept a clearance to take off from a civil aerodrome under IFR unless weather conditions are at or above—

(1) for aircraft, other than helicopters, having two engines or less—1 statute mile visibility;

(2) for aircraft having more than two engines—1/2 statute mile visibility;

(3) for helicopters—1/2 statute mile visibility.

8.8.4.4 Minimum Altitudes for IFR Operations

(a) Operation of aircraft at minimum altitudes. Except when necessary for takeoff or landing, a person shall not operate an aircraft under IFR below—

(1) the applicable minimum altitudes prescribed by the authorities having jurisdiction over the airspace being overflown; or

(2) if no applicable minimum altitude is prescribed by the authorities—

(i) over high terrain or in mountainous areas, at a level which is at least 600m (2,000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft; and

(ii) elsewhere than as specified in paragraph (a), at a level which is at least 300m (1,000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft.

(3) if an MEA and a MOCA are prescribed for a particular route or route segment, a person may operate an aircraft below the MEA down to, but not below, the MOCA, when within 22 nautical miles of the VOR concerned.
(b) Climb for obstacle clearance—
   (1) if unable to communicate with ATC, each pilot shall climb to a
       higher minimum IFR altitude immediately after passing the point
       beyond which that minimum altitude applies;
   (2) if ground obstructions intervene, each pilot shall climb to a point
       beyond which that higher minimum altitude applies, at or above
       the applicable MCA.

8.8.4.5 Minimum Altitudes for Use of an Autopilot

(a) For en route operations, a person shall not use an autopilot at an
    altitude above the terrain that is less than 500 feet.

   Note: If the maximum altitude loss specified in the AFM for a malfunction
   under cruise conditions when multiplied by two is more than 500 feet, then
   it becomes the controlling minimum altitude for use of the autopilot.

(b) For instrument approach operations, a person shall not use an autopilot
    at an altitude above the terrain that is less than 50 feet below the MDA
    or DH.

   Note: If the maximum altitude loss specified in the AFM for a malfunction
   under approach conditions when multiplied by two is more than 50 feet,
   then it becomes the controlling minimum altitude for use of the autopilot.

(c) For Category III approaches, the Authority shall approve the use of a
    flight control guidance system with automatic capability to touchdown.

8.8.4.6 IFR Cruising Altitude or Flight Level in Controlled Airspace

A person operating an aircraft under IFR in level cruising flight in
controlled airspace shall maintain the altitude or flight level assigned that
aircraft by ATC.

8.8.4.7 IFR Cruising Altitude or Flight Level in Uncontrolled Airspace

(a) A person operating an aircraft in level cruising flight under IMC at
    altitudes above 900 m (3,000 ft) from the ground or water, shall maintain—
    (1) for magnetic courses from zero degrees to 179 degrees, any odd
        thousand MSL altitude or flight level, such as 5,000, 7,000, or FL
        210; and
    (2) for magnetic courses from 180 degrees to 359 degrees, any even
        thousand MSL altitude or flight level, such as 4,000, 6,000 or FL
        220.

(b) A person may deviate from the cruising altitudes specified in
    paragraph (a) only when—
    (1) authorised by ATC;
    (2) operating in a holding pattern; or
    (3) manoeuvring in turns.

   Note: see IS 8.8.2.11(l)
8.8.4.8 IFR Radio Communications

A PIC of an aircraft operated under IFR in controlled airspace shall have a continuous watch maintained on the appropriate frequency and shall report by radio as soon as possible—

(1) the time and altitude of passing each designated reporting point, or the reporting points specified by ATC, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by ATC need be reported;

(2) any unforecast weather conditions encountered; and

(3) any other information relating to the safety of flight, such as hazardous weather or abnormal radio station indications.

8.8.4.9 Operation Under IFR in Controlled Airspace: Malfunction Reports

(a) A PIC of an aircraft operated in controlled airspace under IFR shall report as soon as practical to ATC any malfunctions of navigational, approach or communication equipment occurring in flight.

(b) In each report specified in paragraph (a), the PIC shall include the—

(1) aircraft identification;

(2) equipment affected;

(3) degree to which the capability of the pilot to operate under IFR in the ATC system is impaired; and

(4) nature and extent of assistance desired from ATC.

8.8.4.10 Continuation of IFR Flight Toward a Destination

A pilot shall not continue an IFR flight toward an aerodrome or heliport of intended landing, unless the latest available meteorological information indicates that the conditions at that aerodrome, or at least one destination alternate aerodrome will, at the expected time of arrival, be at or above the specified instrument approach minima.

8.8.4.11 Instrument Approach Procedures and IFR Landing Minimums

A person shall not make an instrument approach at an airport except in accordance with IFR weather minimums and instrument approach procedures set forth in the AOC holder’s operations specifications.

For instrument approach and landing operations, heliport operating minima below 800m visibility should not be authorised unless RVR information or an accurate measurement or observation of visibility is provided.

8.8.4.12 Commencing an Instrument Approach: Commercial Air Transport

(a) In commercial air transport operations, a pilot shall not continue an approach past the final approach fix, or where a final approach fix is not used, begin the final approach segment of an instrument approach procedure, at any aerodrome unless—

(1) a source approved by the Authority issues a weather report for that aerodrome; and
(2) the latest weather report for that aerodrome reports the visibility to be equal to or more than the visibility minimums prescribed for that procedure.

(b) If, after passing the outer marker fix in case of precision approach, or after descending below 300 m (1 000 ft) above the aerodrome in case of non-precision approach, the reported visibility or controlling RVR falls below the specified minimum, the approach may be continued to DA/H or MDA/H. In any case, an aircraft shall not continue its approach-to-land beyond a point at which the limits of the aerodrome operating minima would be infringed.

Note: For the purpose of this subsection, the final approach segment begins at the final approach fix or facility prescribed in the instrument approach procedure. When a final approach fix is not prescribed for a procedure that includes a procedure turn, the final approach segment begins at the point where the procedure turn is completed and the aircraft is established inbound toward the aerodrome on the final approach course within the distance prescribed in the procedure.

8.8.4.13 Instrument Approaches to Civil Aerodromes

(a) A person operating a civil aircraft shall use a standard instrument approach procedure prescribed by the authorities having jurisdiction over the aerodrome, unless otherwise authorised by the Authority.

(b) Authorised DH or MDA. For the purpose of this section, when the approach procedure being used provides for and requires the use of a DH or MDA, the authorised DH or MDA is the highest of the following—

1. the DH or MDA prescribed by the approach procedure;
2. the DH or MDA prescribed for the PIC;
3. the DH or MDA for which the aircraft is equipped.

8.8.4.14 Operation Below DH or MDA

Where a DH or MDA is applicable, a pilot shall not operate a civil aircraft at any aerodrome or heliport below the authorised MDA, or continue an approach below the authorised DH unless—

1. the aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal manoeuvres;
2. for commercial air transport operations, a descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;
3. the flight visibility is not less than the visibility prescribed in the standard instrument approach being used; and
4. at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot—
   (i) the approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable;
(ii) the threshold;
(iii) the threshold markings;
(iv) threshold lights;
(v) the runway end identifier lights;
(vi) the visual approach slope indicator;
(vii) the touchdown zone or touchdown zone markings;
(viii) the touchdown zone lights;
(ix) the runway or runway markings; or
(x) the runway lights.

Note: These visual references do not apply to Category II and III operations. The required visual references under Category II and III operations are provided in the AOC holder’s operations specifications or a special authorisation prescribed by the Authority.

8.8.4.15 Landing During Instrument Meteorological Conditions

A pilot operating a civil aircraft shall not land that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used.

8.8.4.16 Execution of a Missed Approach Procedure

A pilot operating a civil aircraft shall immediately execute an appropriate missed approach procedure when either of the following conditions exist—

(1) whenever the required visual reference criteria is not met in the following situations—
   (i) when the aircraft is being operated below MDA; or
   (ii) upon arrival at the missed approach point, including a DH where a DH is specified and its use is required, and at any time after that until touchdown.

(2) whenever an identifiable part of the aerodrome is not distinctly visible to the pilot during a circling manoeuvre at or above MDA, unless the inability to see an identifiable part of the aerodrome results only from a normal bank of the aircraft during the circling approach.

8.8.4.17 Change from IFR Flight to VFR Flight

(a) A pilot electing to change from IFR flight to VFR flight shall notify the appropriate ATC facility specifically that the IFR flight is cancelled and then communicate the changes to be made to his or her current flight plan.

(b) When a pilot operating under IFR encounters VMC, he or she shall not cancel the IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period of time in uninterrupted VMC.
8.8.4.18 TWO-Way Radio Communications Failure in IFR

If two-way radio communication failure occurs in IMC, or if continued flight in VMC is judged not feasible, a pilot shall continue the flight according to the following—

1. route—
   (i) by the route assigned in the last ATC clearance received;
   (ii) if being radar vectored, by the direct route from the point of radio failure to the fix, route, or airway specified in the vector clearance;
   (iii) in the absence of an assigned route, by the route that ATC has advised may be expected in a further clearance; or
   (iv) in the absence of an assigned route or a route that ATC has advised may be expected in a further clearance, by the route filed in the flight plan.

2. altitude. At the highest of the following altitudes or flight levels for the route segment being flown—
   (i) the altitude or flight level assigned in the last ATC clearance received;
   (ii) the minimum altitude (converted, if appropriate, to minimum flight level for IFR operations); or
   (iii) the altitude or flight level ATC advised may be expected in a further clearance.

3. leave clearance limit—
   (i) when the clearance limit is at a fix from which an approach begins, commence descent or descent and approach—
      (A) as close as possible to the expect-further-clearance time if one has been received, or
      (B) if one has not been received, as close as possible to the estimated time of arrival as calculated from the filed or amended (with ATC) estimated time en route.
   (ii) if the clearance limit is not a fix from which an approach begins—
      (A) leave the clearance limit at the expect-further-clearance time if one has been received, or if none has been received, upon arrival over the clearance limit,
      (B) proceed to a fix from which an approach begins, and
      (C) commence descent or descent and approach as close as possible to the ETA as calculated from the filed or amended with ATC estimated time en route.

8.9 Passengers and Passenger Handling

8.9.1 All Passenger Carrying Operations

8.9.1.1 Unacceptable Conduct

(a) A person on board an aircraft shall not interfere with a crew member in the performance of his or her duties.
(b) A passenger shall fasten his or her seat belt and keep it fastened while the seat belt sign is lighted.

(c) A person on board an aircraft shall not recklessly or negligently act or omit to act in such a manner as to endanger the aircraft or persons and property therein.

(d) A person shall not secrete himself or herself or secrete any cargo on board an aircraft.

(e) A person shall not smoke on an aircraft.

(f) A person shall not smoke in any aircraft lavatory.

(g) A person shall not tamper with, disable or destroy any smoke detector installed in any aircraft lavatory.

8.9.1.2 Refuelling with Passengers on Board

(a) A PIC shall not allow an aircraft to be refuelled when passengers are embarking, on board or disembarking unless—

(1) the aircraft is manned by qualified personnel ready to initiate and direct an evacuation; and

(2) two-way communication is maintained between the qualified personnel in the aircraft and the ground crew supervising the refuelling;

(3) the aircraft illuminated ‘NO SMOKING’ signs should be on together with sufficient interior lighting to enable emergency exits to be identified. Such lighting should remain on until fuelling operations have been completed;

(4) the ‘Fasten Seat Belts’ signs should be switched off and passengers should be briefed to unfasten their seat belts.

(b) Helicopters. Unless specifically authorised by the Authority, a person shall not allow a helicopter to be refuelled when—

(1) passengers are embarking, on board, or disembarking; or

(2) the rotors are turning.

8.9.1.3 Passenger Seats, Safety Belts, and Shoulder Harnesses

(a) A PIC shall ensure that a person on onboard an aircraft occupies an approved seat or berth with their own individual safety belt and shoulder harness (if installed) properly secured about them during takeoff and landing.

(b) A passenger shall have his or her seatbelt securely fastened at any other time the PIC determines it is necessary for safety.

(c) A safety belt provided for the occupant of a seat shall not be used during takeoff and landing by more than one person.

Note: When Cabin Crew are required in a commercial air transport operation, the PIC may delegate this responsibility, but shall ascertain that the proper briefing has been conducted prior to takeoff.
8.9.1.4 Passenger Briefing

(a) A PIC shall ensure that crew members and passengers are made familiar, by means of an oral briefing or by other means, with the location and use of the following items, if appropriate—

(1) seat belts;
(2) emergency exits;
(3) life jackets;
(4) oxygen dispensing equipment; and
(5) other emergency equipment provided for individual use, including passenger emergency briefing cards.

(b) A PIC shall ensure that all persons on board are aware of the locations and general manner of use of the principal emergency equipment carried for collective use.

Note: For commercial air transport operations, the briefing shall contain all subjects approved by the Authority for the specific operations conducted as included in the pertinent Operations Manual.

Note: When Cabin Crew are required in a commercial air transport operation, the PIC may delegate this responsibility, but shall ascertain that the proper briefing has been conducted prior to takeoff.

8.9.1.5 Inflight Emergency Instruction

A PIC shall, in an emergency in flight, ensure that all persons on board the aircraft are instructed in such emergency action as may be appropriate to the circumstances.

Note: When Cabin Crew are required in a commercial air transport operation, the PIC may delegate this responsibility, but shall ascertain that the proper briefing has been conducted.

8.9.1.6 Passenger Oxygen: Minimum Supply and Use

(a) A PIC shall ensure that breathing oxygen and masks are available to all passengers in sufficient quantities for all flights at such altitudes where a lack of oxygen might harmfully effect passengers.

(b) A PIC shall ensure that the minimum supply of oxygen prescribed by the Authority is on board the aircraft.

Note: The requirements for oxygen storage and dispensing apparatus are prescribed in Part 7.

(c) A PIC shall require all passengers to use oxygen continuously at cabin pressure altitudes above 15,000 feet.

8.9.1.7 Alcohol or Drugs

A person shall not permit the boarding or serving of any person who appears to be intoxicated or who demonstrates, by manner or physical indications, that that person is under the influence of drugs (except a medical patient under proper care).
8.9.2 Commercial Air Transport Passenger Carrying Operations

8.9.2.1 Passenger Compliance with Instructions
A passenger on a commercial air transport flight shall comply with instructions given by a crew member in compliance with this section.

8.9.2.2 Denial of Transportation
An AOC holder may refuse to transport a passenger who—

1. refuses to comply with the instructions regarding exit seating restrictions prescribed by the Authority; or
2. has a handicap that can be physically accommodated only by an exit row seat.

8.9.2.3 Carriage of Persons Without Compliance with these Passenger-Carrying Requirements
(a) The passenger-carrying requirements of paragraph (b) shall not apply when carrying—

1. a crew member not required for the flight;
2. a representative of the Authority on official duty;
3. a person necessary to the safety or security of cargo or animals; or
4. any person authorised by the AOC holder’s Operation Manual procedures, as approved by the Authority.

(b) A person shall not be carried on an aircraft without compliance with the passenger carrying requirements unless—

1. there is an approved seat with an approved seat belt for that person;
2. that seat is located so that the occupant is not in any position to interfere with the flight crew members performing their duties;
3. there is unobstructed access from their seat to the flight deck or a regular or emergency exit;
4. there is a means for notifying that person when smoking is prohibited and when seat belts shall be fastened; and
5. that person has been orally briefed by a crew member on the use of emergency equipment and exits.

8.9.2.4 Cabin Crew at Duty Stations
(a) Cabin Crew shall, during taxi, take-off and landing and whenever the PIC so directs, remain at their duty stations with their safety belts and shoulder harness fastened except to perform duties related to the safety of the aircraft and its occupants.

(b) Cabin Crew shall, during takeoff or landing, be located as near as practicable to required floor level exits and shall be uniformly distributed throughout the aircraft to provide the most effective egress of passengers in event of an emergency evacuation.
(c) When passengers are on board a parked aircraft, Cabin Crew (or another person qualified in emergency evacuation procedures for the aircraft) shall be placed in the following manner—

(1) if only one qualified person is required, that person shall be located in accordance with the AOC holder’s Operations Manual procedures;

(2) if more than one qualified person is required, those persons shall be spaced throughout the cabin to provide the most effective assistance for the evacuation in case of an emergency.

8.9.2.5 Evacuation Capability
A PIC, SCA and any other person assigned by the AOC holder shall ensure that, when passengers are on board the aircraft prior to movement on the surface, at least one floor-level exit provides for egress of passengers through normal or emergency means.

8.9.2.6 Arming of Automatic Emergency Exits
A person shall not cause an aircraft carrying passengers to be moved on the surface, takeoff or land unless each automatically deployable emergency evacuation assisting means installed on the aircraft is ready for evacuation.

8.9.2.7 Accessibility of Emergency Exits and Equipment
A person shall not allow carry-on baggage or other items to block access to the emergency exits when the aircraft is moving on the surface, during takeoff or landing, or while passengers remain on board.

8.9.2.8 Stops
(a) At stops where passengers board, deplane or remain on board the aircraft, the PIC, the SCA, or both shall ensure that—

(1) all engines are shut down;

(2) at least one floor level exit remains open to provide for the deplaning of passengers; and

(3) there is at least one person immediately available who is qualified in the emergency evacuation of the aircraft and who has been identified to the passengers on board as responsible for the passenger safety.

(b) If refuelling with passengers on board, the PIC or a designated company representative shall ensure that the AOC holder’s Operations Manual procedures are followed.

8.9.2.9 Carriage of Persons with Reduced Mobility
(a) A person shall not allow a person of reduced mobility to occupy seats where their presence could—

(1) impede the crew in their duties;

(2) obstruct access to emergency equipment; or

(3) impede the emergency evacuation of the aircraft.
8.9.2.10 Exit Row Seating
A PIC or SCA shall not allow a passenger to sit in an emergency exit row if the PIC or SCA determine that it is likely that the passenger would be unable to understand and perform the functions necessary to open an exit and to exit rapidly.

Implement Standard: See IS 8.9.2.10 for additional requirements pertaining to exit row seating.

8.9.2.11 Prohibition Against Carriage of Weapons
A person shall not, while on board an aircraft being operated in commercial air transport, carry on or about their person a deadly or dangerous weapon, either concealed or unconcealed.

Note: This section does not apply to officials or employees of the State who are authorised to carry weapons or crew members and other persons authorised by the AOC holder to carry arms.

8.9.2.12 Oxygen for Medical Use by Passengers
An AOC holder may allow a passenger to carry and operate equipment for the storage, generation or dispensing of medical oxygen only as prescribed by the Authority.

See IS: 8.9.2.12 for specific requirements pertaining to the carriage of oxygen for medical use by passengers.

8.9.2.13 Carry-On Baggage
(a) A person shall not allow the boarding of carry-on baggage unless such baggage can be adequately and securely stowed in accordance with the AOC holder’s Operations Manual procedures.

(b) A person shall not allow aircraft passenger entry doors to be closed in preparation for taxi or pushback unless at least one required crew member has verified that each article of baggage has been properly stowed in overhead racks with approved restraining devices or doors, or in approved locations aft of the bulkhead.

(c) A person shall not allow carry-on baggage to be stowed in a location that would cause that location to be loaded beyond its maximum placard weight limitation.

Note: The stowage locations shall be capable of restraining the articles in crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing conditions under which the aircraft was type-certified.

8.9.2.14 Carriage of Cargo in Passenger Compartments
A person shall not allow the carriage of cargo in the passenger compartment of an aircraft except as prescribed by the Authority.

Implementing Standard: See IS 8.9.2.14 for specific requirements pertaining to carriage of cargo in passenger compartments.

8.9.2.15 Passenger Information Signs
A PIC shall turn on required passenger information signs during any movement on the surface, for each takeoff and each landing, and when otherwise considered to be necessary.
8.9.2.16 **Required Passenger Briefings**
(a) A person shall not commence a takeoff of an aircraft unless the passengers are briefed prior to takeoff in accordance with the AOC holder’s Operation Manual procedures on—
   (1) smoking limitations and prohibitions;
   (2) emergency exit location and use;
   (3) use of safety belts;
   (4) emergency floatation means location and use;
   (5) placement of seat backs;
   (6) if flight is above 12,000 feet MSL, the normal and emergency use of oxygen; and
   (7) the passenger briefing card.
(b) Immediately before or immediately after turning the seat belt sign off, the PIC or SCA shall ensure that all passengers are briefed to keep their seat belts fastened while seated, even when the seat belt sign is off.
(c) A PIC and SCA shall, before the takeoff of an aircraft, ensure that all persons of reduced mobility are personally briefed on—
   (1) the route to the most appropriate exit; and
   (2) the time to begin moving to the exit in event of an emergency.

8.9.2.17 **Passenger Briefing: Extended Overwater Operations**
A person shall not commence extended overwater operations unless all passengers have been orally briefed on the location and operations of life preservers, life rafts and other flotation means, including a demonstration of the method of donning and inflating a life preserver.

8.9.2.18 **Passenger Seat Belts**
(a) A passenger occupying a seat or berth shall fasten his or her safety belt and keep it fastened while the “Fasten Seat Belt” sign is lighted or, in aircraft not equipped with such a sign, whenever instructed by the PIC.
(b) A passenger safety belt shall not be used by more than one occupant during takeoff and landing.
(c) At each unoccupied seat, the safety belt and shoulder harness, if installed, shall be secured so as not to interfere with the other crew members in the performance of their duties or with the rapid egress of occupants in an emergency.

*Note 1: A person who has not reached his or her second birthday may be held by an adult who is occupying a seat or berth only when secured by a supplementary loop belt or other restraint device.*

*Note 2: A berth, such as a multiple lounge or divan seat, may be occupied by two persons provided it is equipped with an approved safety belt for each person and is used during en route flight only.*
8.9.2.19 Passenger Seat Backs
A PIC or SCA shall not allow the takeoff or landing of an aircraft unless each passenger seat back is in the upright position.

Note: Exceptions may only be made in accordance with procedures in the AOC holder's Operations Manual provided the seat back does not obstruct any passenger’s access to the aisle or to any emergency exit.

8.9.2.20 Stowage of Food, Beverage and Passenger Service
A PIC or SCA shall not allow the movement of an aircraft on the surface, takeoff or landing—

(1) when any food, beverage or tableware furnished by the AOC holder is located at any passenger seat; and

(2) unless each food and beverage tray and seat back tray table is in the stowed position.

8.9.2.21 Securing of Items of Mass in Passenger Compartment
(a) A person shall not allow the takeoff or landing of an aircraft unless each item of mass in the passenger cabin is properly secured to prevent it from becoming a hazard during taxi, takeoff and landing and during turbulent weather conditions.

(b) A person shall not allow an aircraft to move on the surface, takeoff or land unless each passenger serving cart is secured in its stowed position.

8.9.2.22 Prohibition Against Smoking in an Aircraft
A person shall not, while on board an aircraft being operated in commercial air transport, be allowed to smoke cigarettes, cigars or pipes.

8.10 CREW MEMBER AND FLIGHT OPERATIONS OFFICER QUALIFICATIONS: COMMERCIAL AIR TRANSPORT

8.10.1.1 Age 65 Restriction
(a) A person shall not serve nor shall an AOC holder use a person as a required pilot flight crew member on an aircraft engaged in commercial air transport operations if that person has attained his or her 65th birthday unless in accordance with IS: 8.10.1.1

(b) A check airman who has attained his or her 65th birthday may in accordance with IS: 8.10.1.1 continue to be a check airman. A check airman who does not hold an appropriate medical certificate may continue his or her check airman functions, but shall not serve as or occupy the position of a required pilot flight crew member on an aircraft engaged in international commercial air transport operations.

Implementing Standard: See IS: 8.10.1.1 for guidance material

8.10.1.2 PIC License Requirements: Turbojet, Turbofan, or Large Aircraft
A pilot shall not act as PIC of a turbojet, turbofan, or large aircraft in commercial air transportation operations unless he or she holds an ATP licence and a type rating for that aircraft.
8.10.1.3 PIC Licence Requirements: Non Turbojet or Turbofan Small Aircraft
A pilot shall not act as PIC of a non-turbojet or turbofan small aircraft in commercial air transport during—

(1) IFR operations unless he or she holds a commercial pilot licence with appropriate category, class and type ratings for the aircraft operated, and an instrument rating and meets the experience requirements for the operation; or

(2) day VFR operations unless he or she holds a commercial pilot licence with appropriate category, class and type ratings for the aircraft operated.

8.10.1.4 PIC Aeronautical Experience: Small Aircraft
A pilot shall not act as PIC of a small aircraft in commercial air transport during—

(1) IFR operations unless he or she meets the minimum aeronautical experience requirements necessary to qualify for the ATP licence; or

(2) VFR operations unless he or she has logged a minimum of 500 hours of time as a pilot, including at least 100 hours of cross-country flight time including 25 hours of which were at night.

8.10.1.5 Co-Pilot Licence Requirements
A pilot shall not act as Co-pilot of an aircraft in commercial air transport operations unless he or she—

(1) holds a commercial pilot licence with appropriate category, class and type ratings for the aircraft operated; and

(2) holds an instrument rating.

8.10.1.6 FE Licence Requirements
A person shall not act as the flight engineer of an aircraft unless he or she holds a flight engineer licence with the appropriate class rating.

8.10.1.7 One Pilot Qualified to Perform FE Functions
An AOC holder shall ensure that, on all flights requiring a flight engineer, there is assigned at least one other flight crew member qualified to perform the FE duties in the event the FE becomes incapacitated.

8.10.1.8 Persons Qualified to Flight Release
A person shall not act as a flight operations officer in releasing a scheduled passenger-carrying commercial air transport operation unless the person is currently qualified with the AOC holder for the operation and type of aircraft used.

8.10.1.9 Company Procedures Indoctrination
A person shall not serve nor may any AOC holder use a person as a crew member or flight operations officer/flight dispatcher unless that person has completed the company procedures indoctrination curriculum approved by the Authority, which shall include a complete review of operations manual procedures pertinent to the crew member or flight operation officer’s duties.
Implementing Standard: See IS 8.10.1.9 for knowledge area and programme hour requirements.

8.10.1.10 Initial Dangerous Goods Training

A person shall not serve nor shall an AOC holder use a person as a crew member or flight operations officer unless he or she has completed the appropriate initial dangerous goods curriculum approved by the Authority.

Implementing Standard: See IS 8.10.1.10 for specific course curriculum requirements.

8.10.1.11 Initial Security Training

A person shall not serve nor may any AOC holder use a person as a crew member unless he or she has completed the initial security curriculum approved by the Authority.

8.10.1.12 Initial Crew Resource Management

A person shall not serve nor shall an AOC holder use a person as a flight operations officer or crew member unless the person has completed the initial CRM curriculum approved by the Authority.

Implementing Standard: IS 8.10.1.12 for course curriculum topics.

8.10.1.13 Initial Emergency Equipment Drills

A person shall not serve nor shall an AOC holder use a person as a crew member unless that person has completed the appropriate initial emergency equipment curriculum and drills for the crew member position approved by the Authority for the emergency equipment available on the aircraft to be operated.

Implementing Standard: See IS 8.10.1.13 for course curriculum requirements.

8.10.1.14 Initial Aircraft Ground Training

(a) A person shall not serve nor may an AOC holder use a person as a crew member or flight operations officer unless he or she has completed the initial ground training approved by the Authority for the aircraft type.

(b) Initial aircraft ground training for flight crew members shall include the pertinent portions of the operations manuals relating to aircraft-specific performance, mass and balance, operational policies, systems, limitations, normal, abnormal and emergency procedures on the aircraft type to be used.

Implementation Standard: See IS 8.10.1.14(b) for specific course curriculum requirements for flight crew members.

Note: The AOC holder may have separate initial aircraft ground training curricula of varying lengths and subject emphasis which recognise the experience levels of flight crew members approved by the Authority.

(c) For Cabin Crew, initial aircraft ground training shall include the pertinent portions of the operations manuals relating to aircraft-specific configuration, equipment, normal and emergency procedures for the aircraft types within the fleet.
8.10.1.14 (d) For flight operations officers, aircraft initial ground training shall include the pertinent portions of the operations manuals relating to aircraft-specific flight preparation procedures, performance, mass and balance, systems, limitations for the aircraft types within the fleet.

Implementation Standard: See IS 8.10.1.14(d) for specific course curriculum requirements for flight operations officers.

8.10.1.15 Initial Aircraft Flight Training

(a) A person shall not serve nor shall an AOC holder use a person as a flight crew member unless he or she has completed the initial flight training approved by the Authority for the aircraft type.

(b) All initial flight training shall focus on the manoeuvring and safe operation of the aircraft in accordance with AOC holder’s normal, abnormal and emergency procedures.

(c) An AOC holder may have separate initial flight training curricula which recognise the experience levels of flight crew members approved by the Authority.

Implementing Standard: See IS 8.10.1.15 for specific flight curriculum.

8.10.1.16 Initial Specialised Operations Training

(a) A person shall not serve nor shall an AOC holder use a person as a flight crew member unless he or she has completed the appropriate initial specialised operations training curriculum approved by the Authority.

(b) Specialised operations for which initial training curricula shall be developed shall include—

(1) low minimums operations, including low visibility takeoffs and Category II and III operations;

(2) extended range operations;

(3) specialised navigation; and

(4) PIC right seat qualification.

Implementing Standard: See IS 8.10.1.16 for specific initial specialised operations training curriculum.

8.10.1.17 Aircraft Differences

A person shall not serve nor shall an AOC holder use a person as a flight operations officer or crew member on an aircraft of a type for which a differences curriculum is included in the AOC holder’s approved training program, unless that person has satisfactorily completed that curriculum, with respect to both the crew member position and the particular variant of that aircraft.

Implementing Standard: See IS 8.10.1.17 for aircraft differences training pertaining to flight operations officers.
8.10.1.18 Use of Simulators

An aircraft simulator and any other training device that is used for flight crew member qualification shall—

(1) be specifically approved by the Authority for—
   (i) the AOC holder;
   (ii) the type aircraft, including type variations, for which the training or check is being conducted;
   (iii) the particular manoeuvre, procedure, or crew member function involved;

(2) maintain the performance, functional, and other characteristics that are required for approval;

(3) be modified to conform with any modification to the aircraft being simulated that results in changes to performance, functional, or other characteristics required for approval;

(4) be given a daily functional pre-flight check before use; and

(5) have a daily discrepancy log kept by the appropriate instructor or check airman at the end of each training or check flight.

8.10.1.19 Introduction of New Equipment or Procedures

A person shall not serve nor shall an AOC holder use a person as a flight crew member when that service would require expertise in the use of new equipment or procedures for which a curriculum is included in the AOC holder’s approved training program, unless that person has satisfactorily completed that curriculum, with respect to both the crew member position and the particular variant of that aircraft.

8.10.1.20 Aircraft and Instrument Proficiency Checks

(a) A person shall not serve nor shall an AOC holder use a person as a pilot flight crew member unless since the beginning of the sixth calendar month before that service, that person has passed the proficiency check demonstrating his competence in carrying out normal, abnormal and emergency procedures as prescribed by the Authority, in the make and model aircraft on which their services are required.

(b) A person shall not serve nor shall an AOC holder use a person as a pilot in IFR operations unless the proficiency check in (a) above, is conducted without external visual reference.

(c) A pilot may complete the requirements of paragraphs (a) and (b) simultaneously in a specific aircraft type.

(d) The validity of a proficiency check shall be 6 consecutive months in addition to the remainder of the month of issue.

(e) Any 2 such checks which are similar and which occur within 4 consecutive months shall alone not satisfy this requirement.

Implementing Standard: See IS 8.10.1.20 for specific operation and procedures pertaining to the proficiency checks.
8.10.1.21 Re-Establishing Recency of Experience: Pilot

(a) In addition to meeting all applicable training and checking requirements, a required pilot flight crew member who, in the preceding 90 days has not made at least three takeoffs and landings in the type aircraft in which that person is to serve, shall, under the supervision of a check airman, re-establish recency of experience as follows—

(1) make at least three takeoffs and landings in the type aircraft in which that person is to serve or in a qualified simulator;

(2) make at least one takeoff with a simulated failure of the most critical powerplant, one landing from the minimum IL S authorised for the AOC holder, and one landing to a full stop.

(b) When using a simulator to accomplish any of the takeoff and landing training requirements necessary to re-establish recency of experience, a required flight crew member position shall be occupied by an appropriately qualified person and the simulator shall be operated as if in a normal in-flight environment without use of the repositioning features of the simulator.

(c) A check airman who observes the takeoffs and landings of a pilot flight crew member shall certify that the person being observed is proficient and qualified to perform flight duty in operations and may require any additional manoeuvres that are determined necessary to make this certifying statement.

8.10.1.22 Pairing of Low Experience Crew Members

(a) If a co-pilot has fewer than 100 hours of flight time in the type aircraft being flown in commercial air transport, and the PIC is not an appropriately qualified check pilot, the PIC shall make all takeoffs and landings in situations designated as critical by the Authority.

(b) A PIC or a co-pilot shall not conduct any operations for a type aircraft in commercial air transport unless either pilot has at least 75 hours of line operating flight time, either as PIC or co-pilot.

(c) The Authority may, upon application by the AOC holder, authorise deviations from paragraph (b) by an appropriate amendment to the operations specifications in any of the circumstances identified in IS 8.10.1.22.

Implementing Standard: See IS 8.10.1.22 for those situations designated as critical by the Authority and for circumstances authorising a deviation from paragraph (b).

8.10.1.23 Flight Engineer Proficiency Checks

A person shall not serve nor shall an AOC holder use a person as a flight engineer on an aeroplane unless within the preceding 6 calendar months he or she has had a proficiency check in accordance with the requirements prescribed by the Authority.

Implementing Standard: See IS 8.10.1.21 for specific procedures used in FE proficiency checks.
8.10.1.24 Competence Checks: Cabin Crew

A person shall not serve nor shall an AOC holder use a person as a Cabin Crew unless, since the beginning of the 12th calendar month before that service, that person has passed the competency check prescribed by the Authority performing the emergency duties appropriate to that person’s assignment.

Implementing Standard: See IS 8.10.1.24 for specific procedures used in Cabin Crew competence checks.

8.10.1.25 Competence Checks: Flight Operations Officers

A person shall not serve nor shall an AOC holder use a person as a flight operations officer unless, since the beginning of the 12th calendar month before that service, that person has passed the competency check, prescribed by the Authority, performing the flight preparation and subsequent duties appropriate to that person’s assignment.

Implementing Standard: See IS 8.10.1.25 for specific procedures used in flight operation officer competence checks.

8.10.1.26 Supervised Line Flying: Pilots

Unless otherwise determined by the Authority—

(a) A pilot initially qualifying as a PIC shall complete a minimum of 10 flights performing the duties of a PIC under the supervision of a check airman.

(b) A PIC transitioning to a new aircraft type shall complete a minimum of 5 flights performing the duties of a PIC under the supervision of a check airman.

(c) A pilot qualifying for duties other than PIC shall complete a minimum of 5 flights performing those duties under the supervision of a check airman.

(d) During the time that a qualifying PIC is acquiring operating experience, a check pilot who is also serving as the PIC shall occupy a pilot station.

(e) In the case of a transitioning PIC, the check pilot serving as PIC may occupy the observer’s seat if the transitioning pilot has made at least two takeoffs and landings in the type of aircraft used, and has satisfactorily demonstrated to the check pilot that he is qualified to perform the duties of a PIC for that type of aircraft.

8.10.1.27 Supervised Line Flying: Flight Engineers

A person qualifying as a flight engineer for an aircraft type shall perform those functions for a minimum of five flights under the supervision of a check airman or a qualified flight engineer.

8.10.1.28 Supervised Line Experience: Cabin Crew

A person qualifying as a Cabin Crew shall perform those functions for a minimum of two flights under the supervision of a senior Cabin Crew.

Note: While qualifying, this person may not be a required crew member.
8.10.1.29 Line Observations: Flight Operations Officers

A person shall not serve nor shall an AOC holder use a person as a flight operations officer unless, since the beginning of the 12th calendar month before that service, that person has observed, on the flight deck, the conduct of two complete flights over routes representative of those for which that person is assigned duties.

8.10.1.30 Route and Area Checks: Pilot Qualification

(a) A person shall not serve nor shall an AOC holder use a person as a pilot unless, within the preceding 12 calendar months, that person has passed a route check in which he or she satisfactorily performed their assigned duties in one of the types of aircraft they are to fly.

(b) A person shall not perform any PIC duties over a designated special operational area that requires a special navigation system or procedures or in ETOPS operations unless his or her competency with the system and procedures has been demonstrated to the AOC holder within the past 12 calendar months.

(c) A PIC shall demonstrate special operational competency by navigation over the route or area as PIC under the supervision of a check airman and, on a continuing basis, by flights performing PIC duties.

(d) The validity of the route and area checks shall be 12 calendar months in addition to the remainder of the month of issue.

8.10.1.31 PIC Low Minimums Authorisation

(a) Until a PIC has 15 flights performing PIC duties in the aircraft type (which included 5 approaches to landing using Category I or II procedures), he or she shall not plan for or initiate an instrument approach when the ceiling is less than 300 feet and the visibility less than 1 mile.

(b) Until a PIC has 20 flights performing PIC duties in the aircraft type (which included 5 approach and landing using Category III procedures), he or she shall not plan for or initiate an approach when the ceiling is less than 100 feet or the visibility is less than 1200 RVR.

8.10.1.32 Designated Special Aerodromes and Heliports: PIC Qualification

(a) A person shall not serve nor shall an AOC holder use a person as PIC for operations at designated special aerodromes and heliports unless within the preceding 12 calendar months—

(1) the PIC has been qualified by the AOC holder through a pictorial means acceptable to the Authority for that aerodrome; or

(2) the PIC or the assigned co-pilot has made a takeoff and landing at that aerodrome while serving as a flight crew member for the AOC holder.

(b) Designated special aerodrome and heliport limitations are not applicable if the operation will occur—

(1) during daylight hours;

(2) when the visibility is at least 3 miles; and
(3) when the ceiling at that aerodrome is at least 1000 feet above the lowest initial approach altitude prescribed for an instrument approach procedure.

8.10.1.33 Recurrent Training: Flight Crew Members

(a) A person shall not serve nor shall an AOC holder use a person as a flight crew member unless within the preceding 12 calendar months that person has completed the recurrent ground and flight training curricula approved by the Authority. The recurrent ground training shall include training on—

(1) aircraft systems and limitations and normal, abnormal and emergency procedures;

(2) emergency equipment and drills;

(3) crew resource management;

(4) security training.

(b) Recurrent ground training shall include training within the preceding 24 calendar months on recognition and transportation of dangerous goods.

(c) The recurrent flight training curriculum shall include—

(1) manoeuvring and safe operation of the aircraft in accordance with AOC holder’s normal, abnormal and emergency procedures;

(2) manoeuvres and procedures necessary for avoidance of in-flight hazards; and

(3) for authorised pilots, at least one low visibility takeoff to the lowest applicable minimum LVTO and two approaches to the lowest approved minimums for the AOC holder, one of which is to be a missed approach Implementing Standard: See IS 8.10.1.33 for detailed recurrent training requirements.

Note: Satisfactory completion of a proficiency check with the AOC holder for the type aircraft and operation to be conducted may be used in lieu of recurrent flight training.

8.10.1.34 Recurrent Training: Cabin Crew

(a) A person shall not serve nor shall an AOC holder use a person as a Cabin Crew unless within the preceding 12 calendar months that person has completed the recurrent ground curricula approved by the Authority. The recurrent ground training shall include training on—

(1) aircraft-specific configuration, equipment and procedures;

(2) emergency and first aid equipment and drills;

(3) crew resource management;

(4) security training.

(b) Recurrent ground training shall include training within the preceding 24 calendar months on recognition and transportation of dangerous goods.

Implementing Standard: See IS 8.10.1.34 for specific emergency program training requirements for Cabin Crew.
8.10.1.35 Recurrent Training: Flight Operations Officers

(a) A person shall not serve nor shall an AOC holder use a person as a flight operations officer unless that person has completed the recurrent ground curricula approved by the Authority.

(b) The recurrent ground training shall include training within the preceding 12 calendar months on—

   (1) aircraft-specific flight preparation;

   (2) crew resource management; and

(c) The recurrent ground training shall include training within the preceding 24 calendar months on —Recognition or transportation of dangerous goods.

Implementing Standard: See IS 8.10.1.35 for specific program training requirements for flight operations officers.

8.10.1.36 Check Airman Training

A person shall not serve nor shall an AOC holder use a person as a check airman unless he or she has completed the curricula approved by the Authority for those functions for which they are to serve.

Implementing Standard: See IS 8.10.1.36 for specific training program requirements for check airmen.

8.10.1.37 Flight Instructor Training

A person shall not serve nor shall an AOC holder use a person as an instructor unless he or she has completed the curricula approved by the Authority for those functions for which they are to serve.

Implementing Standard: See IS 8.10.1.37 for specific training program requirements for instructor.

8.10.1.38 Flight Instructor Qualifications

An AOC holder shall not use a person nor shall a person serve as a flight instructor in an established training program unless, with respect to the aircraft type involved, that person—

(1) holds the airman licences and rating required to serve as a PIC, a flight engineer, or a flight navigator, as applicable;

(2) has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a PIC, flight engineer, or flight navigator, as applicable;

(3) has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a PIC, flight engineer, or flight navigator, as applicable;

(4) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check; and

(5) holds at least a Class III medical certificate unless serving as a required crew member, in which case holds a Class I or a Class II medical certificate as appropriate.
8.10.1.39 Check Airman Pilot Qualifications

An AOC holder shall not use a person, nor shall an person serve as a check airman in an established training program unless, with respect to the aircraft type involved, that person—

(1) holds the airman licences and ratings required to serve as a PIC, a flight engineer, or a flight navigator, as applicable;

(2) has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a PIC, flight engineer, or flight navigator, as applicable;

(3) has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a PIC, flight engineer, or flight navigator, as applicable;

(4) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check;

(5) holds at least a Class III medical certificate unless serving as a required crew member, in which case holds a Class I or Class II medical certificate as appropriate; and

(6) has been approved by the Authority for the check airman duties involved.

8.10.1.40 Check Airman Designation

A person shall not serve nor shall an AOC holder use a person as a check airman for any flight check unless that person has been designated by name, approved and observed by the Authority within the preceding 12 calendar months.

8.10.1.41 Checkairman Limitations

A person shall not serve nor shall an AOC holder use a person as a check airman for any check—

(1) in an aircraft as a required pilot flight crew member, unless that person holds the required airman licences and ratings and has completed for the AOC holder all applicable training, qualification and currency requirements of this Part applicable to the crew position and the flight operations being checked;

(2) in an aircraft as an observer check airman, unless that person holds the airman licences and ratings and has completed all applicable training, qualification and line observation requirements of this Part applicable to the position and the flight operations being checked; or

(3) in a simulator unless that person has completed or observed with the AOC holder all training, qualification and line observation requirements of this Part applicable to the position and flight operations being checked.

8.10.1.42 Substitution of Simulator Experience

(a) An AOC holder shall not use a simulator for training or checking unless that simulator has been specifically approved for the AOC holder in writing by the Authority.
(b) An AOC holder shall not use a simulator for any purpose other than that specified in the Authority’s approval.

8.10.1.43 Line Qualification: Checkairman and Instructor

A person shall not serve nor shall an AOC holder use a person as a check airman or simulator instructor unless, since the beginning of the 12th calendar month before that service, that person has—

(1) flown at least 5 flights as a required crew member for the type of aircraft involved; or

(2) observed, on the flight deck, the conduct of 2 complete flights in the aircraft type to which the person is assigned.

8.10.1.44 Termination of a Proficiency, Competence or Line Check

If it is necessary to terminate a check as a result of flight crew proficiency, the AOC holder shall not use the crew member or flight operations officer in commercial air transport operations until the completion of a satisfactory recheck.

8.10.1.45 Recording of Crew Member Qualifications

(a) An AOC holder shall record in its records maintained for each crew member and flight operations officer, the completion of each of the qualifications required by this Part.

(b) A pilot may complete the curricula required by this Part concurrently or intermixed with other required curricula, but completion of each of these curricula shall be recorded separately.

8.10.1.46 Monitoring of Training and Checking Activities

(a) To enable adequate supervision of its training and checking activities, the AOC holder shall forward to the Authority at least 7 days prior to the scheduled activity the dates, report times and report location of all—

(1) training for which a curriculum is approved in the AOC holder’s training program; and

(2) proficiency, competence and line checks.

(b) Failure to provide the information required by paragraph (a) may invalidate the training or check and the Authority may require that it be repeated for observation purposes.

8.10.1.47 Eligibility Period

(a) All crew members who are required to take a proficiency check, a test or competency check, or recurrent training to maintain qualification for commercial air transport operations may complete those requirements at any time during the eligibility period.

(b) The eligibility period is defined as the final three calendar months of the validity of the previous check. If any of the checks and or training required in (a) above are completed during the eligibility period, they shall be considered as if completed in the month-due, for the purpose of calculating the next due date.
8.10.1.48 Reductions in Requirements

(a) The Authority may authorise reductions in, or waive, certain portions of the training requirements of this subpart, taking into account the previous experience of the crew members.

(b) An AOC holder’s request for reduction or waiver shall be made in writing and outline the basis under which the request is made.

(c) If the request was for a specific crew member, the correspondence from the Authority authorising the reduction and the basis for it shall be filed in the record the AOC holder maintains for that crew member.

(d) A person who progresses successfully through flight training, is recommended by their instructor or a check airman, and successfully completes the appropriate flight check for a check airman, or is permitted by the Authority, to complete a course in less than programmed time, need not complete the programmed hours of flight training for the particular aircraft.

Note: Whenever the Authority finds that 20 percent of the flight checks given at a particular training base during the previous 6 months are unsuccessful, this method of approval will not be used by the AOC holder at that base until the Authority finds that the effectiveness of the flight training there has improved.

8.11 REST PERIODS, DUTY, AND FLIGHT TIME: COMMERCIAL AIR TRANSPORT

8.11.1.1 Applicability

This scheme shall apply in relation to any duty carried out at the behest of the AOC holder by both flight crew and cabin crew. AOC holders are given the option of omitting paragraph(s) where this symbol ‘J’ is annotated.

8.11.1.2 Purpose

The purpose of the scheme is to interpret the requirements of the relevant sections of the Civil Aviation Regulations as they apply to the regulation of flight times and the avoidance of fatigue in aircrew.

8.11.1.3 Responsibilities

(a) An AOC holder shall publish rosters in advance so that operating crews can plan adequate pre-flight rest.

(b) All crew members shall be given at least 7 days notice of days off.

(c) Before the start of the roster year, the start and finish dates of each roster period, plus the expected publication date, shall be issued to crewmembers.

(d) Responsibility for the proper control of flight and duty time does not rest wholly with the AOC holder. All crew members shall have a responsibility to make optimum use of the opportunities and facilities for rest provided.

(e) All crew members shall be responsible for planning and using their rest periods properly in order to minimize incurring fatigue.

(f) A crew member shall not act as operating crew if he or she knows, or suspects that his or her physical or mental condition renders him or her
unfit to operate and he or she shall not fly if he or she knows that he or she is, or are likely to be, in breach of this scheme.

8.11.1.4 Definitions
Definitions in the flight duty scheme shall have the meanings defined in IS: 8.11.1.4

8.11.1.5 Flight Duty Period
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.5

8.11.1.6 Flight Duty Period Tables
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.6

8.11.1.7 Limits on two flight crew long range operations
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.7

8.11.1.8 Extension of flying duty period by in-flight relief
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.8

8.11.1.9 Calculation of delay reporting times in a single FDP
Delayed reporting times in a single flight duty period prior to leaving a place of rest shall be calculated as prescribed in IS: 8.11.1.9

8.11.1.10 Pilot-In-Command’s discretion to extend a FDP
An PIC’s discretion to extend a flight duty period shall be as prescribed in IS: 8.11.1.10

8.11.1.11 Split duty extensions
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.11

8.11.1.12 Reporting exercise of discretion to an extension of a FDP
(i) Whenever a PIC extends an FDP it shall be reported to (Specify reporting point, i.e. Operations Manager) on a Discretion Report Form, in the format of (Specify Company form).

(ii) If the extension under subsection (i) is greater than 2 hours, then the company shall submit the commander’s written report, together with the AOC holder’s comments, to the Authority, within 14 days of the aircraft’s return to base.

8.11.1.13 Late Finishes/Early Starts
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.13

8.11.1.14 Standby duty
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.14
8.11.1.15 Mixed Duties
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.15

8.11.1.16 Deadheading
Travelling time shall be interpreted as prescribed in IS: 8.11.1.16

8.11.1.17 Travelling Time
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.17

8.11.1.18 Rest Periods
An AOC holder shall not schedule rest periods except as prescribed in IS: 8.11.1.18

8.11.1.19 Pilot in Command’s discretion to reduce a rest period
An aircraft commander’s discretion to reduce a rest period shall be as prescribed in IS: 8.11.1.19

8.11.1.20 Reporting exercise of discretion to reduce a rest period
Whenever PIC reduces a rest period, it shall be reported as prescribed in IS 8.11.1.20

8.11.1.21 Days off
An AOC holder shall not schedule a crewmember except as prescribed in IS: 8.11.1.21

8.11.1.22 Absolute limit on flying hours
Absolute limit on flying hours shall be as prescribed in IS: 8.11.1.22

8.11.1.23 Cumulative duty hours
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8.11.1.24 Calculation of cumulative duty hours
Calculation of cumulative duty hours shall be as prescribed in IS: 8.11.1.24

8.11.1.25 Records to be maintained
Records for flight and duty time and rest periods of all flying staff shall be as prescribed in IS: 8.11.1.25

8.12 FLIGHT RELEASE: COMMERCIAL AIR TRANSPORT

8.12.1.1 Applicability
This Subpart is applicable to an AOC holder and the person designated by the AOC holder to issue a flight release.

8.12.1.2 Qualified Persons Required For Operational Control Functions
(a) A qualified person shall be designated by the AOC holder to exercise the functions and responsibilities for operational control of each flight in commercial air transport.
(b) For passenger-carrying flights conducted on a published schedule, a licensed and qualified flight operations officer or an equivalently
qualified person shall be on-duty at an operations base to perform the operational control functions.

(c) For all other flights, the qualified person exercising operational control responsibilities shall be available for consultation prior to, during and immediately following the flight operation.

(d) For all flights, a PIC shall share in the responsibility for operational control of the aircraft and shall have the situational authority to make decisions regarding operational control issues in-flight.

(e) Where a decision of the PIC differs from that recommended, the person making the recommendation shall make a record of the associated facts.

8.12.1.3 Functions Associated with Operational Control

The person exercising responsibility for operational control for an AOC holder shall—

(1) authorise the specific flight operation;

(2) ensure that an airworthy aircraft properly equipped for the flight is available;

(3) ensure that qualified personnel and adequate facilities are available to support and conduct the flight;

(4) ensure that proper flight planning and preparation is made;

(5) ensure that flight locating and flight following procedures are followed; and

(6) for scheduled, passenger-carrying flights, ensure the monitoring of the progress of the flight and the provision of information that may be necessary to safety; and

(7) ensure that a flight shall not be continued towards the heliport of intended landing unless the latest available meteorological information indicates that conditions at that heliport, or at least one alternate heliport, will, at the estimated time of arrival, be at or above the specified heliport operating minima.

8.12.1.4 Operational Control Duties

(a) For passenger-carrying flights conducted on a published schedule, the qualified person performing the duties of a flight operations officer shall—

(1) assist the PIC in flight preparation and provide the relevant information required;

(2) assist the PIC in preparing the operational and ATC flight plans;

(3) sign the dispatch copy of the flight release;

(4) furnish the PIC while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and

(5) in the event of an emergency, initiate the applicable procedures contained in the AOC holder’s operations manual.
(b) If an emergency situation which endangers the safety of the aircraft or persons becomes known first to the flight operations officer/flight dispatcher, action by that person shall include, where necessary, notification to the appropriate authorities of the nature of the situation without delay, and requests for assistance if required.

(c) A qualified person performing the operational control duties shall avoid taking any action that would conflict with the procedures established by—
   (1) air traffic control;
   (2) the meteorological service;
   (3) the communications service; or
   (4) AOC holder.

8.12.1.5 Contents of a Flight Release

The flight release shall contain at least the following information concerning each flight—
   (1) company or organisation name;
   (2) make, model, and registration number of the aircraft being used;
   (3) flight or trip number, and date of flight;
   (4) name of each flight crew member, Cabin Crew, and PIC;
   (5) departure aerodrome, destination aerodromes, alternate aerodromes, and route;
   (6) minimum fuel supply (in gallons or pounds);
   (7) a statement of the type of operation (e.g., IFR, VFR);
   (8) the latest available weather reports, and forecasts for the destination aerodrome and alternate aerodromes;
   (9) any additional available weather information that the PIC considers necessary.

8.12.1.6 Flight Release: Aircraft Requirements

(a) A person shall not issue a flight release for a commercial air transport operation unless the aircraft is airworthy and properly equipped for the intended flight operation.

(b) A person shall not issue a flight release for a commercial air transport operation using an aircraft with inoperative instruments and equipment installed, except as specified in the Minimum Equipment List approved for the AOC holder for that type aircraft.

8.12.1.7 Flight Release: Facilities and NOTAMs

(a) A person shall not release an aircraft over any route or route segment unless there are adequate communications and navigational facilities in satisfactory operating condition as necessary to conduct the flight safely.

(b) The flight operations officer shall ensure that the PIC is provided all available current reports or information on aerodrome conditions and
irregularities of navigation facilities that may effect the safety of the flight.

Note: For their review of the operational flight plan, the PIC will be provided with all available NOTAMs with respect to the routing, facilities and aerodromes.

8.12.1.8 Flight Release: Weather Reports and Forecasts

(a) A person shall not release a flight unless he or she is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

(b) A person shall not release a flight unless he or she has communicated all information and reservations they may have regarding weather reports and forecasts to the PIC.

8.12.1.9 Flight Release in Icing Conditions

(a) A person shall not release an aircraft, when in their opinion or that of the PIC, the icing conditions that may be expected or are met, exceed that for which the aircraft is certified and has sufficient operational de-icing or anti-icing equipment.

(b) A person shall not release an aircraft any time if the conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless there is the available to the PIC at the aerodrome of departure adequate facilities and equipment to accomplish the procedures approved for the AOC holder by the Authority for ground de-icing and anti-icing.

8.12.1.10 Flight Release under VFR or IFR

A person shall not release a flight under VFR or IFR unless the weather reports and forecasts indicate that the flight can reasonably be expected to be completed as specified in the release.

8.12.1.11 Flight Release: Minimum Fuel Supply

A person shall not issue a flight release for a commercial air transport operation unless the fuel supply specified in the release is equivalent to or greater than the minimum flight planning requirements of this Part, including anticipated contingencies.

8.12.1.12 Flight Release: Aircraft Loading and Performance

A person shall not issue a flight release unless he or she is familiar with the anticipated loading of the aircraft and is reasonably certain that the proposed operation will not exceed the—

(1) centre of gravity limits;
(2) aircraft operating limitations; and
(3) minimum performance requirements.

8.12.1.13 Flight Release: Amendment or Re-Release En Route

(a) A person who amends a flight release while the flight is en route shall record that amendment.

(b) A person shall not amend the original flight release to change the destination or alternate aerodrome while the aircraft is en route unless the flight preparation requirements for routing, aerodrome selection
and minimum fuel supply are met at the time of amendment or release.

(c) A person shall not allow a flight to continue to an aerodrome to which it has been released if the weather reports and forecasts indicate changes which would render that aerodrome unsuitable for the original flight release.


A person shall not release a large aeroplane carrying passengers when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.
PART 9
AIR OPERATOR CERTIFICATION AND ADMINISTRATION

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PART 9 - AIR OPERATOR CERTIFICATION AND ADMINISTRATION

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9.1 AIR OPERATOR CERTIFICATE

9.1.1 Applicability

(a) This Part applies to the carriage of passengers, cargo or mail for remuneration or hire by persons whose principal place of business or permanent residence is located in Saint Christopher and Nevis.

(b) This Part prescribes requirements for the original certification and continued validity of air operator certificates (AOC) issued by Saint Christopher and Nevis.

(c) Except where specifically noted, this Part applies to all commercial air transport operations by AOC holders for which Saint Christopher and Nevis is the State of the Operator under the definitions provided in Annex 6 to the Chicago Convention.

9.1.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions.”

9.1.1.3 Acronyms

The following acronyms are used in this Part—

(1) AOC - Air Operator Certificate;
(2) AMO - Approved Maintenance Organisation;
(3) ATP - Air Transport Pilot;
(4) CDL - Configuration Deviation List;
(5) MEL - Minimum Equipment List;
(6) UN - United Nations.

9.1.1.4 Compliance with an Air Operator Certificate

(a) An operator shall not operate an aircraft in commercial air transport unless that operator holds an AOC for the operations being conducted.

(b) A person shall not operate an aircraft in commercial air transport operations which are not authorised by the terms and conditions of its AOC.

(c) An AOC holder shall, at all times, continue in compliance with the AOC terms, conditions of issuance, and maintenance requirements in order to hold that certificate.

(d) Failure to comply with paragraphs (a) to (c) may result in the revocation or suspension of the AOC.

9.1.1.5 Application for an Air Operator Certificate

(a) An operator applying to the Authority for an AOC shall submit an application—

(1) in a form and manner prescribed by the Authority; and
(2) containing any information the Authority requires the applicant to submit.

(b) An applicant shall make the application for an initial issue of an AOC at least 90 days before the date of intended operation, except the
Operations Manual specified in 9.3.1.4 and Maintenance Control Manual specified in 9.4.1.4 which may be submitted later than but not less than 60 days before the date of intended operation.

9.1.1.6 Issuance or Denial of Air Operator Certificate

(a) The Authority may issue an AOC if, after investigation, the Authority is satisfied that the applicant—

(1) is a citizen of the Saint Christopher and Nevis;
(2) has its principal place of business and its registered office, if any, located in Saint Christopher and Nevis;
(3) meets the applicable regulations and standards for the holder of an AOC;
(4) is properly and adequately equipped for safe operations in commercial air transport and maintenance of the aircraft; and
(5) has submitted proof in writing from the Minister Responsible for Civil Aviation signifying that he does not object to the application.

(b) The Authority may deny application for an AOC if the Authority determines that—

(1) the applicant is not properly or adequately equipped or is not able to conduct safe operations in commercial air transport;
(2) the person is unfit, having regard in particular to his previous conduct, or if there is evidence of unlawful conduct in aviation or previous breaches of aviation regulations;
(3) the applicant previously held an AOC which was revoked; or
(4) an individual that contributed to the circumstances causing the revocation process of an AOC obtains a substantial ownership or is employed in a position required by this regulation.

9.1.1.7 Contents of Air Operator Certificate

(a) The AOC will consist of two documents—

(1) a one-page certificate for public display signed by the Authority, and
(2) multi-page AOC specific operating provisions containing the terms and conditions applicable to the AOC holder’s certificate.

(b) The Authority will issue an AOC which will contain—

(1) the name and location (main place of business) of the AOC holder;
(2) the date of issue and period of validity for each page issued;
(3) a description of the type of operations authorised;
(4) the type(s) of aircraft(s) authorised for use;
(5) the authorised areas of operations or destinations;
(6) other Special authorisations, approvals and limitations issued by the Authority in accordance with the standards which are
applicable to the operations and maintenance conducted by the AOC holder.

9.1.1.8 Duration of an Air Operator Certificate

An AOC, or any portion of the AOC, issued by the Authority is effective until—

(1) the Authority amends, suspends, revokes or otherwise terminates the certificate;
(2) the AOC holder surrenders it to the Authority; or
(3) the AOC holder suspends operations for more than 60 days; or
(4) one year from the date of its issue or renewal.

9.1.1.9 Amendment of an Air Operator Certificate

(a) The Authority may amend any AOC if—

(1) the Authority determines that safety in commercial air transport and the public interest require the amendment; or
(2) the AOC holder applies for an amendment, and the Authority determines that safety in commercial air transport and the public interest allows the amendment.

(b) If the Authority stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, such an amendment is effective without stay on the date the AOC holder receives notice.

(c) An AOC holder may appeal the amendment, but shall operate in accordance with it, unless it is subsequently withdrawn.

(d) Amendments proposed by the Authority, other than emergency amendments, become effective 30 days after notice to the AOC holder, unless the AOC holder appeals the proposal in writing prior to the effective date. The filing of an appeal stays the effective date until the appeal process is completed.

(e) Amendments proposed by the AOC holder shall be made at least 30 days prior to the intended date of any operation under that amendment.

(f) A person shall not perform a commercial air transport operation for which an AOC amendment is required, unless it has received notice of the approval from the Authority.

9.1.1.10 Access for Inspection

(a) To determine continued compliance with the applicable regulations, the AOC holder shall—

(1) grant the Authority access to and co-operation with any of its organisations, facilities and aircraft;
(2) ensure that the Authority is granted access to and co-operation with any organisation or facilities that it has contracted for services associated with commercial air transport operations and maintenance for services; and
(3) grant the Authority free and uninterrupted access to the flight deck of the aircraft during flight operations.
(b) An AOC holder shall provide to the Authority a forward observer’s seat on the AOC holder’s aircraft from which the flight crew’s actions and conversations may be easily observed.

Note: The suitability of the seat location and the ability to monitor crewmember actions, conversations and radio communications is determined by the Authority.

9.1.11 Conducting Tests and Inspections

(a) The Authority will conduct on-going validation of the AOC holder’s continued eligibility to hold its AOC and associated approvals.

(b) The AOC holder shall allow the Authority to conduct tests and inspections, at any time or place, to determine whether an AOC holder is complying with the applicable laws, regulations and AOC terms and conditions.

(c) The AOC holder shall make available at its principal base of operations—

(1) all portions of its current Air Operator Certificate;

(2) all portions of its Operations and Maintenance Manuals; and

(3) a current listing that includes the location and individual positions responsible for each record, document and report required to be kept by the AOC holder under the applicable aviation law, regulations or standards.

(d) Failure by any AOC holder to make available to the Authority upon request, all portions of the AOC, Operations and Maintenance Manuals and any required record, document or report is grounds for suspension of all or part of the AOC.

9.2 AIR OPERATOR CERTIFICATION AND CONTINUED VALIDITY

9.2.1.1 Applicability

Subpart 9.2 provides requirements applicable to the certification and continued validity of all AOC holders.

9.2.2 Administration

9.2.2.1 Base of Operations

(a) An AOC holder shall maintain a principal base of operations in Saint Christopher and Nevis.

(b) An AOC holder shall provide written notification of intent to the Authority at least 30 days before it proposes to establish or change the location of its base.

9.2.2.2 Management Personnel Required for Commercial Air Transport Operations

(a) An AOC holder shall have an accountable manager, acceptable to the Authority, who has corporate authority for ensuring that all flight operations and maintenance activities can be financed and carried out to the highest degree of safety standards required by the Authority.

(b) When conducting commercial air transport operations, the AOC holder shall have qualified personnel, with proven competency in civil
aviation, available and serving in the following positions or their equivalent—

(1) Director of Operations;
(2) Chief Pilot;
(3) Director of Safety;
(4) Director of Maintenance;
(5) Quality Manager.

(c) The Authority may approve positions or numbers of positions, other than those listed, if the AOC holder is able to show that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to the—

(1) the kind of operations involved;
(2) the number of aircraft used; and
(3) the area of operation.

Implementing Standard: See IS: 9.2.2.2 for additional management personnel requirements.

9.2.2.3 Quality System

(a) An AOC holder, depending on the scope of the operation, shall establish a quality system and designate a quality manager to monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aircraft. Compliance monitoring shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(b) An AOC holder shall ensure that each quality system includes a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(c) The quality system, and the quality manager, shall be acceptable to the Authority.

(d) An AOC holder shall describe the quality system in relevant documentation.

9.2.2.4 Submission and Revision of Policy and Procedure Manuals

(a) An AOC holder shall establish a flight safety documents system, for the use and guidance of operational personnel as part of its safety management system.

(b) A manual required by this Part must—

(1) include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) be in a form that is easy to revise and contains a system which allows personnel to determine the current revision status of a manual;

(3) have a date and revision number of the last revision on each page concerned;
(4) not be contrary to any applicable Saint Christopher and Nevis regulation and the AOC holder’s specific operating provisions; and

(5) include a reference to appropriate civil aviation regulations.

c) A person shall not cause the use of any policy and procedure for flight operations or airworthiness function prior to co-ordination with the Authority.

d) An AOC holder shall submit the proposed policy or procedure to the Authority at least 30 days prior to the date of intended implementation.

9.2.2.5 Retention and Maintenance of Personnel Records

(a) An AOC holder shall maintain current records which detail the qualifications and training of all its employees, and contract employees, involved in the operational control, flight operations, ground operations and maintenance of the air operator.

(b) An AOC holder shall maintain records for those employees performing crew member or flight operations officer duties in sufficient detail to determine whether the employee meets the experience and qualification for duties in commercial air transport operations.

(c) An AOC holder shall retain the following records—

(1) flight and duty records;
(2) flight crew records;
(3) fuel and oil records.

9.2.2.6 Flight Deck Voice and Flight Data Recorder Records

(a) An AOC holder shall retain—

(1) the most recent flight data recorder calibration, including the recording medium from which this calibration is derived; and

(2) the flight data recorder correlation for one aircraft of any group of aircraft operated by the AOC holder—

(i) that are of the same type;
(ii) on which the model flight recorder and its installation are the same; and
(iii) on which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

(b) In the event of an accident or occurrence requiring immediate notification of the Authority, the AOC holder shall remove and keep recorded information from the flight deck voice recorder and flight data recorder for at least 60 days or, if requested by the Authority, for a longer period.
9.2.2.7 (Reserved)

9.2.2.8 AOC Holder’s Aircraft Technical Log

An AOC holder shall have an aircraft technical log that is carried on the aircraft that contains a journey records section and an aircraft maintenance record section. The journey records section is further described in 9.3.1.5 and the aircraft maintenance record section is further described in 9.4.1.9.

9.2.2.9 Company Procedures Indoctrination

A person shall not serve nor may any AOC holder use a person as a Quality Manager or the Director of Maintenance 9.4.1.2 unless that person has completed the company indoctrination curriculum approved by the Authority, which shall include a complete review of the operations manual and maintenance control manual procedures pertinent to their duties.

Implementing Standard: See IS: 9.2.2.9 for additional company procedures training requirements.

9.2.3 Aircraft

9.2.3.1 Authorised Aircraft

(a) A person shall not operate an aircraft in commercial air transport unless that aircraft has an appropriate current airworthiness certificate, is in an airworthy condition, and meets the applicable airworthiness requirements for these operations, including those related to identification and equipment.

(b) A person shall not operate any specific type of aircraft in commercial air transport until it has completed satisfactory initial certification, which includes the issuance of an AOC listing that type of aircraft.

(c) A person shall not operate additional or replacement aircraft of a type for which it is currently authorised unless it can show that an aircraft has completed an evaluation process for inclusion in the AOC holder’s fleet.

9.2.3.2 Dry Leasing of Foreign Registered Aircraft

(a) An AOC holder may dry-lease a foreign-registered aircraft for commercial air transport as authorised by the Authority.

(b) A person shall not operate a foreign registered aircraft unless—

(1) there is in existence a current agreement between the Authority and the State of Registry that, while the aircraft is operated by the Saint Christopher and Nevis AOC holder, the operations regulations of Saint Christopher and Nevis are applicable;

(2) there is in existence a current agreement between the Authority and the State of Registry that—

(i) while the aircraft is operated by the AOC holder, the airworthiness regulations of the State of Registry are applicable; or,

(ii) if the State of Registry agrees to transfer some or all of the responsibility for airworthiness to the Authority under Article 83 bis of the Chicago Convention, the airworthiness regulations of Saint Christopher and Nevis shall apply to the extent agreed upon by the Authority and State of Registry.
(3) the agreement acknowledges that the Authority shall have free and uninterrupted access to the aircraft at any place and any time.

Implementing Standard: See IS: 9.2.3.2 for additional requirements for dry leasing of foreign-registered aircraft.

9.2.3.3 Aircraft Interchange

A person shall not interchange aircraft with another AOC holder without the approval of the Authority.

Implementing Standard: See IS: 9.2.3.3 for requirements pertaining to aircraft interchange agreements approved by the Authority.

9.2.3.4 Wet-Leasing

(a) A person shall not conduct wet-lease operations on behalf of another air operator except in accordance with the applicable laws and regulations of the country in which the operation occurs and the restrictions imposed by the Authority.

(b) A person shall not allow another entity or air operator to conduct wet-lease operations on its behalf unless—

(1) that air operator holds an AOC or its equivalent from a Contracting State that authorises those operations; and

(2) the AOC holder advises the Authority of such operations and provides a copy of the AOC under which the operation was conducted.

Implementing Standard: See IS: 9.2.3.4 for additional requirements when wet leasing aircraft.

9.2.3.5 Emergency Evacuation Demonstration

(a) A person shall not use an aircraft type and model in commercial air transport passenger-carrying operations unless it has first conducted, for the Authority, an actual full capacity emergency evacuation demonstration for the configuration in 90 seconds or less.

(b) The full capacity actual demonstration may not be required, if the AOC holder provides a written petition for deviation with evidence that—

(1) a satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator; and

(2) there is an engineering analysis, which shows that an evacuation is still possible within the 90-second standard, if the AOC holder’s aircraft configuration differs with regard to number of exits or exit type or number of Cabin Crews or location of the attendants.

(c) If a full capacity demonstration is not required, A person shall not use an aircraft type and model in commercial air transport passenger-carrying operations unless it has first demonstrated to the Authority that its available personnel, procedures and equipment could provide sufficient open exits for evacuation in 15 seconds or less.
(d) A person shall not use a land plane in extended overwater operations unless it has first demonstrated to the Authority that it has the ability and equipment to efficiently carry out its ditching procedures.

Implementing Standard: See IS: 9.2.3.5 for additional requirements concerning emergency evacuation demonstrations.

9.2.3.6 Demonstration Flights

(a) A person shall not operate an aircraft type in commercial air transport unless it first conducts satisfactory demonstration flights for the Authority in that aircraft type on its scheduled routes.

(b) A person shall not operate an aircraft in a designated special area, or using a specialised navigation system, unless it conducts a satisfactory demonstration flight for the Authority.

(c) Demonstration flights required by paragraph (a) shall be conducted in accordance with the regulations applicable to the type of operation and aircraft type used.

(d) The Authority may authorise deviations from this section if the Authority finds that special circumstances make full compliance with this section unnecessary.

Implementing Standard: See IS: 9.2.3.6 for additional requirements concerning demonstration flights.

9.2.4 Facilities and Operations Schedule

9.2.4.1 Facilities

(a) An operator shall maintain operational and airworthiness support facilities at the main operating base, appropriate for the area and type of operation.

(b) An AOC holder shall arrange appropriate ground handling facilities at each airport used to ensure the safe servicing and loading of its flights.

9.2.4.2 Operations Schedules

In establishing flight operations schedules, an AOC holder conducting scheduled operations shall allow enough time for the proper servicing of aircraft at intermediate stops, and shall consider the prevailing winds en route and cruising speed for the type of aircraft. This cruising speed may not be more than that resulting from the specified cruising output of the engines.

9.3 AOC FLIGHT OPERATIONS MANAGEMENT

9.3.1.1 Applicability

Subpart 9.3 provides those certification requirements that apply to management of flight operations personnel and their functions.

9.3.1.2 Operations Manual

(a) An AOC holder shall issue to the crewmembers and persons assigned operational control functions, an Operations Manual acceptable to the Authority.

(b) The Operations Manual shall contain the overall (general) company policies and procedures regarding the flight operations it conducts.
(c) An AOC holder shall prepare and keep current an Operations Manual which contains the AOC procedures and policies for the use and guidance of its personnel.

(d) An AOC holder shall issue the Operations Manual, or pertinent portions, together with all amendments and revisions to all personnel that are required to use it.

(e) A person shall not provide for use of its personnel in commercial air transport, any Operations Manual or portion of this manual which has not been reviewed and found acceptable or approved for the AOC holder by the Authority.

(f) An AOC holder shall ensure that the contents of the Operations Manual includes at least those subjects designated by the Authority that are applicable to the AOC holder’s operations.

(g) Unless otherwise acceptable to the Authority, an AOC holder shall provide an Operations Manual containing information on operations administration and supervision, safety management systems, personnel training, flight crew and Cabin Crew fatigue and flight time limitations, flight operations, aircraft performance, routes, guides and charts, minimum flight altitudes, aerodrome operating minima, search and rescue, dangerous goods, navigation, communications, security, and human factors. The operations manual shall encompass the matters set forth above. The operations manual may be published in parts, as a single document, or as a series of volumes. Subjects presented with reference to a specific section shall be addressed in accordance with the requirements of the referenced section. Specific subjects are listed below—

1. Flight dispatching and operational control. (9.3.1.23)
2. Flight crew succession of command. (9.3.1.6)
3. Procedures for operating in adverse weather. (8.6.2.3)
4. Procedures for refuelling. (8.9.1.2)
5. Pilot and dispatcher route and airport qualification procedures. (8.10.1.29 & 8.10.1.30)
6. Organisation and maintenance arrangements. (Part 6)
7. Airworthiness release and aircraft log entry procedures. (5.6.1.4, 8.6.2.19)
8. Aircraft Operating Manual. (9.3.1.4)
9. Minimum Equipment List and Configuration Deviation List. (9.3.1.12)
10. Training Programme. (9.3.1.3)
12. Route Guide. (9.3.1.20)
(16) Aircraft Loading and Handling Manual. (9.3.1.15)
(17) Cabin Crew Manual (if required). (9.3.1.17)
(18) Cargo Manual (if required).


9.3.1.3 Training Programme

(a) An AOC holder shall ensure that all operations personnel are properly instructed in their duties and responsibilities and the relationship of such duties to the operation as a whole.

(b) An AOC holder shall have a training programme manual approved by the Authority containing the general training, checking and record keeping policies.

(c) An AOC holder shall have approval of the Authority prior to using a training curriculum for the purpose of qualifying a crewmember, or person performing operational control functions, for duties in commercial air transport.

(d) An AOC holder shall submit to the Authority any revision to an approved training programme, and shall receive written approval from the Authority before that revision can be used.

Implementing Standard: See IS 9.3.1.3 for a training program manual outline.

9.3.1.4 Aircraft Operating Manual

(a) An AOC holder or applicant shall submit proposed aircraft operating manuals for each type and variant of aircraft operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft for approval by the Authority.

(b) An Aircraft Operating Manual shall be based upon the aircraft manufacturer’s data for the specific aircraft type and variant operated by the AOC holder and shall include specific operating parameters, details of the aircraft systems and of the check lists to be used applicable to the operations of the AOC that are approved by the Authority. The design of the manual shall observe human factors principles.

(c) The Aircraft Operating Manual shall be issued to the flight crewmembers and persons assigned operational control functions to each aircraft operated by the AOC.

Note: Implementing Standard IS: 9.3.1.4 presents an outline for an Aircraft Operating Manual that combines numerous manual requirements.

9.3.1.5 AOC Holder’s Aircraft Technical Log - Journey Records Section

An AOC holder shall use an aircraft technical log containing a journey records section which includes the following information for each flight. (See 9.4.1.9 for maintenance section of the aircraft technical log)—

(1) aircraft nationality and registration;
(2) date;
(3) names of crewmembers;
(4) duty assignments of crewmembers;
(5) place of departure;
(6) place of arrival;
(7) time of departure;
(8) time of arrival;
(9) hours of flight;
(10) nature of flight (private, aerial work, scheduled, non-scheduled);
(11) fuel and oil records;
(12) incidents, observations, if any; and
(13) signature of person in charge.

9.3.1.6 Designation of PIC for Commercial Air Transport
An AOC holder shall, for each commercial air transport operation, designate in writing one pilot as the PIC and shall establish a procedure for the succession of command.

9.3.1.7 Required Cabin Crews
(a) The AOC holder shall schedule, and the PIC shall ensure that the minimum number of required Cabin Crews are on board passenger-carrying flights.

(b) The number of Cabin Crews may not be less than the minimum prescribed by the Authority in the AOC holders’ operations provisions or the following, whichever is greater—
   (1) For a seating capacity of 20 to 50 passengers: 1 Cabin Crew; and
   (2) One additional Cabin Crew for each unit, or part of a unit of 50 passenger seat capacity.

(c) When passengers are on board a parked aircraft, the minimum number of Cabin Crews shall be one-half that required for the flight operation, but never less than one Cabin Crew (or another person qualified in the emergency evacuation procedures for the aircraft).

Note: Where one-half would result in a fractional number, it is permissible to round down to the next whole number.

9.3.1.8 Carriage of Special Situation Passengers
An AOC holder shall not allow the transportation of special situation passengers except—

(1) As provided in the AOC holder’s Operations Manual procedures; and
(2) With the knowledge and concurrence of the PIC.

9.3.1.9 Crew Member Checking and Standardisation Programme
An AOC holder shall have a programme of checking and standardisation of crewmembers approved by the Authority.
9.3.1.10 Training to Proficiency: Pilots

An AOC holder may train its pilots to proficiency on those manoeuvres and procedures that are prescribed by the Authority for pilot proficiency checks, during every other proficiency check following the initial check.

Implementing Standard: See IS: 9.3.1.10 for requirements pertaining to aircraft simulator training used in a proficiency check.

9.3.1.11 Cockpit Check Procedure

(a) An AOC holder shall issue to the flight crews and make available on each aircraft, the flight deck condensed checklist procedures approved by the Authority and appropriate for the type and variant of aircraft.

(b) An AOC holder shall ensure that approved procedures include each item necessary for flight crew members to check for safety before starting engines, taking off, or landing, and for engine and systems abnormalities and emergencies.

(c) An AOC holder shall ensure that the design and utilization of checklists shall observe Human Factors principles.

(d) An AOC holder shall make the approved procedures readily useable in the cockpit of each aircraft and the flight crew shall be required to follow them when operating the aircraft.

9.3.1.12 Minimum Equipment List and Configuration Deviation List

(a) An AOC holder shall provide for the use of the flight crewmembers, maintenance personnel and persons assigned operational control function during the performance of their duties, an MEL approved by the Authority.

(b) The MEL shall be specific to the aircraft type and variant which contains the circumstances, limitations and procedures for release or continuance of flight of the aircraft with inoperative components, equipment or instruments.

(c) An AOC holder may provide for the use of flight crew, maintenance personnel and persons assigned operational control functions during the performance of their duties a Configuration Deviation List (CDL) specific to the aircraft type if one is provided and approved by the State of Design. An AOC Holder operations manual shall contain those procedures acceptable to the Authority for operations in accordance with the CDL requirements.

9.3.1.13 Performance Planning Manual

(a) An AOC holder shall provide for the use of the flight crewmembers and persons assigned operational control functions during the performance of their duties, a performance planning manual acceptable to the Authority.

(b) The performance planning manual shall be specific to aircraft type and variant which contains adequate performance information to accurately calculate the performance in all normal phases of flight operation.
9.3.1.14 **Performance Data Control System**

(a) An AOC holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current performance data for each aircraft, route and airport that it uses.

(b) The system approved by the Authority shall provide current obstacle data for departure and arrival performance calculations.

9.3.1.15 **Aircraft Loading and Handling Manual**

(a) An AOC holder shall provide for the use of the flight crewmembers, ground handling personnel and persons assigned operational control functions during the performance of their duties, an aircraft handling and loading manual acceptable to the Authority.

(b) This manual shall be specific to the aircraft type and variant which contains the procedures and limitations for servicing and loading of the aircraft.

9.3.1.16 **Mass and Balance Data Control System**

An AOC holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated.

9.3.1.17 **Cabin Crew Manual**

(a) The AOC holder shall issue to the Cabin Crews a Cabin Crew manual acceptable to the Authority and provide applicable excerpts to passenger agents during the performance of their duties.

(b) The Cabin Crew manual shall contain those operational policies and procedures applicable to Cabin Crews and the carriage of passengers.

(c) The AOC holder shall issue to the Cabin Crews, a manual specific to the aircraft type and variant which contains the details of their normal, abnormal and emergency procedures and the location and operation of emergency equipment.

*Note: These manuals may be combined into one manual for use by the Cabin Crews.*

9.3.1.18 **Passenger Briefing Cards**

(a) An AOC holder shall carry on each passenger carrying aircraft, in convenient locations for the use of each passenger, printed cards supplementing the oral briefing and containing—

(1) diagrams and methods of operating the emergency exits;

(2) other instructions necessary for use of the emergency equipment; and

(3) information regarding the restrictions and requirements associated with sitting in an exit seat row.

(b) An AOC holder shall ensure that a card contains information that is pertinent only to the type and variant of aircraft used for that flight.

*Implementing Standard: See IS: 9.3.1.18 for specific information to be included on passenger information cards.*
9.3.1.19 **Aeronautical Data Control Syst**

An AOC holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current aeronautical data for each route and airport that it uses.

*Implementing Standard: See IS: 9.3.1.19 for the specific airport information to be contained in the aeronautical data control system.*

9.3.1.20 **Route Guide**

(a) An AOC holder shall provide for the use of the flight crewmembers and persons assigned operational control functions during the performance of their duties, a route guide and aeronautical charts approved by the Authority.

(b) The route guide and aeronautical charts shall be current and appropriate for the proposed types and areas of operations to be conducted by the AOC holder.

9.3.1.21 **Weather Reporting Sources**

(a) An AOC holder shall use sources approved the Authority for the weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations.

(b) For passenger carrying operations on a published schedule, the AOC holder shall have an approved system for obtaining forecasts and reports of adverse weather phenomena that may affect safety of flight on each route to be flown and airport to be used.

*Implementing Standard: See IS: 9.3.1.21 for sources of weather reports satisfactory for flight planning or controlling flight movement.*

9.3.1.22 **De-Icing And Anti-Icing Programme**

An AOC holder planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected to adhere to the aircraft shall—

1. use only aircraft adequately equipped for such conditions;
2. ensure flight crew is adequately trained for such conditions; and
3. have an approved ground de-icing and anti-icing programme.

*Implementing Standard: See IS: 9.3.1.22 for detailed requirements pertaining to the AOC holder's de-icing programme.*

9.3.1.23 **Flight Supervision and Monitoring System**

(a) For operations on a published schedule, an AOC holder shall have an adequate system approved by the Authority for proper dispatch and monitoring of the progress of the scheduled flights.

(b) The dispatch and monitoring system shall have enough dispatch centres, adequate for the operations to be conducted, located at points necessary to ensure adequate flight preparation, dispatch and in-flight contact with the scheduled flight operations.

(c) For scheduled operations, an AOC holder shall provide enough qualified flight operations officers at a dispatch centre to ensure proper operational control of each flight.
9.3.1.24 Flight Following System

(a) For charter flight operations, an AOC holder shall have a system for providing flight preparation documents and determining the departure and arrival times of its flights at all airports approved by the Authority.

(b) The system described in paragraph (a) shall have a means of communication by private or available public facilities to monitor the departure and arrival at all airports, including flight diversions.

Implementing Standard: See IS: 9.3.1.24

9.3.1.25 Communications Facilities

(a) An AOC holder’s flights shall be able to have two-way radio communications with all ATC facilities along the routes and alternate routes to be used.

(b) For passenger carrying operations on a published schedule, an AOC holder shall be able to have rapid and reliable radio communications with all flights over the AOC’s entire route structure under normal operating conditions.

9.3.1.26 Routes and Areas of Operation

(a) An AOC holder may conduct operations only along such routes and within such areas for which—

1. ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;
2. the performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;
3. the equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;
4. appropriate and current maps and charts are available;
5. if two-engine aircraft are used, adequate airports are available with the time/distance limitations; and
6. if single-engine aircraft are used, surfaces are available which permit a safe forced landing to be executed.

(b) A person shall not conduct commercial air transport operations on any route or area of operation unless those operations are in accordance with any restrictions imposed by the Authority.

9.3.1.27 Navigational Accuracy

(a) An AOC holder shall have, for each proposed route or area, navigational systems and facilities capable of navigating the aircraft—

1. within the degree of accuracy required for ATC; and
2. to the airports in the operational flight plan within the degree of accuracy necessary for the operation involved.

(b) In situations without adequate navigation systems reference, the Authority may authorise day VFR operations that can be conducted safely by pilotage because of the characteristics of the terrain.

(c) Except for those navigational aids required for routes to alternate airports, the Authority will list in the AOC holder’s operations
specifications, non-visual ground aids required for approval of routes outside of controlled airspace.

(d) Non-visual ground aids are not required for night VFR operations on routes that the certificate holder shows have reliably lighted landmarks adequate for safe operation.

(e) Operations on route segments where celestial or other specialised means of navigation are used shall be approved by the Authority.

9.4  AOC MAINTENANCE REQUIREMENTS

9.4.1.1 Applicability

This Subpart provides those certification and maintenance requirements that apply to an AOC holder utilising an AMO.

9.4.1.2 Maintenance Responsibility

(a) An AOC holder shall ensure the airworthiness of the aircraft and the serviceability of both operational and emergency equipment by—

(1) assuring the accomplishment of preflight inspections;

(2) assuring the correction of any defect and/or damage affecting safe operation of an aircraft to an approved standard, taking into account the MEL and CDL if available for the aircraft type;

(3) assuring the accomplishment of all maintenance in accordance with the operator’s aircraft maintenance programme approved by the Authority;

(4) the analysis of the effectiveness of the AOC holder’s approved aircraft maintenance programme;

(5) assuring the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Authority; and

(6) assuring the accomplishment of modifications in accordance with an approved standard and, for non-mandatory modifications, the establishment of an embodiment policy.

(b) An AOC holder shall ensure that the Certificate of Airworthiness for each aircraft operated remains valid in respect to—

(1) the requirements in paragraph (a);

(2) the expiration date of the Certificate; and

(3) any other maintenance condition specified in the Certificate.

(c) An AOC holder shall ensure that the requirements specified in paragraph (a) are performed in accordance with procedures approved by or acceptable to the Authority.

(d) An AOC holder shall ensure that the maintenance, preventive maintenance, and modification of its aircraft/aeronautical products are performed in accordance with its maintenance control manual and/or current instructions for continued airworthiness, and applicable aviation regulations.

(e) An AOC holder may make an arrangement with another person or entity for the performance of any maintenance, preventive
maintenance, or modifications; but shall remain responsible for all work performed under such arrangement.

9.4.1.3 Approval and Acceptance of AOC Maintenance Systems and Programmes

(a) An AOC holder shall not operate an aircraft, except for pre-flight inspections, unless it is maintained and released to service by an AMO or equivalent system of maintenance that is approved by the State of Registry and is acceptable to the Authority.

(b) For aircraft registered in Saint Christopher and Nevis, an AMO or an equivalent system of maintenance shall be approved by the Authority.

(c) For aircraft not registered in Saint Christopher and Nevis, an AMO or an equivalent system of maintenance will be approved by the State of Registry of the aircraft, and such approval will be accepted by the Authority.

(d) When the Authority or the State of Registry accepts an equivalent system of maintenance, the persons designated to sign a maintenance release or airworthiness release shall be licensed in accordance with the regulations of the State of Registry.

9.4.1.4 Maintenance Control Manual

(a) An Saint Christopher and Nevis AOC holder shall provide to the Authority, and to the State of Registry of the aircraft, if different from the Authority, an AOC holder’s maintenance control manual and subsequent amendments, for the use and guidance of maintenance and operational personnel concerned, containing details of the organisation’s structure including—

(1) the accountable manager and designated person(s) responsible for the maintenance system as required by 9.2.2.2;

(2) procedures to be followed to satisfy the maintenance responsibility of 9.4.1.2, except where the AOC holder is an AMO, and the quality functions of 9.4.1.6. Such procedures may be included in the AMO procedures manual;

(3) procedures for the reporting of failures, malfunctions, and defects in accordance with 5.5.1.4, to the Authority, State of Registry and the State of Design within 72 hours of discovery; in addition, items that warrant immediate notification to the Authority by telephone/telex/fax, with a written follow-on report as soon as possible but no later than within 72 hours of discovery, are—

   (i) primary structural failure;

   (ii) control system failure;

   (iii) fire in the aircraft;

   (iv) engine structure failure; or

   (v) any other condition considered an imminent hazard to safety.

(b) The AOC holder’s maintenance control manual shall contain the following information which may be issued in separate parts—

(1) a description of the administrative agreements between the AOC holder and the AMO, or a description of the maintenance
procedures and the procedures for completing and signing a maintenance release when maintenance is based on a system other than that of an AMO;

(2) a description of the procedures to ensure each aircraft they operate is in an airworthy condition;

(3) a description of the procedures to ensure the operational emergency equipment for each flight is serviceable;

(4) the names and duties of the person or persons required to ensure that all maintenance is carried out in accordance with the maintenance control manual;

(5) a reference to the maintenance programme required in 9.4.1.12;

(6) a description of the methods for completion and retention of the operator’s maintenance records required by 9.4.1.8;

(7) a description of the procedures for monitoring, assessing and reporting maintenance and operational experience for all aircraft over 5,700 kg maximum certificated take-off mass;

(8) a description of the procedures for obtaining and assessing continued airworthiness information and implementing any resulting actions for all aircraft over 5,700 kg maximum certificated take-off mass, from the organisation responsible for the type design, and implementing such actions considered necessary by the State of Registry;

(9) a description of the procedures for implementing mandatory continuing airworthiness information as required in 9.4.1.2(a)(5);

(10) a description of establishing and maintaining a system of analysis and continued monitoring of the performance and efficiency of the maintenance programme in order to correct any deficiency in that programme;

(11) a description of aircraft types and models to which the manual applies;

(12) a description of procedures for ensuring that unserviceabilities affecting airworthiness are recorded and rectified; and

(13) a description of the procedures for advising the State of Registry of significant in-service occurrences.

(c) A person shall not provide for use of its personnel in commercial air transport any Maintenance Control Manual or portion of this manual which has not been reviewed and approved for the AOC holder by the Authority.

Note: See IS: 9.4.1.4 for an outline of specific subjects to be contained as appropriate in the AOC holder’s maintenance control manual.

9.4.1.5 Maintenance Management

(a) The AOC holder, approved as an AMO, may carry out the requirements specified in 9.4.1.2 (a)(2),(3),(5)and (6).

(b) If the AOC holder is not an AMO, the AOC holder shall meet its responsibilities under in 9.4.1.2 (a)(2),(3),(5)and (6) —
(1) Through an arrangement with an AMO with a written maintenance contract agreed between the AOC holder and the contracting AMO and approved by the Authority, detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Authority.

(c) An AOC holder shall employ a person or group of persons, acceptable to the Authority, to ensure that all maintenance is carried out to an approved standard such that the maintenance requirements of 9.4.1.2 and requirements of the AOC holder’s maintenance control manual are satisfied, and to ensure the functioning of the quality system.

(d) An AOC holder shall provide suitable office accommodation at appropriate locations for the personnel specified in paragraph (c).

9.4.1.6 Quality System

(a) For maintenance purposes, an AOC holder’s quality system required by 9.2.2.3 shall additionally include at least the following functions—

(1) monitoring that the activities of 9.4.1.2 are being performed in accordance with the accepted procedures;

(2) ensure that all contracted maintenance is carried out in accordance with the contract;

(3) monitoring the continued compliance with the requirements of Subpart 9.4; and

(b) For maintenance purposes, an AOC holder’s quality system required by 9.2.2.3 shall include a quality assurance programme that contains procedures designed to verify that all maintenance operations are being conducted in accordance with all applicable requirements, standards and procedures.

(c) Where the AOC holder is also an AMO, the AOC holder’s quality management system may be combined with the requirements of an AMO and submitted for acceptance to the Authority, and State of Registry for aircraft not registered in Saint Christopher and Nevis.

Implementing Standard: See IS: 9.4.1.6 for additional quality system requirements for maintenance activities.

9.4.1.7 Aircraft Technical Log Entries: AOC Holders

(a) A person who takes action in the case of a reported or observed failure or malfunction of an aircraft/aeronautical product, that is critical to the safety of flight shall make, or have made, a record of that action in the maintenance section of the aircraft technical log.

(b) An AOC holder shall have a procedure for keeping adequate copies of required records to be carried aboard, in a place readily accessible to each flight crewmember and shall put that procedure in the AOC holder’s operations manual.

9.4.1.8 Maintenance Records

(a) An AOC holder shall ensure that a system has been established to keep, in a form acceptable to the Authority, the following records—

(1) the total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited components;
(2) the current status of compliance with all mandatory continuing airworthiness information;

(3) appropriate details of modifications and repairs to the aircraft and its major components;

(4) the time in service (hours, calendar time and cycles, as appropriate) since last overhaul of the aircraft or its components subject to mandatory overhaul life;

(5) the current aircraft status of compliance with the maintenance programme; and

(6) the detailed maintenance records to show that all requirements for signing of a maintenance release and airworthiness release have been met.

(b) An AOC holder shall ensure that items in (a)(1-5) shall be kept for a minimum of 90 days after the unit to which they refer has been permanently withdrawn from service, and the records in (a)(6) shall be kept for a minimum of 1 year after the signing of the maintenance release and/or airworthiness release.

(c) An AOC holder shall ensure that in the event of temporary change of operator, the records specified in paragraph (a) shall be made available to the new operator.

(d) An AOC holder shall ensure that when an aircraft is permanently transferred from one operator to another operator, the records specified in paragraph (a) are also transferred.

9.4.1.9 AOC Holder’s Aircraft Technical Log - Maintenance Record Section

(a) An AOC holder shall use an aircraft technical log which includes an aircraft maintenance record section containing the following information for each aircraft: (See 9.3.1.5 for operations section of the aircraft technical log)—

(1) information about each previous flight necessary to ensure continued flight safety;

(2) the current aircraft maintenance release and/or an airworthiness release;

(3) The current inspection status of the aircraft, to include inspections due to be performed on an established schedule and inspections that are due to be performed that are not on an established schedule, except that the Authority may agree to the maintenance statement being kept elsewhere;

(4) the current maintenance status of the aircraft, to include maintenance due to be performed on an established schedule and maintenance that is due to be performed that is not on an established schedule, except that the Authority may agree to the maintenance statement being kept elsewhere;

(5) all deferred defects that affect the operation of the aircraft.

Note: Defects which are not airworthiness items may be deferred to a later date for rectification. When this is done, there must be a method of recording such a deferral, and normally the aircraft technical log has a section solely for this purpose. Some operators have a system of
classifying deferred defects so as to allow different lengths of time, either in hours flown, number of sectors, or on return to a maintenance base, until a defect must be rectified before further flight.

(b) The aircraft technical log and any subsequent amendment shall be approved by the Authority.

9.4.10 Release to Service or Maintenance Section Records of the Technical Log

(a) An AOC holder shall not operate an aircraft unless it is maintained and released to service by an organisation approved in accordance with Part 6.

(b) An AOC holder using an AMO shall not operate an aircraft after release under subparagraph (a) unless an appropriate entry is made in accordance with the AOC maintenance control manual procedures acceptable to the Authority.

(c) The AOC holder shall ensure that a maintenance release and/or airworthiness release is made in the maintenance section of the aircraft technical log.

9.4.11 Modification and Repairs

(a) All modifications and repairs shall comply with airworthiness requirements acceptable to the State of Registry. Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained. However, in the case of a major repair or major modification, the work must have been done in accordance with technical data approved by the Authority.

(b) An AOC holder shall, promptly upon its completion, prepare a report of each major modification or major repair of an airframe, aircraft engine, propeller, or appliance of an aircraft operated by it.

(c) The AOC holder shall submit a copy of each report of a major modification to the Authority, and shall keep a copy of each report of a major repair available for inspection.

9.4.12 Aircraft Maintenance Programme

(a) An AOC holder’s aircraft maintenance programme and any subsequent amendment shall be submitted to the State of Registry for approval; acceptance by the Authority will be conditioned upon prior approval by the State of Registry, or where appropriate, upon the AOC holder complying with recommendations provided by the State of Registry.

(b) The Authority will require an operator to include a reliability programme when the Authority determines that such a reliability programme is necessary. When such a determination is made by the Authority the AOC holder shall provide such procedures and information in the AOC holder’s maintenance control manual.

(c) An AOC holder shall ensure that each aircraft is maintained in accordance with the AOC holder’s aircraft approved maintenance programme as required by 9.4.13 which shall include—
(1) maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilisation of the aircraft;

(2) when applicable, a continuing structural integrity programme;

(3) procedures for changing or deviating from subparagraphs (c)(1) and (c)(2); and

(4) when applicable, condition monitoring and reliability programmes, descriptions for aircraft systems, components, and power plants.

d) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

Note: The maintenance programme should be based on maintenance programme information made available by the State of Design or by the organisation responsible for the type design, and any additional applicable experience.

e) A person shall not provide for use of its personnel in commercial air transport a maintenance programme or portion thereof which has not been reviewed and approved for the AOC holder by the Authority.

f) Approval by the Authority of an AOC holder’s maintenance programme and any subsequent amendments shall be noted in the AOC certificate pursuant to 9.1.1.7(b)(6).

g) An AOC holder shall have an inspection programme and a programme covering other maintenance, preventive maintenance, and modifications to ensure that—

(1) maintenance, preventive maintenance, and modifications, are performed in accordance with the AOC holder’s maintenance control manual;

(2) each aircraft released to service is airworthy and has been properly maintained for operation.

h) The Authority may amend any specifications issued to an AOC holder to permit deviation from those provisions of this Subpart that would prevent the return to service and use of airframe components, powerplants, appliances, and spare parts thereof because those items have been maintained, altered, or inspected by persons employed outside Saint Christopher and Nevis who do not hold an Saint Christopher and Nevis technician’s license. An AOC holder who is granted authority under this deviation shall provide for surveillance of facilities and practices to assure that all work performed on these parts is accomplished in accordance with the AOC holder’s maintenance control manual.

See Implementing Standard 9.4.1.12 for the requirements for an Approved Continuous Maintenance Programme

9.4.1.13 Reserved
9.4.1.14 Authority to Perform and Approve Maintenance, Preventive Maintenance and Modifications

An AOC holder shall make arrangements with an AMO (appropriately rated) for the performance of maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or part thereof as provided in its maintenance programme and maintenance control manual.

9.4.1.15 Reserved

9.4.1.16 Rest and Duty Limitations for Persons Performing Maintenance Functions on AOC Holder Aircraft

A person shall not assign, or perform maintenance functions for aircraft certified for commercial air transport, unless that person has complied with the rest and duty limitations of Part 6.4.1.2 of the regulations.

9.5 AOC SECURITY MANAGEMENT

9.5.1.1 Applicability

This Subpart provides those certification requirements that apply to the AOC holder’s protection of aircraft, facilities and personnel from unlawful interference.

9.5.1.2 Security Requirements

An AOC holder shall ensure that all appropriate personnel are familiar, and comply with, the relevant requirements of the Civil Aviation (Security) Regulations and national security programmes of Saint Christopher and Nevis.

9.5.1.3 Security Training Programmes

An AOC holder shall establish and maintain an approved security training programme which ensures all relevant persons act in the most appropriate manner to minimize the consequences of acts of unlawful interference.

See IS 9.5.1.3 for requirements of a security training programme.

The AOC holder shall also establish and maintain a recurrent training programme (every 12 months) to reacquaint all relevant persons with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

9.5.1.4 Reporting Acts of Unlawful Interference

Following an act of unlawful interference on board an aircraft the PIC or, in his absence, the AOC holder shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator.

9.5.1.5 Aircraft Search Procedure Checklist

An operator shall ensure that there is on board a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aeroplanes for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aeroplane may be the object of an act of unlawful interference. The checklist shall be supported by guidance on the appropriate course of
action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aeroplane.

9.5.1.6 Flight Crew Compartment Security
If installed, the flight crew compartment door on aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access and means shall be provided by which the cabin crew can discretely notify the flight crew in the event of suspicious activity or security breaches in the cabin.

9.6 AOC DANGEROUS GOODS MANAGEMENT

9.6.1.1 Applicability
Subpart 9.6 provides those certification requirements that apply to management of flight operations personnel and their functions.

9.6.1.2 Approval to Transport Dangerous Goods
An AOC holder shall not transport dangerous goods unless approved to do so by the Authority.

9.6.1.3 Scope
(a) An AOC holder shall comply with the provisions contained in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods By Air, ICAO Doc. 9284 (Technical Instructions) on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside the territory of Saint Christopher and Nevis. Where dangerous goods are to be transported outside the territory of Saint Christopher and Nevis, the AOC holder shall review and comply with the appropriate variations noted by contracting states contained in Attachment 3 to the Technical Instructions.

(b) Articles and substances which would otherwise be classed as dangerous goods are excluded from the provisions of Subpart 9.6, to the extent specified in the Technical Instructions, provided they are—
(1) required to be aboard the aircraft for operating reasons;
(2) carried as catering or cabin service supplies;
(3) carried for use in flight as veterinary aid or as a humane killer for an animal; or
(4) carried for use in flight for medical aid for a patient, provided that—
   (i) gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
   (ii) drugs, medicines and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
   (iii) equipment containing wet cell batteries is kept and, when necessary secured, in an upright position to prevent spillage of the electrolyte; and
   (iv) proper provision is made to stow and secure all the equipment during take-off and landing and at all other times
when deemed necessary by the PIC in the interests of safety; or

(v) they are carried by passengers or crewmembers.

(c) Articles and substances intended as replacements for those in paragraph (b)(1) may be transported on an aircraft as specified in the Technical Instructions.

9.6.1.4 Limitations on The Transport of Dangerous Goods

(a) An AOC holder shall take all reasonable measures to ensure that articles and substances that are specifically identified by name or generic description in the Technical Instructions as being forbidden for transport under any circumstances, are not carried on any aircraft.

(b) An AOC holder shall take all reasonable measures to ensure that articles and substances or other goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances are transported only when—

(1) they are exempted by the States concerned under the provisions of the Technical Instructions; or

(2) the Technical Instructions indicate they may be transported under an approval issued by the State of Origin.

9.6.1.5 Classification

An AOC holder shall take all reasonable measures to ensure that articles and substances are classified as dangerous goods as specified in the Technical Instructions.

9.6.1.6 Packing

An AOC holder shall take all reasonable measures to ensure that dangerous goods are packed as specified in the Technical Instructions.

9.6.1.7 Labelling and Marking

(a) An AOC holder shall take all reasonable measures to ensure that packages, overpacks and freight containers are labelled and marked as specified in the Technical Instructions.

(b) Where dangerous goods are carried on a flight which takes place wholly or partly outside the territory of Saint Christopher and Nevis, the AOC holder shall ensure that labelling and marking are in the English language in addition to any other language requirements.

9.6.1.8 Dangerous Goods Transport Document

(a) An AOC holder shall ensure that, except when otherwise specified in the Technical Instructions, dangerous goods are accompanied by a dangerous goods transport document.

(b) Where dangerous goods are carried on a flight which takes place wholly or partly outside the territory of a State, the AOC holder shall ensure that the English language is used for the dangerous goods transport document in addition to any other language requirements.

9.6.1.9 Acceptance of Dangerous Goods

(a) An AOC holder shall not accept dangerous goods for transport until the package, overpack or freight container has been inspected in
accordance with the acceptance procedures in the Technical Instructions.

(b) An AOC holder, or its handling agent, shall use an acceptance check list which—

(1) shall allow for all relevant details to be checked; and

(2) shall be in such form as will allow for the recording of the results of the acceptance check by manual, mechanical or computerised means.

9.6.1.10 Inspection For Damage, Leakage or Contamination

An AOC holder shall ensure that:

(1) packages, overpacks and freight containers are inspected for evidence of leakage or damage immediately prior to loading on an aircraft or into a unit load device, as specified in the Technical Instructions;

(2) a unit load device is not loaded on an aircraft unless it has been inspected as required by the Technical Instructions and found free from any evidence of leakage from, or damage to, the dangerous goods contained therein;

(3) leaking or damaged packages, overpacks or freight containers are not loaded on an aircraft;

(4) any package of dangerous goods found on an aircraft and which appears to be damaged or leaking is removed or arrangements made for its removal by an appropriate authority or organisation.

(5) after removal of any leaking or damaged goods, the remainder of the consignment is inspected to ensure it is in a proper condition for transport and that no damage or contamination has occurred to the aircraft or its load; and

(6) packages, overpacks and freight containers are inspected for signs of damage or leakage upon unloading from an aircraft or from a unit load device and, if there is evidence of damage or leakage, the area where the dangerous goods were stowed is inspected for damage or contamination.

9.6.1.11 Removal of Contamination

An AOC holder shall ensure that—

(1) any contamination found as a result of the leakage or damage of dangerous goods is removed without delay; and

(2) an aircraft which has been contaminated by radioactive materials is immediately taken out of service and not returned until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

9.6.1.12 Loading Restrictions

(a) Passenger Cabin and Flight Deck. An AOC holder shall ensure that dangerous goods are not carried in an aircraft cabin occupied by passengers or on the flight deck, unless otherwise specified in the Technical Instructions.
(b) Cargo Compartments. An AOC holder shall ensure that dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the Technical Instructions.

(c) Dangerous Goods Designated for Carriage Only on Cargo Aircraft. An AOC holder shall ensure that packages of dangerous goods bearing the “Cargo Aircraft Only” label are carried on a cargo aircraft and loaded as specified in the Technical Instructions.

9.6.1.13 Provision of Information

(a) Information to Ground Staff. An AOC holder shall ensure that—

(1) information is provided to enable ground staff to carry out their duties with regard to the transport of dangerous goods, including the actions to be taken in the event of incidents and accidents involving dangerous goods; and

(2) where applicable, the information referred to in paragraph (a)(1) is also provided to the handling agent.

(b) Information to Passengers. An AOC holder shall ensure that information is promulgated as required by the Technical Instructions so that passengers are warned as to the types of goods which they are forbidden from transporting aboard an aircraft.

(c) Information to Acceptance Points Personnel. An AOC holder and, where applicable, the handling agent shall ensure that notices are provided at acceptance points for cargo giving information about the transport of dangerous goods.

(d) Information to Crew Members. An AOC holder shall ensure that information is provided in the Operations Manual to enable crew members to carry out their responsibilities in regard to the transport of dangerous goods, including the actions to be taken in the event of emergencies arising involving dangerous goods.

(e) Information to the PIC. An AOC holder shall ensure that the PIC is provided with written information, as specified in the Technical Instructions.

(f) Information in the Event of an Aircraft Incident or Accident. An AOC holder which is involved in an aircraft incident shall—

(1) as soon as possible, inform the appropriate authority of the State in which the aircraft accident occurred of any dangerous goods carried; and

(2) on request, provide any information required to minimise the hazards created by any dangerous goods carried.

9.6.1.14 Training Programmes

(a) An AOC holder shall establish, maintain, and have approved by the Authority, staff training programmes, as required by the Technical Instructions.

(b) An AOC holder not holding a permanent approval to carry dangerous goods shall ensure that—

(1) staff who are engaged in general cargo handling have received training to carry out their duties in respect of dangerous goods
which covers as a minimum, the areas identified in Column I of Table I to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and how to identify such goods;

(2) crew members, passenger handling staff, and security staff employed by the AOC holder who deal with the screening of a passengers and their baggage, have received training which covers as a minimum, the areas identified in Column 2 of Table I to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify them and what requirements apply to the carriage of such goods by passengers.

Table 1

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<tr>
<th>Areas of Training</th>
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<tbody>
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<tr>
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<td>X</td>
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<td>Package marking and labelling</td>
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<td>Emergency procedures</td>
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Note: ‘X’ indicates an area to be covered.

(c) An AOC holder holding a permanent approval to carry dangerous goods shall ensure that—

(1) staff who are engaged in the acceptance of dangerous goods have received training and are qualified to carry out their duties which covers as a minimum, the areas identified in Column I of Table 2 to a depth sufficient to ensure the staff can take decisions on the acceptance or refusal of dangerous goods offered for carriage by air.

(2) staff who are engaged in ground handling, storage and loading of dangerous goods have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 2 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them.

(3) staff who are engaged in general cargo handling have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 3 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them.

(4) flight crew members have received training which covers as a minimum, the areas identified in Column 4 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards
associated with dangerous goods and how they should be carried on an aircraft.

(5) passenger handling staff; security staff employed by the operator who deal with the screening of passengers and their baggage; and crew members other than flight crew members, have received training which covers as a minimum, the areas identified in Column 5 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and what requirements apply to the carriage of such goods by passengers or, more generally, their carriage on an aircraft.

(d) An AOC holder shall ensure that all staff who require dangerous goods training receive recurrent training at intervals of not longer than 2 years.

(e) An AOC holder shall ensure that records of dangerous goods training are maintained for all staff trained in accordance with paragraph (d).

(f) An AOC holder shall ensure that its handling agent’s staff are trained in accordance with the applicable column of Table 1 or Table 2.

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<th>Areas Of Training</th>
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<tr>
<td>Inspections for damage or leakage and decontamination procedures</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Provision of information to the PIC</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dangerous goods in passengers’ baggage</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Emergency procedures</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Note: x indicates an area to be covered.

9.6.1.15 Dangerous Goods Incident and Accident Reports

An AOC holder shall report dangerous goods incidents and accidents to the Authority within 72 hours of the event, unless exceptional circumstances prevent this.
PART 10
COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS

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PART 10 - COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS

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10.1 GENERAL

10.1.1.1 Applicability
This Part prescribes requirements applicable to the operation of any civil aircraft for the purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority other than the Authority. This Part does not apply to aircraft when used by military, customs, and police services, which are not used for compensation or hire.

10.1.1.2 Definitions
For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions.”

10.1.1.3 Compliance
(a) A foreign air operator may not operate an aircraft in commercial air transport unless that operator holds an AOC, issued by the State of the operator, for the operations being conducted.

(b) A foreign air operator may not operate an aircraft in commercial air transportation operations contrary to the requirements of—

(1) This Part;

(2) The applicable paragraphs of Parts 7 and 8;

(3) The standards contained in the Annexes to the Chicago Convention applicable to the operation being conducted;

(4) The Civil Aviation (Security) Regulations; and

(5) Any other requirements that the Authority may specify.

(c) Parts (a) and (b) apply also to any person who engages in an operation governed by this Part without the appropriate certificate and operations specification or similar document required as part of the certification.

(d) Foreign operators shall comply with the applicable sections of Parts 5.5.1.4 and 6.5.1.9 when in the airspace of Saint Christopher and Nevis.

10.1.1.4 Authority to Inspect
(a) A foreign air operator shall ensure that any person authorized by the Authority, will be permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to Saint Christopher and Nevis—

(1) to inspect the documents and manuals required by this Part;

(2) to conduct an inspection of the aircraft; or

(3) to take appropriate action when necessary to preserve safety.

(b) When the Authority identifies a case of non-compliance or suspected non-compliance by a original operator with laws, regulations and procedures applicable within that State’s territory, or a similar serious safety issue with that operator, the Authority shall immediately notify the operator and, if the issue warrants it, the State of the Operator. Where the State of the Operator and the State of Registry are different,
such notification shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.

(c) In the case of notification to States as Specified in subpart (b), if the issue and its resolution warrant it Saint Christopher and Nevis shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

10.1.1.5 Operations Specifications

(1) Prior to commencing commercial air operations to Saint Christopher and Nevis the Air Transport Licensing Board shall submit the following information to the Authority on behalf of the foreign operator—

(a) The operator’s AOC;

(b) The following information from the Operating Specifications—

(i) Aircraft Authorisations
(ii) Operational Control;
(iii) Aircraft lease arrangements (if applicable);
(iv) Traffic Alert and Collision Avoidance System (TCAS);
(v) Aircraft Radio Equipment;
(vi) Authorized areas of en route operations, limitations and provisions;
(vii) Basic Instrument Procedure Approach Authorisations for all airports;

(c) Information on Cockpit Voice Recorders and Flight Data Recorders installed on the aircraft;

(d) Flight Crew composition;

(e) Current Insurance coverage for the period of the requested permit;

(2) The Authority shall advise the Air Transport Licensing Board whether the proposed operation would be operated safely, in accordance with the applicable laws of Saint Christopher and Nevis and the standards contained in the relevant annexes to the Convention on International Civil Aviation.

10.1.1.6 Operation of Foreign Registered Aircraft

(1) No person may operate a foreign registered aircraft in Saint Christopher and Nevis other than for commercial air transport operations in accordance with this Part for more than 30 days in any twelve month period unless approved by the Authority. An application for such approval shall be made in writing and contain the following information—

(1) aircraft registration number;
(2) aircraft make, model and series;
(3) aircraft serial number;
(4) airport where the aircraft is based;
(5) operator name, address and telephone contact numbers;
(6) a current copy of the aircraft insurance papers;
(7) a current copy of the aircraft Certificate of Airworthiness; and
(8) a current copy of the aircraft Certificate of Registration.

(2) The Authority may—

(a) grant such approval for a period not to exceed six months in each instance and subject to such conditions as the Authority may specify in writing;

(b) refuse such application and direct that the aircraft be registered in Saint Christopher and Nevis if it is eligible to be so registered in order to continue operations; or

(c) prohibit the aircraft from flying if its operation would be in contravention of the Act and these regulations or not in the interests of safety.

10.1.2 Documents

10.1.2.1 Foreign Air Operator’s Aircraft Technical Log

A foreign air operator shall maintain an aircraft technical log system containing the following information for each aircraft—

(1) information about each flight necessary to ensure continued flight safety;

(2) the current aircraft certificate of release to service;

(3) the current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere;

(4) all outstanding deferred defects that affect the operation of the aircraft; and

(5) any necessary guidance instructions on maintenance support.

10.1.2.2 Air Operator Manuals, Documents and Flight Crew Licences to be Carried

(a) A foreign air operator shall ensure that the following manuals, documents and licences are carried on flights into Saint Christopher and Nevis—

(1) A certified true copy of the air operator certificate and associated operations specifications all of which shall be in the English language;

(2) The current parts of the Operations Manual relevant to the duties of the crew are carried on each flight;

(3) Those parts of the Operations Manual, which are required for the conduct of a flight and are easily accessible to the crew on board the aircraft on each flight, such as the MEL; and information and instructions relating to the interception of aircraft;
(4) The current AFM or RFM approved by the State of Registry, or AOM approved by the State of Operator is carried on the aircraft on each flight. The AFM or RFM shall be updated by implementing changes made mandatory by the State of Registry received from the State of Design;

(5) The current certificate of registration, and airworthiness certificate in force in respect of that aircraft;

(6) The appropriate licences of the members of the flight crew and cabin crew, if a cabin crew licence is required by the Foreign Authority.

10.1.2.3 Additional Information and Forms to be Carried

(a) A foreign air operator shall ensure that, in addition to the documents and manuals described in 10.1.2.1 and 10.1.2.2, the following forms, relevant to the type and area of operation, are carried on each flight—

(1) operational Flight Plan;

(2) aircraft Technical Log containing at least the information required in 10.1.2.1(a);

(3) appropriate NOTAM/AIS briefing documentation;

(4) appropriate meteorological information;

(5) mass and balance documentation;

(6) copy of applicable Specific Operating Provisions required under this Part;

(7) notification of special loads including any dangerous goods; and

(8) current maps and charts for the area of operation.

(b) The Authority may authorise the information detailed in subparagraph (a) above, or parts thereof, to be presented in a form other than on printed paper provided the information is accessible for inspection.

10.1.2.4 Production of Documentation, Manuals and Records

(a) A foreign air operator shall—

(1) provide any person authorised by the Authority access to any documents, manuals and records which are related to flight operations and maintenance; and

(2) produce upon request all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

(b) The pilot in command shall, within a reasonable time of being requested to do so by a person authorised by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

10.1.2.5 Preservation, Production and Use of Flight Recorder Recordings

Following an accident, incident, or when the Authority so directs, the operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of 60 days unless otherwise directed by the investigating authority.
10.1.3 Operations and Performance

10.1.3.1 Computation of Passenger and Baggage Weights

(a) A foreign air operator shall compute the mass of passengers and checked baggage using—

(1) The actual weighed mass of each person and the actual weighed mass of baggage; or

(2) The standard mass values specified by the foreign Authority.

(b) The Authority may require a foreign air operator to produce evidence validating any standard mass values used.

10.1.3.2 Single-Engine Aircraft

(a) A foreign air operator shall not operate a single-engine piston aircraft for the purpose of commercial air transportation operations;

(b) A foreign air operator may operate a single-engine turbine aircraft at night and in IMC conditions provided the State of the Operator has ensured—

(1) The reliability of the turbine engine;

(2) The foreign operator’s maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are adequate;

(3) The aeroplane is appropriately equipped for flight at night and in IMC;

(4) For aeroplanes issued a certificate of airworthiness before 1 January 2005—an engine trend monitoring system; and

(5) For aeroplanes issued a certificate of airworthiness after 1 January 2005—an automatic trend monitoring system.

10.1.3.3 Single Pilot Operations Under IFR or at Night

(a) A foreign air operator shall not operate an aeroplane under IFR or at night by a single pilot unless approved by the State of the Operator and the aeroplane meets the following conditions—

(1) The flight manual does not require a flight crew of more than one pilot;

(2) The aeroplane is propeller-driven;

(3) The maximum approved passenger seating configuration is not more than nine;

(4) The maximum certificated take-off mass does not exceed 5,700 kg;

(5) The aeroplane is equipped with—

(i) A serviceable autopilot that has at least altitude hold and heading select modes;

(ii) A headset with a boom microphone or equivalent; and

(iii) A means of displaying charts that enables them to be readable in all ambient light conditions.
(6) The PIC has satisfied the requirements of experience, training, 
checking and recency.

10.1.3.4 Flight Rules

(b) Within the territorial boundaries of Saint Christopher and Nevis, a 
foreign air operator shall comply with the flight rules and limitations 
contained in Part 8.

(c) Foreign air operators shall ensure that their flight crew have available 
and have become familiar with the flight rules in Part 8 of this 
regulation.

10.2 Flight Crew Member Qualifications

10.2.1.1 General

(a) Foreign air operators shall ensure that their flight crews have the 
appropriate licences and ratings for the operations to be conducted in 
Saint Christopher and Nevis.

10.2.1.2 Age Limitations

(a) Foreign air operators shall ensure that the required PIC engaged in 
single pilot operations on aircraft operating in Saint Christopher and 
Nevis shall not be less than 65 years of age.

(b) Foreign air operators shall ensure, for aircraft engaged in operations in 
Saint Christopher and Nevis requiring more than one pilot as flight 
crew members, that if one pilot is between the age of 60 and up to age 
65, the other pilot shall be less than age 60.

10.2.1.3 Language Proficiency

(a) A foreign air operator shall ensure that flight crew operating aircraft in 
Saint Christopher and Nevis meet the language proficiency 
requirement of least the operational level 4 as contained in ICAO 
Annex 1 for the English language and that such proficiency is 
endorsed on the licence.

10.3 Security

10.3.1.1 Aircraft Security

A foreign air operator shall—

(1) ensure that all appropriate personnel are familiar, and comply, 
with the relevant requirements of the national civil aviation 
security programme and other security programmes of Saint 
Christopher and Nevis;

(2) establish, maintain and conduct approved training programs 
which enable the operator’s personnel to take appropriate action 
to prevent acts of unlawful interference such as sabotage or 
unlawful seizure of aircraft and to minimize the consequences of 
such events should they occur;

(3) following an act of unlawful interference on board an aircraft the 
commander or in his absence the operator, shall submit, without 
delay, a report of such an act to the Coordinator;
(4) ensure that all aircraft carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives or other dangerous devices; and

(5) if installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

10.3.1.2 Unauthorized Carriage

A foreign air operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

10.4 DANGEROUS GOODS

10.4.1.1 Offering Dangerous Goods for Transport by Air

(a) A foreign air operator may accept dangerous goods for transport by air in Saint Christopher and Nevis only if the foreign air operator—

(1) has been authorised to do so by the foreign Authority;

(2) has conducted the required personnel training.

(b) The foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator’s dangerous goods programme as approved by the foreign Authority.

(c) The foreign air operator shall state in the Specific Operating Provisions required in 10.1.1.5 whether or not that operator has been authorised to accept dangerous goods by the foreign Authority.

(d) Where the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods programme authorised by the foreign Authority, the foreign operator shall submit a copy of its dangerous goods program to the Authority.

10.4.1.2 Carriage of Weapons of War and Munitions of War

A foreign air operator conducting commercial air transportation operations to Saint Christopher and Nevis shall—

(1) not transport weapons of war and munitions of war by air unless an approval to do so has been granted by all States concerned.

(2) ensure that weapons of war and munitions of war are—

(i) stowed in the aircraft in a place which is inaccessible to passengers during flight; and

(ii) in the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this sub-paragraph.

(3) ensure that the pilot in command is notified before the flight begins of the details and location on board the aeroplane or helicopter of any weapons of war and munitions of war that are intended to be carried.
10.4.1.3 Carriage of Sporting Weapons and Ammunition

(a) A foreign air operator conducting commercial air transportation operations to Saint Christopher and Nevis shall take all measures necessary to ensure that any sporting weapons intended to be carried by air are reported.

(b) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are—

(1) stowed in the aircraft in a place which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures; and

(2) in the case of firearms or other weapons that can contain ammunition, unloaded.

(c) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger’s checked baggage, as approved by the Authority.
PART 11
AERIAL

PART 11 -AERIAL WORK

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11.1 GENERAL

11.1.1 Applicability

(a) This Part contains the requirements for those operators and operations that are considered to be aerial work in Saint Christopher and Nevis.

(b) All persons who conduct aerial work in Saint Christopher and Nevis must comply with certification requirements of this Part.

(c) All persons who conduct aerial work in Saint Christopher and Nevis must comply with the applicable airworthiness and operational requirements of this Part, except where this Part grants relief from those requirements or specifies additional requirements.

11.1.2 Definitions

For the purpose of this Part, the applicable definitions are contained in Part 1 of the Schedule - “General Policies, Procedures and Definitions”.

11.1.3 Acronyms

The following acronyms are used in this Part—

(1) AGL - Above Ground Level
(2) PIC - Pilot In Command (Part 1)
(3) IFR - Instrument Flight Rules

11.2 AGRICULTURAL AIRCRAFT OPERATIONS

11.2.1 General

11.2.1.1 Applicability

(a) This Part contains the rules governing—

(1) agricultural aircraft operations within Saint Christopher and Nevis; and

(2) the issue of commercial and private agricultural aircraft operator certificates for those operations.

(b) In a public emergency, a person conducting agricultural aircraft operations under this Part may, to the extent necessary, deviate from the operating rules of this Part for relief and welfare activities approved by an agency of the Government.

(c) A person who, under the authority of this section, deviates from a rule of this Part shall, within 10 days after the deviation send to the Authority a detailed report of the aircraft’s operation which shall include a description of the operation and the reasons for it.

11.2.2 Certification Rules

11.2.2.1 Certificate Required

(a) Except as provided in paragraphs (c) and (d) of this section, a person shall not conduct agricultural aircraft operations without, or in violation of, an agricultural aircraft operator certificate issued under this Part.

(b) An operator may, if it complies with this Sub-part, conduct agricultural aircraft operations with a rotorcraft with external
dispensing equipment in place without a rotorcraft external-load operator certificate.

(c) A government agency conducting agricultural aircraft operations with a public aircraft need not comply with this Sub-part.

(d) The holder of a rotorcraft external-load operator certificate under this Part may conduct an agricultural aircraft operation, involving only the dispensing of water on forest fires by rotorcraft external-load means.

11.2.2.2 Application for Certificate
A person who wishes to obtain an agricultural aircraft operator certificate shall apply in a form and in a manner prescribed by the Authority.

11.2.2.3 Amendment of Certificate
(a) An agricultural aircraft operator certificate may be amended—
   (1) on the Authority’s own initiative, under applicable laws and regulations; or
   (2) upon application by the holder of that certificate.
(b) The holder of an air operator certificate shall submit an application to amend the certificate in a form and in a manner prescribed by the Authority at least 15 days before the date that it proposes the amendment become effective, unless the Authority direct otherwise.
(c) The Authority shall grant a request to amend a certificate if it determines that safety in air commerce and the public interest so allow.
(d) Within 30 days after receiving a refusal to amend a certificate under 11.2.2.3, the holder of the certificate may petition the Authority to reconsider the refusal.

11.2.2.4 Certification Requirements
(a) General.
Except as provided by paragraph (a)(3) of this section—
   (1) the Authority may issue a private agricultural aircraft operator certificate to an applicant who meets the requirements of this Sub-part for that certificate;
   (2) the Authority may issue a commercial agricultural aircraft operator certificate to an applicant who meets the requirements of this Sub-part for that certificate;
   (3) an applicant who applies for an agricultural aircraft operator certificate containing a prohibition against the dispensing of economic poisons shall not be required to demonstrate knowledge specific to economic poisons.
(b) Pilots.
   (1) A private operator-pilot applicant shall be required to hold a current Saint Christopher and Nevis private, commercial, or airline transport pilot certificate and be properly rated for the aircraft to be used.
(2) A commercial operator-pilot applicant shall be required to hold, or have available the services of at least one pilot who holds a current commercial or airline transport pilot certificate issued by the Authority and who is properly rated for the aircraft to be used.

(c) Aircraft. The applicant shall have at least one certified and airworthy aircraft, equipped for agricultural operation.

(d) Knowledge and skill tests. The applicant shall show that he or she has satisfactory knowledge and skill of the following agricultural aircraft operations:

(1) Knowledge—

(i) steps to be taken before starting operations, including a survey of the area to be worked;

(ii) safe handling of economic poisons and the proper disposal of used containers for those poisons;

(iii) the general effects of economic poisons and agricultural chemicals on plants, animals, and persons, and the precautions to be observed in using poisons and chemicals;

(iv) primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centres;

(v) performance capabilities and operating limitations of the aircraft to be used;

(vi) safe flight and application procedures.

(2) Skill in the following manoeuvres, demonstrated at the aircraft’s maximum certified take-off weight, or the maximum weight established for the special purpose load, whichever is greater—

(i) short-field and soft-field takeoffs (aeroplanes and gyroplanes only);

(ii) approaches to the working area;

(iii) flare-outs;

(iv) swath runs;

(v) pullups and turnarounds;

(vi) rapid deceleration (quick stops) in helicopters only.

11.2.2.5 Duration of Certificate

An agricultural aircraft operator certificate is effective as prescribed in IS: 11.2.2.5

11.2.3 Operating Rules

11.2.3.1 General

(a) Except as provided in paragraph (c) of this section, this section prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under this Part.

(b) The holder of an agricultural aircraft operator certificate may deviate from the provisions of Part 9 without a certificate of waiver when
conducting aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of this section.

(c) The operating rules of this Sub-part apply to Rotorcraft external-load certificate holders conducting agricultural aircraft operations involving only the dispensing of water on forest fires by rotorcraft external-load means.

11.2.3.2 Carrying of Certificate

(a) A person shall not operate an aircraft unless a copy of the agricultural aircraft operator certificate is carried on that aircraft.

(b) The registration and airworthiness certificates issued for the aircraft need not be carried in the aircraft provided that those certificates not carried in the aircraft shall be kept available for inspection at the base from which the dispensing operation is conducted.

11.2.3.3 Limitations on Private Agricultural Aircraft Operator

A person shall not conduct an agricultural aircraft operation under the authority of a private agricultural aircraft operator certificate—

(1) for compensation or hire;

(2) over a congested area; or

(3) over any property unless he or she is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

11.2.3.4 Manner of Dispensing

A person shall not dispense, or cause to be dispensed, any material or substance in a manner that creates a hazard to persons or property.

11.2.3.5 Economic Poison Dispensing

(a) Except as provided in paragraph (b) of this section, a person shall not dispense or cause to be dispensed, any economic poison that is registered with Saint Christopher and Nevis—

(1) for a use other than that for which it is registered;

(2) contrary to any safety instructions or use limitations on its label; or

(3) in violation of any law or regulation of Saint Christopher and Nevis.

(b) This section shall not apply to any person dispensing economic poisons for experimental purposes under—

(1) the supervision of a Saint Christopher and Nevis agency authorised by law to conduct research in the field of economic poisons; or

(2) a permit from the Government of Saint Christopher and Nevis.

11.2.3.6 Personnel

(a) Information. The holder of an agricultural aircraft operator certificate shall insure that a person employed in the holder’s agricultural aircraft operation is informed of his or her duties and responsibilities.
(b) Supervisors. A person shall not supervise an agricultural aircraft operation unless he or she has met the knowledge and skill requirements of this Sub-part.

(c) Pilot in command. A person shall not act as pilot in command of an aircraft operated under this Sub-part unless that person—

(1) holds a pilot certificate and rating prescribed by this Sub-part as appropriate to the type of operation conducted; or

(2) has demonstrated to the holder of the Agricultural Aircraft Operator Certificate conducting the operation, or to a supervisor designated by that certificate holder, that he or she possesses the knowledge and skill requirements of this Sub-part.

11.2.3.7 Operations in Controlled Airspace Designated for an Airport

(a) Except for flights to and from a dispensing area, a person shall not operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless authorisation for that operation has been obtained from the ATC facility having jurisdiction over that area.

(b) A person shall not operate an aircraft in weather conditions below VFR minimums within the lateral boundaries of a Class E airspace area that extends upward from the surface, unless authorisation for that operation has been obtained from the ATC facility having jurisdiction over that area.

(c) A certificate holder may operate an aircraft under special VFR weather minimums without meeting the requirements prescribed in Part 9.

11.2.3.8 Operation Over Congested Areas: General

(a) A certificate holder may operate or cause the operation of an aircraft over a congested area at altitudes required if the operation is conducted with—

(1) the maximum safety to persons and property on the surface, consistent with the operation; and

(2) a plan for each operation, submitted and approved by the Authority, which includes—

(i) obstructions to flight;

(ii) emergency landing capabilities of the aircraft to be used; and

(iii) any necessary co-ordination with air traffic control.

(b) Each certificate holder shall ensure that all single engine aircraft while in a congested area operate—

(1) Except for helicopters, not loaded during takeoffs and turnarounds;

(2) Not below the altitudes prescribed in Part 9 except during the actual dispensing operation, including the approaches and departures necessary for that operation;

(3) During the actual dispensing operation, including the approaches and departures for that operation, not below the altitudes prescribed in Part 9 unless it is in an area and at such an altitude
that the aircraft can make an emergency landing without endangering persons or property on the surface.

c) Each certificate holder shall ensure that all multi-engine aircraft while in a congested area operate—

(1) During take off, under conditions that will allow the aeroplane to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attaining, with all engines operating at normal takeoff power, 105 percent of the minimum control speed with the critical engine inoperative in the takeoff configuration or 115 percent of the power-off stall speed in the takeoff configuration, whichever is greater.

Note: Assume still-air conditions, and no correction for any uphill gradient of 1 percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For uphill gradients greater than 1 percent, the effective takeoff length of the runway is reduced 20 percent for each 1-percent grade.

(2) At a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within the area to be worked or at an altitude of 5,000 feet, whichever is higher. Assume that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favourable positions; and that the remaining engine or engines are operating at the maximum continuous power available.

(3) Below the altitudes prescribed in Part 9 except during the actual dispensing operation, including the approaches, departures, and turnaround necessary for that operation.

d) Each certificate holder shall issue notice of the intended operation to the public as may be specified by the Authority.

11.2.3.9 Operation Over Congested Areas: Pilots and Aircraft

(a) Pilots - A pilot in command of an aircraft shall have at least—

(1) 25 hours of pilot-in-command flight time in the make and basic model of the aircraft, including at least 10 hours within the preceding 12 calendar months; and

(2) 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

(b) Aircraft—

(1) except for helicopters, an aircraft shall be capable of jettisoning at least one-half of the aircraft’s maximum authorised load of agricultural material within 45 seconds. If the aircraft is equipped to release the tank or hopper as a unit, there shall be a means to prevent inadvertent release by the pilot or other crewmember;

(2) If the aircraft is equipped to release the tank or hopper as a unit, there shall be a means to prevent inadvertent release by the pilot or other crewmember.
11.2.3.10 Availability of Certificate

A holder of an agricultural aircraft operator certificate shall keep that certificate at its home base and shall present it for inspection on the request of the Authority or any government law enforcement officer.

11.2.4 Records and Reports

11.2.4.1 Records: Commercial Agricultural Aircraft Operator

(a) A holder of a commercial agricultural aircraft operator certificate shall maintain and keep current, at the home base designated in its application, the following records—

1. the name and address of each person for whom agricultural aircraft services were provided;
2. the date of the service;
3. the name, type, quality and quantity of the material dispensed for each operation conducted; and
4. the name, address, and certificate number of each pilot used in agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of this Sub-part.

(b) The records required by this section shall be kept for at least 12 months.

11.2.4.2 Change of Address

A holder of an agricultural aircraft operator certificate shall notify the Authority in writing in advance of any change in the address of its home base of operations.

11.2.4.3 Termination of Operations

Whenever a person who holds a certificate ceases operations under this Part, he or she shall surrender that certificate to the Authority.

11.3 Rotorcraft External Loads

11.3.1 General

11.3.1.1 Applicability

(a) This Sub-part prescribes—

1. Airworthiness certification rules for rotorcraft used in external-load operations; and
2. Operating and certification rules governing the conduct of rotorcraft external-load operations in Saint Christopher and Nevis.

(b) The certification rules of Part 11 do not apply to—

1. Rotorcraft manufacturers when developing external-load attaching means;
2. Operations conducted by a person demonstrating compliance for the issuance of a certificate or authorisation under Part 11;
3. Training flights conducted in preparation for the demonstration of compliance with Part 11; or
(4) A local or national government conducting operations with public aircraft.

(c) For the purpose of Part 11, a person other than a crewmember or a person who is essential and directly connected with the external-load operation may be carried only in approved Class D rotorcraft-load combinations.

11.3.2 Certification Rules

11.3.2.1 Certificate Required

(a) No person subject to Part 11 may conduct rotorcraft external-load operations without, or in violation of the terms of, a Rotorcraft External-Load Operator Certificate or equivalent authorisation issued by the Authority.

11.3.2.2 Duration of Certificate

(a) Unless sooner surrendered, suspended, or revoked, a Rotorcraft External-Load Operator Certificate expires at the end of the twenty-fourth month after the month in which it is issued or renewed.

11.3.2.3 Application For Certificate Issuance or Renewal

(a) Application for an original certificate or renewal of a certificate issued under Part 11 is made on a form, and in a manner, prescribed by the Authority.

11.3.2.4 Requirements for Issuance of a Rotorcraft External-Load Operator Certificate

(a) If an applicant shows that it complies with this subpart, the Authority will issue a Rotorcraft External-Load Operator Certificate to it.

(b) The Authority will issue authorisation to operate specified rotorcraft with those classes of rotorcraft-load combinations for which the applicant or certificate holder qualifies under the applicable provisions of this subpart.

11.3.2.5 Rotorcraft

(a) An applicant must have the exclusive use of at least one rotorcraft that—

(b) Was type certified under, and meets the requirements of, the several parts of these regulations which prescribe requirements for rotorcraft external-load operations,

(c) Complies with the certification provisions in this subpart that apply to the rotorcraft-load combinations for which authorisation is requested, and

(d) Has a valid standard or restricted category airworthiness certificate.

11.3.2.6 Personnel

(a) An applicant shall hold, or have available the services of at least one person who holds a current commercial or airline transport pilot licence issued by the Authority with a rating appropriate for the rotorcraft to be used.

(b) An applicant shall designate one pilot, who may be the applicant, as chief pilot for rotorcraft external-load operations.
(c) An applicant may designate qualified pilots as assistant chief pilots to perform the functions of the chief pilot when the chief pilot is not readily available.

(d) The chief pilot and assistant chief pilots must be acceptable to the Authority and each must hold a current Commercial or Airline Transport Pilot Licence, with a rating appropriate for the rotorcraft to be used.

(e) The holder of a Rotorcraft External-Load Operator Certificate shall report any change in designation of chief pilot or assistant chief pilot immediately to the Authority.

(f) A newly designated chief pilot shall comply with the knowledge and skill requirements of this subpart within 30 days or the operator may not conduct further operations under the Rotorcraft External-Load Operator Certificate, unless otherwise authorised by the Authority.

11.3.2.7 Amendment of Certificate

(a) The holder of a Rotorcraft External-Load Certificate may apply to the Authority for an amendment of its certificate, to add or delete a rotorcraft-load combination authorisation.

(b) The holder of a rotorcraft external-load certificate may apply for an amendment to add or delete a rotorcraft authorisation by submitting to the Authority a new list of rotorcraft, by registration number, with the classes of rotorcraft-load combinations for which authorisation is requested.

11.3.2.8 Availability, Transfer, And Surrender of Certificate

(a) Each person conducting a rotorcraft external-load operation shall carry a facsimile of the Rotorcraft External-Load Operator Certificate in each rotorcraft used in the operation.

(b) A certificate holder shall return its certificate to the Authority—

   (1) If the Authority suspends or revokes its Rotorcraft External-Load Operator Certificate, or

   (2) If the certificate holder discontinues operations and does not resume operations within two years.

11.3.3 Operating Rules and Related Requirements

11.3.3.1 Operating Rules

(a) No person may conduct a rotorcraft external load operation without, or contrary to, the Rotorcraft/Load Combination Flight Manual prescribed in 11.3.4.4.

(b) No person may conduct a rotorcraft external load operation unless—

   (1) The rotorcraft complies with 11.3.2.6, and

   (2) The rotorcraft and rotorcraft/load combination is authorised under the Rotorcraft External Load Operator Certificate.

(c) Before a person may operate a rotorcraft with an external load configuration that differs substantially from any that person has previously carried with that type of rotorcraft (whether or not the rotorcraft/load combination is of the same class), that person shall
conduct, in a manner that will not endanger persons or property on the surface, such of the following flight operational checks as the Authority determines are appropriate to the rotorcraft/load combination—

1. A determination that the weight of the rotorcraft/load combination and the location of its centre of gravity are within approved limits, that the external load is securely fastened, and that the external load does not interfere with devices provided for its emergency release.

2. Make an initial liftoff and verify that controllability is satisfactory.

3. While hovering, verify that directional control is adequate.

4. Accelerate into forward flight to verify that no attitude (whether of the rotorcraft or of the external load) is encountered in which the rotorcraft is uncontrollable or which is otherwise hazardous.

5. In forward flight, check for hazardous oscillations of the external load, but if the external load is not visible to the pilot, other crewmembers or ground personnel may make this check and signal the pilot.

6. Increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(d) Notwithstanding the provisions of Part 8, the holder of a Rotorcraft External Load Operator Certificate may conduct rotorcraft external load operations over congested areas if those operations are conducted without hazard to persons or property on the surface and comply with the following—

1. The operator shall develop a plan for each complete operation and obtain approval for the operation from the Authority.

   Note: The plan must include an agreement with the appropriate political subdivision that local officials will exclude unauthorised persons from the area in which the operation will be conducted, coordination with air traffic control, if necessary, and a detailed chart depicting the flight routes and altitudes.

2. Each flight shall be conducted at an altitude, and on a route, that will allow a jettisonable external load to be released, and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

(e) Notwithstanding the provisions of Part 8, and except as provided in 11.3.4.3(a)(4), the holder of a Rotorcraft External Load Operator Certificate may conduct external load operations, including approaches, departures, and load positioning manoeuvres necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

(f) No person may conduct rotorcraft external load operations under IFR unless specifically approved by the Authority.
11.3.3.2 Carriage Of Persons

(a) No AOC holder may allow a person to be carried during rotorcraft external load operations unless that person—

(1) Is a flight crewmember,
(2) Is a flight crewmember trainee,
(3) Performs an essential function in connection with the external load operation, or
(4) Is necessary to accomplish the work activity directly associated with that operation.

(b) The PIC shall ensure that all persons are briefed before takeoff on all pertinent procedures to be followed (including normal, abnormal, and emergency procedures) and equipment to be used during the external load operation.

11.3.3.3 Crewmember Training, Currency, and Testing Requirements

(a) No certificate holder may use, nor may any person serve, as a pilot in rotorcraft external load operations unless that person—

(1) Has successfully demonstrated to the Authority the knowledge and skill with respect to the rotorcraft/load combination, and
(2) Has in his or her personal possession a letter of competency or an appropriate logbook entry indicating compliance with paragraph (a)(1) of this section.

(b) No AOC holder may use, nor may any person serve as, a crewmember or other operations personnel in Class D operations unless, within the preceding 12 calendar months, that person has successfully completed either an approved initial or a recurrent training programme.

(c) Notwithstanding the provisions of paragraph (b) of this section, a person who has performed a rotorcraft external load operation of the same class and in an aircraft of the same type within the past 12 calendar months need not undergo recurrent training.

11.3.4 Airworthiness Requirements

11.3.4.1 Flight Characteristics Requirements

(a) The applicant must demonstrate to the Authority, by performing the following operational flight checks, that the rotorcraft-load combination has satisfactory flight characteristics, unless these operational flight checks have been demonstrated previously and the rotorcraft-load combination flight characteristics were satisfactory. For the purposes of this demonstration, the external-load weight (including the external-load attaching means) is the maximum weight for which authorisation is requested.

(b) Class A rotorcraft-load combinations: The operational flight check must consist of at least the following manoeuvres—

(1) Take off and landing.
(2) Demonstration of adequate directional control while hovering.
(3) Acceleration from a hover.
(4) Horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(c) Class B and D rotorcraft-load combinations: The operational flight check must consist of at least the following manoeuvres—

(1) Pickup of the external load.

(2) Demonstration of adequate directional control while hovering.

(3) Acceleration from a hover.

(4) Horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(5) Demonstrating appropriate lifting device operation.

(6) Manoeuvring of the external load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed on the rotorcraft.

(d) Class C rotorcraft-load combinations: For Class C rotorcraft-load combinations used in wire-stringing, cable-laying, or similar operations, the operational flight check must consist of the manoeuvres, as applicable, prescribed in paragraph (c) of this section.

11.3.4.2 Structures and Design

(a) External-load attaching means. Each external-load attaching means shall be approved by the Authority.

(b) Quick release devices. Each quick release device means shall be approved by the Authority.

(c) Weight and centre of gravity.

(d) Weight. The total weight of the rotorcraft-load combination must not exceed the total weight approved for the rotorcraft during its type certification.

(e) Centre of gravity. The location of the centre of gravity must, for all loading conditions, be within the range established for the rotorcraft during its type certification. For Class C rotorcraft-load combinations, the magnitude and direction of the loading force must be established at those values for which the effective location of the centre of gravity remains within its established range.

11.3.4.3 Operating Limitations

(a) In addition to the operating limitations set forth in the approved Rotorcraft Flight Manual, and to any other limitations the Authority may prescribe, the operator shall establish at least the following limitations and set them forth in the Rotorcraft-Load Combination Flight Manual for rotorcraft-load combination operations—

(1) The rotorcraft-load combination may be operated only within the weight and centre of gravity limitations established in accordance with this Sub-part.

(2) The rotorcraft-load combination may not be operated with an external load weight exceeding that used in showing compliance with this Sub-part.
(3) The rotorcraft-load combination may not be operated at airspeeds greater than those established in accordance with this subpart.

(4) No person may conduct an external-load operation under Part 11 with a rotorcraft type certified in the restricted category over a densely populated area, in a congested airway, or near a busy airport where passenger transport operations are conducted.

(5) The rotorcraft-load combination of Class D may be conducted only in accordance with the following.

(b) The rotorcraft to be used must have been type certified under transport Category A for the operating weight and provide hover capability with one engine inoperative at that operating weight and altitude—

(1) The rotorcraft must be equipped to allow direct radio intercommunication among required crewmembers.

(2) The personnel lifting device must be approved by the Authority.

(3) The lifting device must have an emergency release requiring two distinct actions.

11.3.4.4 Rotorcraft-Load Combination Flight Manual

(a) The applicant must prepare a Rotorcraft-Load Combination Flight Manual and submit it for approval by the Authority. The limiting height-speed envelope data need not be listed as operating limitations. The manual shall set forth—

(1) Operating limitations, procedures (normal and emergency), performance, and other information established under this Sub-part;

(2) The class of rotorcraft-load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with this Sub-part; and

(3) In the information section of the Rotorcraft-Load Combination Flight Manual—

(i) Information on any peculiarities discovered when operating particular rotorcraft-load combinations;

(ii) Precautionary advice regarding static electricity discharges for Class B, Class C, and Class D rotorcraft-load combinations; and

(iii) Any other information essential for safe operation with external loads.

11.3.5 Markings and Placards

(a) The following markings and placards must be displayed conspicuously and must be such that they cannot be easily erased, disfigured, or obscured—

(1) A placard (displayed in the cockpit or cabin) stating the class of rotorcraft-load combination and the occupancy limitation for which the rotorcraft has been approved.
(2) A placard, marking, or instruction (displayed next to the external-load attaching means) stating the maximum external load approved.

11.3.6 Airworthiness Certification

(a) A Rotorcraft External-Load Operator Certificate is a current and valid airworthiness certificate for each rotorcraft type and listed by registration number on a list attached to the certificate, when the rotorcraft is being used in operations conducted under Part 11.

11.4 GLIDER TOWING

11.4.1.1 Applicability

(a) This subpart applies to those operations involving towing gliders by aircraft.

11.4.1.2 Certificate Or Authorisation Required

(a) The Authority will require each person conducting glider towing operations covered by this subpart to hold a certificate or equivalent authorisation.

(b) The Authority will issue a certificate or authorisation to each applicant who qualifies for it under the provisions of this subpart.

11.4.1.3 Aircraft Requirements

(a) No person may operate an aircraft that is towing a glider unless—

(1) The aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness, and

(2) The towline used has a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not more than twice the maximum certificated operating weight.

(b) However, the towline used may have a breaking strength more than twice the maximum certificated operating weight of the glider if—

(1) A safety link is installed at the point of attachment of the towline to the glider with a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight, or

(2) A safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than 25 percent greater, than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider.

11.4.1.4 Experience and Training Requirements

(a) No person may act as a tow pilot for a glider unless that person has—

(1) At least a private pilot licence with a category rating for the tow aircraft,

(2) Logged at least 100 hours of pilot in command time in same aircraft category, class, and type, if applicable, as the tow aircraft,

(3) Received training in and instructor endorsement for—
(i) The techniques and procedures essential to the safe towing of gliders, including airspeed limitations;

(ii) Emergency procedures;

(iii) Signals used; and

(iv) Maximum angles of bank.

(4) Except as provided in paragraph (b) of this section, has completed at least three flights as the sole manipulator of the controls of an aircraft towing a glider or simulating glider-towing flight procedures while accompanied by a pilot who meets the requirements of this section, and

(5) Except as provided in paragraph (b) of this section, has received a logbook endorsement from the pilot, described in paragraph (a)(4) of this section, certifying that the person has accomplished at least 3 flights in an aircraft while towing a glider, and

(6) Within the preceding 12 months has—

(i) Made at least three actual glider tows while accompanied by a qualified pilot who meets the requirements of this section; or

(ii) Made at least three flights as pilot in command of a glider towed by an aircraft.

(b) The pilot, described in paragraph (a)(4) of this section, who endorses the logbook of a person seeking towing privileges must have—

(1) Met the requirements of this section prior to endorsing the logbook of the person seeking glider-towing privileges; and

(2) Logged at least 10 flights as pilot in command of an aircraft while towing a glider.

(c) If the pilot described in paragraph (a)(4) of this section holds only a private pilot licence, then that pilot must have—

(1) Logged at least 100 hours of pilot-in-command time in airplanes, or 200 hours of pilot in command time in a combination of powered and other than powered aircraft; and

(2) Performed and logged at least three flights within the 12 calendar months preceding the month that pilot accompanies or endorses the logbook of a person seeking towing privileges—

(i) In an aircraft while towing a glider vehicle accompanied by another pilot who meets the requirements of this section; or

(ii) As pilot in command of a glider being towed by an aircraft.

11.4.1.5 Operating Rules

(a) No pilot may conduct any towing operation in controlled airspace until the pilot has received the appropriate clearance from the air traffic control service.

(b) No pilot may conduct any towing operation in uncontrolled airspace until the pilot has notified the appropriate Authority for such activity to be entered into the NOTAM service of Saint Christopher and Nevis.
(c) No pilots shall engage in towing operations, either as the pilot of the towing aircraft or as the pilot of the towed glider, until all pilots have agreed upon a general course of action, including takeoff and release signals, airspeeds and emergency procedures for each pilot.

(d) No pilot of a civil aircraft may intentionally release a towline, after release of a glider, in a manner that endangers the life or property of another.

11.5  BANNER TOWING

11.5.1.1 Applicability

This Subpart applies to those operations involving towing by aircraft banners or other signs, lit or unlit.

11.5.1.2 Certificate or Authorisation Required

(a) The Authority shall require each person conducting operations covered by this Subpart to hold a certificate or equivalent authorisation.

(b) The Authority shall issue a certificate or authorisation to each applicant who qualifies for it under the provisions of this Subpart.

(c) A helicopter operating under the provision of Subpart 11.3 may tow a banner using an external-load attaching means without a certificate only if the operator has at least a Class B authorisation on the operating certificate.

11.5.1.3 Aircraft Requirements

(a) A person shall not operate an aircraft that is towing a banner unless the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness.

(b) A person shall not operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the helicopter’s tailrotor during all phases of flight, including autorotations.

Note: The only way to prevent the banner from tangling in the tailrotor during autorotation may be to jettison the banner.

11.5.1.4 Experience and Training Requirements

(a) For nonrevenue flights, the pilot of the tow aircraft shall hold at least a valid private pilot certificate and have a minimum of 200 hours PIC time.

(b) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a commercial pilot certificate and at least a valid second class medical certificate. For the conduct of this operation the holder of a commercial pilot certificate shall not be required to have instrument rating.

(c) All pilots engaged in banner towing operations shall demonstrate competence to the Authority by performing at least one pickup and drop of the maximum number of letters (panels) to be used by the certificate holder.

Note: This demonstration should be observed from the ground to allow the inspector to evaluate the competence of any essential ground personnel as well as the flight operation.
11.5.1.5 Operating Rules

(a) All banner tow operations shall be conducted only—
   (1) in VFR weather conditions; and
   (2) between the hours of official sunrise and official sunset.

(b) A person shall not conduct banner towing operations—
   (1) over congested areas or open air assemblies of persons lower than
       1,000 feet; and
   (2) elsewhere lower than the minimum safe altitude requirements of
       Part 8.

Note: Helicopters may be operated at less than the minimums prescribed in paragraph (b) if the operation is conducted without hazard to persons or property on the surface.

(c) The certificate holder shall obtain the airport manager’s approval to conduct all banner tow operations.

(d) If banner towing operations take place at an airport with a control tower, the certificate holder shall inform that control tower of the details of the banner tow operation.

(e) The certificate holder shall notify the appropriate airport officials in advance when banner tow operations will be in close proximity to an uncontrolled airport.

(f) Only essential crewmembers shall be carried when conducting banner tow operations.

(g) When banner tow operations are conducted around congested areas, the pilot shall exercise due care so that, in the event of emergency release of the banner and/or towrope, it will not cause undue hazard to persons or property on the surface.

(h) A pilot shall drop the towrope in a predesignated area at least 500 feet from aircraft in the air, persons, property or aircraft on the surface.

Note: If the tow plane lands with the rope attached, due care will be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.

(i) A pilot conducting banner towing operations shall carry onboard the aircraft a current copy of the certificate of Waiver or Authorisation allowing banner towing operations.

11.6 TV AND MOVIE OPERATIONS

11.6.1.1 Applicability

(a) This subpart applies to those operations involving motion picture and television filming, appearance in flight in movies, and airborne direction or production of such filming when those operations are conducted as part of a business enterprise or for compensation or hire.

(b) For purposes of this Sub-part, “movie” shall include film, videos, and live broadcast in any format, and the preparation and rehearsal for those operations.
11.6.1.2 Certificate or Authorisation Required

(a) The Authority shall require each person conducting operations covered by this subpart to hold a certificate or equivalent authorisation.

(b) The Authority will issue a certificate or authorisation to each applicant who qualifies for it under the provisions of this Sub-part.

11.6.1.3 Aircraft Requirement

(a) In order to be used in motion picture and television filming operations, aircraft in the experimental category shall have an airworthiness certificate issued for the purpose of exhibition.

11.6.1.4 Experience and Training Requirements

(a) No pilot may conduct television and movie operations unless he or she has—

(1) A commercial licence with ratings appropriate to the category, class and type of aircraft to be used under the terms of the authorisation.

(2) At least 500 hours as PIC and at least 20 hours as PIC in the aircraft type.

(3) A minimum of 100 hours in the category and class of aircraft to be used.

(4) A minimum of 5 hours in the make and model aircraft to be used under the authorisation.

(5) If the pilot intends to perform acrobatics below 1,500 AGL, the pilot must hold a Statement of Acrobatic Competency for the operations to be performed.

11.6.1.5 Operating Rules and Waiver Requirements

(a) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

(b) Each operator shall obtain a waiver from the Authority if filming sequences require an aircraft to be flown—

(1) In acrobatic flight below 1,500 AGL,

(2) Over a congested area,

(3) In controlled airspace, or

(4) In other instances where a departure from the requirements in Part 8 is needed.

(c) The holder of the authorisation shall provide a schedule of events that lists the—

(1) Identification of the aircraft, and

(2) Performers in the sequence of their appearance.

(d) Any manoeuvres added or time changes to the schedule of events shall be approved by the Authority.

(e) The authorisation holder shall develop, have approved by the Authority, and adhere to a Motion Picture and Television Flight Operations Manual.
(f) When conducting any filming operation requiring an authorisation, the certificate holder shall ensure that all reasonable efforts are made to confine spectators to designated areas. If reasonable efforts have been taken and unauthorised persons or vehicles enter the airspace where manoeuvres are being performed during the filming production event, efforts must be made to remove them.

11.6.1.6 Contents of a Motion Picture and Television Flight Operations Manual

(a) Each Motion Picture and Television Flight Operations Manual shall contain at least the following—

(1) Company Organisation.

   (i) Business name, address, and telephone number of applicant.

   (ii) List of pilots to be used during the filming, including their pilot licence numbers, grade, and class and date of medical.

   (iii) List of aircraft by make and model.

(2) Distribution and Revision. Procedures for revising the manual to ensure that all manuals are kept current.

(3) Persons Authorised. Procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming production, are allowed within 500 feet of the filming production area.

(4) Area of Operations. The area that will be used during the term of the authorisation.

(5) Plan of Activities. Procedures for the submission, within three days of scheduled filming, a written plan of activities to the Authority containing at least the following—

   (i) Dates and times for all flights.

   (ii) Name and phone number of person responsible for the filming production event.

   (iii) Make and model of aircraft to be used and type of airworthiness certificate, including category.

   (iv) Name of pilots involved in the filming production event.

   (v) A statement that permission has been obtained from property owners and/or local officials to conduct the filming production event.

   (vi) Signature of certificate holder or a designated representative.

   (vii) A general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming location, if necessary.

(6) Permission to Operate. Requirements and procedures that the certificate holder will use to obtain permission from property owners and/or local officials (e.g., police, fire departments, etc.) as appropriate for the conduct of all filming operations when using the certificate/authorisation.

(7) Security. Method of security that will be used to exclude all persons not directly involved with the operation from the location.
Note: This should also include the provision that will be used to stop activities when unauthorised persons, vehicles, or aircraft enter the operations area, or for any other reason, in the interest of safety.

(8) Briefing of Pilot/Production Personnel. Procedures to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the filming production event.

(9) Certification/Airworthiness. Procedures to ensure that required inspections will be conducted.

(10) Communications. Procedures to provide communications capability with all participants during the actual operation and filming.

Note: The applicant can use oral, visual, or radio communications as along as it keeps the participants continuously apprised of the current status of the operation.


11.7 SIGHT-SEEING FLIGHTS

11.7.1.1 Applicability

(a) This subpart applies to those operations involving the carriage of persons for viewing natural formations, manmade objects or wildlife viewing on the ground when those operations are conducted as part of a business enterprise or for compensation or hire, and

(b) The flight is unquestionably advertised as “sight-seeing,” and

(c) The flight returns to the airport of departure without having landed at any other airport,

(d) The flight is conducted within 25 statute mile radius of the departure airport, and

(e) The certificated passenger capacity of the aircraft does not exceed 9 passengers.

Note: Any other passenger carrying flight for remuneration, hire or valuable consideration must be conducted under an Air Operator Certificate (AOC) as contained in Part 9.

11.7.1.2 Certificate or Authorisation Required

(a) The Authority shall require each person conducting operations covered by this Subpart to hold a certificate or equivalent authorisation.

(b) The Authority shall issue a certificate or authorisation to each applicant who qualifies for it under the provisions of this Subpart.

(c) An operator under this Subpart shall hold an operating certificate issued under the provisions of Part 9.

11.7.1.3 Experience and Training Requirements

The requirements of Part 9 apply to all operations described by this Subpart.
11.7.1.4 Operating Rules
(a) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.
(b) All sightseeing operations shall be conducted only—
   (1) In VFR weather conditions, and
   (2) Between the hours of official sunrise and official sunset.
(c) No person may conduct sightseeing operations—
   (1) Over congested areas or open air assemblies of persons lower than 1,000 feet, and
   (2) Elsewhere lower than the minimum safe altitude requirements of Part 9.
(d) The requirements of Part 8 apply to sightseeing operations described by this Sub-part.

11.8 FISH SPOTTING
11.8.1.1 Applicability
This Subpart applies to those operations involving location, tracking, and reporting on the location of fish and fish schools, when those operations are conducted as part of a business enterprise or for compensation or hire.

11.8.1.2 Certificate or Authorisation Required
(a) The Authority shall require each person conducting operations covered by this Subpart to hold a certificate or equivalent authorisation.
(b) The Authority shall issue a certificate or authorisation to each applicant who qualifies for it under the provisions of this Subpart.

11.8.1.3 Operating Rules
(a) An operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.
(b) Minimum cloud clearance requirements and minimum altitude requirements of Part 8 do not apply to those persons to whom the Authority has specifically approved different minimums as a part of an authorisation under this Sub-part.

11.9 NEWS MEDIA AND TRAFFIC REPORTING
11.9.1.1 Applicability
(a) This Sub-part applies to those operations involving the observation of, and reporting on, news media events and/or vehicular traffic conditions on the highways and streets when conducted by aircraft or airmen, or both, not designated as solely public use.

11.9.1.2 Certificate or Authorisation Required
(a) The Authority will require each person conducting operations covered by this subpart to hold a certificate or equivalent authorisation.
(b) The Authority will issue a certificate or authorisation to each applicant who qualifies for it under the provisions of this Sub-part.
11.9.1.3 Operating Rules
(a) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.
(b) Minimum cloud clearance requirements and minimum altitude requirements of Part 9 do not apply to those persons to whom the Authority has specifically approved different minimums as a part of an authorisation under this Sub-part.

11.9.1.4 Experience and Training Requirements
(a) No pilot may conduct news media or traffic reporting operations unless he or she has—
   (1) At least a commercial license with ratings appropriate to the category, class and type aircraft to be used under the terms of the waiver.
   (2) At least 500 hours as PIC and at least 20 hours as PIC in the aircraft type.
   (3) A minimum of 100 hours in the category and class of aircraft to be used.
   (4) A minimum of 5 hours in the make and model aircraft to be used under the authorisation.
PART 12

AIRCRAFT ACCIDENT INCIDENT REPORTING AND INVESTIGATION REQUIREMENTS

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PART 12 – AIRCRAFT ACCIDENT INCIDENT REPORTING AND INVESTIGATION REQUIREMENTS

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12.1 GENERAL

12.1.1 Applicability.

This Part contains requirements pertaining to—

(1) initial notification and later reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft, wherever they occur, when they involve civil aircraft registered in Saint Christopher and Nevis; when they involve certain public aircraft, as specified in this part, wherever they occur; and when they involve foreign civil aircraft where the events occur in Saint Christopher and Nevis (state of occurrence).

(2) preservation of aircraft wreckage, mail, cargo, and records involving all civil and certain public aircraft accidents, as specified in this Part, in Saint Christopher and Nevis.

12.1.2 Definitions.

For the purpose of this Part, the applicable definitions are contained in Part I of the Schedule - “General Policies, Procedures and Definitions.”

12.2 Initial Notification

12.2.1 Immediate Notification.

(a) The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces, or any foreign aircraft shall immediately by the most expeditious means possible which may include via telephone, facsimile or e-mail, notify the Eastern Caribbean Civil Aviation Authority when an aircraft accident, serious incident or any of the following listed incidents occur—

(1) flight control system malfunction or failure;

(2) inability of any required flight crewmember to perform normal flight duties as a result of injury or illness;

(3) failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;

(4) in-flight fire; or

(5) aircraft collide in flight.

(6) damage to property, other than the aircraft, estimated to exceed EC$25,000 for repair (including materials and labour) or fair market value in the event of total loss, whichever is less.

(7) for large multiengine aircraft (more than 12,500 pounds maximum takeoff weight);

(i) in-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a backup source such as a battery, auxiliary power unit, or air driven generator to retain flight control or essential instruments;

(ii) in-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;

(iii) sustained loss of the power or thrust produced by two or more engines; and
(iv) an evacuation of an aircraft in which an emergency egress system is utilized.

(b) This initial notification requirement also applies when an aircraft is overdue and is believed to have been involved in an accident;

(c) In 12.2.1.1 (a) and (b), the initial report may be made to the nearest air traffic service unit or directly to the Authority’s Headquarters in Antigua.

(d) The ECCAA shall forward a notification of an accident or serious incident, with a minimum of delay and by the most suitable and quickest means available to—

a) the State of Registry;

b) the State of the Operator;

c) the State of Design;

d) the State of Manufacture; and

e) the International Civil Aviation Organisation, when the aircraft involved is of a maximum mass of over 2250 kg.

12.2.1.2 Information to be given in Notification.

(a) The notification required in 12.2.1.1 (a) & (b) shall contain the following information, if available—

1) type, nationality, and registration marks of the aircraft;

2) name of owner, and operator of the aircraft;

3) name of the pilot in command;

4) date and time of the accident;

5) last point of departure and point of intended landing of the aircraft;

6) position of the aircraft with reference to some easily defined geographical point;

7) number of persons aboard, number killed, and number seriously injured;

8) nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

9) a description of any explosives, radioactive materials, or other dangerous articles carried.

(b) The notification required in 12.2.1.1 (d) shall be in plain language and contain the information required by the current edition of Annex 13, Chapter 4.2.

12.3 PRESERVATION OF WRECKAGE AND RECORDS

12.3.1.1 Operator Responsibilities

(a) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the operation and
maintenance of the aircraft and to the airmen until the Authority takes custody thereof or a release is granted.

(b) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorised by the Authority to the contrary.

12.3.1.2 Moving the Wreckage

(a) Prior to the time the Authority or its authorised representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary—

(1) to remove persons injured or trapped;

(2) to protect the wreckage from further damage;

(3) to protect the public from injury or;

(4) To prevent damage or further damage to property.

(b) Where it is necessary to move aircraft wreckage, mail, or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks;

(c) If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, it shall be the responsibility of the investigator in charge to take all necessary steps to comply with such request, so far as this is reasonably practicable and in accordance with the proper conduct of the investigation and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

12.4 REPORTING REQUIREMENTS

12.4.1.1 Reports and Statements to be Filed.

(a) Reports. The operator of a civil, public or foreign aircraft shall file a report in the form and manner prescribed by the Authority within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A formal report on an incident for which immediate notification is required shall be filed only as requested by an authorised representative of the Authority.

(b) Crewmember statement. Each crewmember, if physically able at the time the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) Where to file the reports. The operator of an aircraft shall file any report with the Authority Headquarters in Antigua.

12.5 INVESTIGATIONS

12.5.1.1 Responsibility for Investigation

(a) Unless a Commission of Inquiry is appointed to investigate an accident or incident pursuant to the Civil Aviation Act, the Authority
is charged with fulfilling the obligations of Saint Christopher and Nevis under Annex 13 to the Chicago Convention on International Civil Aviation and does so consistent with the requirements of the Civil Aviation Act, the standards contained in Annex 13 to the Chicago Convention and any other law in force in Saint Christopher and Nevis;

(b) In the case of an accident or serious incident in a foreign state involving civil aircraft registered in Saint Christopher and Nevis, where the foreign state is a signatory to Annex 13 to the Chicago Convention of the International Civil Aviation Organisation, the State of occurrence is responsible for the investigation;

(c) If the accident or incident occurs in a foreign state not bound by the provisions of Annex 13 to the Chicago Convention, or if the accident or incident involves a public aircraft (Annex 13 applies only to civil aircraft), the conduct of the investigation shall be in consonance with any agreement entered into between the Government of Saint Christopher and Nevis and the foreign State.

12.5.1.2 Nature of Investigation.

(a) Accident and incident investigations are conducted by the Authority to determine the facts, conditions, and circumstances relating to an accident or incident and the probable cause(s) thereof. These results are then used to ascertain measures that would best tend to prevent similar accidents or incidents in the future.

(b) The investigation includes the field investigation (on-scene at the accident, testing, teardown, etc.), report preparation and, where ordered, a public hearing.

(c) The investigation results in Authority conclusions issued in the form of a report of the incident or accident. Accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties. They are not conducted for the purpose of determining the rights or liabilities of any person.

12.5.1.3 Right to Representation

Any person interviewed by an authorised representative of the Authority during the investigation, regardless of the form of the interview (sworn, unsworn, transcribed, not transcribed, etc.), has the right to be accompanied, represented, or advised by an attorney-at-law or non-attorney representative.

12.5.1.4 Investigator-in-charge.

(a) Upon the occurrence of an accident or serious incident, the Authority shall appoint an investigator-in-charge (IIC) who shall immediately institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation. The Authority may delegate the whole or any part of the conducting of such investigation to another State or organisation by mutual arrangement and consent. In any event, Authority shall use every means to facilitate the investigation;

(b) The IIC shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over them. The IIC shall organise, conduct,
control, and manage the field phase of the investigation, regardless of what other representatives of the Government of Saint Christopher and Nevis are also on-scene at the accident or incident site; subject to the Civil Aviation Act and these Regulations.

(c) The IIC has the responsibility and authority to supervise and coordinate all resources and activities of all personnel, both government and civilians, involved in the on-site investigation. The IIC shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 to the Chicago Convention. The investigation shall include—

a) the gathering, recording and analysis of all available information on that accident or incident;
b) if appropriate, the issuance of safety recommendations;
c) if possible, the determination of the causes; and
d) the completion of the final report.

(d) The IIC continues to have considerable organizational and management responsibilities throughout later phases of the investigation, up to and including the Authority’s consideration and adoption of a report of probable cause(s).

12.5.1.5 Representatives of the Authority

(a) Upon presentation of appropriate credentials, an aviation safety inspector is authorized to enter any property where an accident/incident subject to the Authority’s jurisdiction has occurred, or wreckage from any such accident/incident is located, and do all things considered necessary for proper investigation.

(b) Further, upon demand of an aviation safety inspector and presentation of credentials, any Government agency, or person having possession or control of any transportation vehicle or component thereof, any facility, equipment, process or controls relevant to the investigation, or any pertinent records or memoranda, including all files, hospital records, and correspondence then or thereafter existing, and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorised person for the purpose of investigating an accident or incident, or preparing a study, or related to any special investigation pertaining to safety or the prevention of accidents.

(c) The representative of the Authority may issue a subpoena, enforceable in court, to obtain testimony or other evidence.

(d) A representative of the Authority may question any person having knowledge relevant to an accident/incident, study, or special investigation.

(e) The representatives of the Authority also have exclusive authority, on behalf of the Authority, to decide the way in which any testing will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted, and any individual who will witness the test.
(f) The representative of the Authority, upon presenting appropriate credentials, is authorized to examine and test to the extent necessary any civil or public aircraft, aircraft engine, propeller, appliance, or property aboard such aircraft involved in an accident in commercial air transport.

12.5.1.6 Autopsies.

(a) Where Saint Christopher and Nevis is the state of occurrence of a fatal accident it shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigation. These examinations shall be expeditious and complete provided that to the extent consistent with the needs of the accident investigation, provisions of local law protecting religious beliefs with respect to autopsies shall be observed;

(b) The IIC is authorized to obtain, with or without reimbursement, a copy of the report of autopsy performed on any person who dies as a result of having been involved in an aircraft accident within the jurisdiction of the Authority;

(c) The IIC, may order other tests of such persons as may be necessary to the investigation.

12.5.1.7 Parties to the investigation.

(a) The investigator-in-charge shall designate parties to participate in the investigation. Parties shall be limited to those persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and/or persons who can provide suitably qualified technical personnel to assist in the investigation. The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigation;

(b) The State of Registry or the State of the Operator shall be entitled to appoint one or more advisers, proposed by the operator to assist its accredited representative;

(c) The State of Design and the State of Manufacture shall be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives;

(d) When a State conducting an investigation of an accident to an aircraft of a maximum mass of over 2250 kg specifically requests participation by Saint Christopher and Nevis as the State of Registry or the State of the Operator, Saint Christopher and Nevis shall appoint an accredited representative;

(e) Any State which on request provides information, facilities or experts to Saint Christopher and Nevis as the State conducting the investigation, shall be entitled to appoint an accredited representative to participate in the investigation;
(f) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative in the investigation;

(g) Advisers assisting accredited representatives shall be permitted, under the accredited representatives’ supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective;

(h) Participants in the investigation (i.e., party representatives, party coordinators, and/or the larger party organisation) shall be responsive to the direction of representatives of the Authority and may lose party status if they do not comply with their assigned duties, active proscriptions or instructions, or if they conduct themselves in a manner prejudicial to the investigation;

(i) No party to the investigation shall be represented in any aspect of the Authority’s investigation by any person who also represents claimants or insurers. Failure to comply with these provisions may result in sanctions, including loss of status as a party;

(j) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be permitted by Saint Christopher and Nevis as the State conducting the investigation, to appoint an expert who shall be entitled to—

a) visit the scene of the accident;

b) have access to the relevant factual information;

c) participate in the identification of the victims;

d) assist in questioning surviving passengers who are citizens of the expert’s State; and

e) receive a copy of the Final Report;

(k) In addition to compliance with the provisions of paragraph (a) of this section, and to assist in ensuring complete understanding of the requirements and limitations of party status, all party representatives in aviation investigations shall sign a statement containing these requirements and limitations immediately upon attaining party representative status. Failure to sign that statement immediately upon attaining party representative status may result in sanctions, including loss of status as a party.

12.5.1.8 Access to and release of wreckage, records, mail, and cargo.

(a) Only the Authority’s accident investigation personnel, and persons authorized by the investigator-in-charge to participate in any particular investigation, examination or testing shall be permitted access to wreckage, records, mail, or cargo in the Authority’s custody;

(b) Wreckage, records, mail, and cargo in the Authority’s custody shall be released when it is determined that the Authority has no further need of such wreckage, mail, cargo, or records.

12.5.1.9 Flow and dissemination of accident or incident information.

(a) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall
be made only through the designated representative of the Government of Saint Christopher and Nevis;

(b) All information concerning the accident or incident obtained by any person or organisation participating in the investigation shall be passed to the IIC through appropriate channels before being provided to any individual outside the investigation;

(c) Parties to the investigation may relay to their respective organizations information necessary for purposes of prevention or remedial action;

(d) No information concerning the accident or incident may be released to any person not a party representative to the investigation (including non-party representative employees of the party organization) before initial release by the Authority without prior consultation and approval of the IIC;

(e) If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the IIC shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed;

(f) The Authority shall, on request from a State conducting an investigation of an accident or an incident, provide that State with all the relevant information available to it;

(g) If the Authority is responsible for conducting the investigation of an accident or incident, it shall not make the following records available for purposes other than accident or incident investigation, unless the any court of competent jurisdiction determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

  a) all statements taken from persons by the investigation authorities in the course of their investigation;

  b) all communications between persons having been involved in the operation of the aircraft;

  c) medical or private information regarding persons involved in the accident or incident;

  d) cockpit voice recordings and transcripts from such recordings;

  e) recordings and transcriptions of recordings from air traffic control units; and

  f) opinions expressed in the analysis of information, including flight recorder information.

These records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

*Note 1.*—Information contained in the records listed above, which includes information given voluntarily by persons interviewed during the investigation of an accident or incident, could be utilized inappropriately for subsequent disciplinary, civil, administrative and criminal proceedings. If such information is distributed, it may, in the future, no longer be openly disclosed to investigators. Lack of access to such
information would impede the investigation process and seriously affect flight safety.

12.5.1.10 Proposed Findings.

(a) General. Any person, government agency, company, or association whose employees, functions, activities, or products were involved in an accident or incident under investigation may submit to the Authority written proposed findings to be drawn from the evidence produced during the course of the investigation, a proposed probable cause, and/or proposed safety recommendations designed to prevent future accidents.

(b) Timing of submissions. To be considered, these submissions must be received before the matter is calendared for consideration at a meeting chaired by the Authority. All written submissions are expected to have been presented to staff in advance of the formal scheduling of the meeting. This procedure ensures orderly and thorough consideration of all views.

12.5.1.11 Reopening Of Investigation.

If, after the investigation has been closed, new and significant evidence becomes available, the Authority shall re-open it the investigation. However, when the Authority did not institute it, then the Authority shall first obtain the consent of the State which instituted the investigation.

12.5.1.12 Final Report.

(a) No person shall circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by that latter State;

(b) The Authority shall send a copy of the draft Final Report to all States that participated in the investigation, inviting their significant and substantiated comments on the report as soon as possible. The draft Final Report of the investigation shall be sent for comments to—
   a) the State of Registry;
   b) the State of the Operator;
   c) the State of Design; and
   d) the State of Manufacture.

(c) If the Authority receives comments within sixty days of the date of the transmittal letter, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the Authority conducting the investigation receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report unless an extension of that period has been agreed by the States concerned;

Note 1.—Nothing in these regulations is intended to preclude Saint Christopher and Nevis as the State conducting the investigation from consulting other States, such as those States which provided relevant
information, significant facilities, or experts who participated in the investigation.

Note 2.—Comments to be appended to the Final Report are restricted to non-editorial-specific technical aspects of the Final Report upon which no agreement could be reached.

Note 3.—When sending the draft Final Report to recipient States, Saint Christopher and Nevis, as the State conducting the investigation may consider using the most suitable and quickest means available, such as facsimile, e-mail, courier service or express mail.

(c) Saint Christopher and Nevis as the State conducting the investigation may send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.

(d) Saint Christopher and Nevis as the State conducting the investigation should send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organisations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.

(e) The Final Report of the investigation of an accident shall be sent with a minimum of delay by the State conducting the investigation to—

a) the State that instituted the investigation;

b) the State of Registry;

c) the State of the Operator;

d) the State of Design;

e) the State of Manufacture;

f) any State having suffered fatalities or serious injuries to its citizens; and

g) any State that provided relevant information, significant facilities or experts.

h) for an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg, a copy of the Final Report shall be sent to the International Civil Aviation Organization.

(f) If the Authority receives safety recommendations from a State that is investigating an accident or incident, it shall inform the proposing State of the preventive action taken or under consideration, or the reasons why no action will be taken.

(Inserted by S.R.O. 6/2014)
FIFTH SCHEDULE

(Section 50)

CIVIL AVIATION (AERONAUTICAL TELECOMMUNICATIONS) REGULATIONS

PART I
PRELIMINARY MATTERS

Citation.
1. These Regulations may be cited as the Civil Aviation (Aeronautical Telecommunications) Regulations.

Interpretation.
2. In these Regulations—
   “Act” means the Civil Aviation Act, Cap. 8.03;
   “Aerodrome” means any area of land, water or other supporting surface used, designed, prepared, equipped or set apart for use or designated either in whole or in part for the arrival, departure and surface movement of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;
   “Aeronautical Information Publication (AIP)” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;
   “Aeronautical Station” means a land station in the aeronautical mobile service and in certain instances, an aeronautical station may be located, for example, on board ship or a platform at sea;
   “Aeronautical Telecommunication Equipment” means any equipment used to support an aeronautical telecommunication service;
   “Aeronautical Telecommunication Service” means a telecommunication service provided for any aeronautical purpose;
   “Agreement” means the agreement establishing the Eastern Caribbean Civil Aviation Authority made on 21st day of October, 2003, and to which the Government of Saint Christopher and Nevis is a party;
   “Air Traffic Service (ATS)” is a generic term which includes, variously, flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service or aerodrome control service;
   “Applicant” means a person who has applied to the Authority for approval to operate an Aeronautical Telecommunication Service;
   “Authority” means the Eastern Caribbean Civil Aviation Authority (ECCAA) established by Article 3 of the Agreement;
   “Director-General” means the Director-General of Civil Aviation appointed under Article 11 of the Agreement;
“NOTAM” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

PART II
GENERAL

Purpose.
3. These Regulations prescribe—
   (a) operating and technical standards for aeronautical telecommunications services, and facilities;
   (b) rules governing the continuing operation, surveillance, inspection and audit of organizations providing aeronautical telecommunication services in support of Instrument Flight Rule operations or air traffic services; and
   (c) the mandatory requirements applicable to persons providing or operating aeronautical telecommunications services or facilities.

Aeronautical Telecommunication Service.
4. (1) A person shall not cause or permit any aeronautical telecommunication service to be established in Saint Christopher and Nevis otherwise than under and in accordance with an approval granted by the Authority to the person in charge of the aeronautical telecommunication service.

   (2) An approval shall be granted under sub-regulation (1), upon the Authority being satisfied—
      (a) as to the intended purpose of the aeronautical telecommunication service;
      (b) that the aeronautical telecommunication service is fit for its intended purpose; and
      (c) that the person is competent to provide the aeronautical telecommunication service.

   (3) The operator of an aeronautical telecommunication service at an aerodrome shall cause to be notified in relation to that aeronautical telecommunication service the type and availability of operation of any service that is available for use by any aircraft.

   (4) An approval granted under regulation 4(1) may include a condition requiring a person in charge of an aeronautical telecommunication service at any other aerodrome or place to cause the information specified in regulation 4(3) to be notified.

   (5) An approval granted under regulation 4(1) may include a condition requiring the person in charge of the aeronautical telecommunication service to use a person approved by the Authority under regulation 4(6) for the provision of particular services in connection with the aeronautical telecommunication service and in
particular but without limitation may include a condition requiring that any associated equipment be flight checked by such an approved person.

(6) The Authority may approve a person to provide particular services in connection with approved aeronautical telecommunication service.

(7) For the purpose of regulations 4(1) and 4(6) an approval may be granted in respect of one or more than one person or generally.

Use of English.

5. All documentation, written communications and data, electronic or otherwise, for submission to the Authority in support of an application for an approval shall be provided in English.

Laws, regulations and procedures.

6. Each holder of an approval shall take reasonable care to ensure that all persons employed, engaged, or contracted, in relation to the provision of the approved service, by the holder to perform safety-related activities, are familiar with the Act, these Regulations and any applicable conditions on the approval and the procedures specified in the approval holder’s Operations Manual.

Procedure, Standards and Requirements compliance.

7. Each person performing duties in relation to the approved aeronautical telecommunication service shall conform to the applicable procedures, standards or otherwise requirements specified in the Operations Manual of the approval holder, and any applicable national or international standards or requirements.

Power to inspect.

8. (1) Each holder of an approval shall ensure that any Inspector appointed pursuant to section 12 of the Act or any person delegated pursuant to section 12 of the Act by the Authority is allowed access to the aeronautical stations, aeronautical telecommunication equipment or any other location otherwise related to the provision of the aeronautical telecommunication service.

(2) Each holder of an approval shall ensure that any person authorised by the Authority shall have access to any documentation relating to the safety of aircraft in flight. The holder of an approval shall be responsible for ensuring that, if requested to do so by an authorised person, documentation is produced within seven days of such request.

Application for approval.

9. (1) An applicant for an aeronautical telecommunication service approval shall apply to the Authority by—

(a) submitting the Operations Manual written in English; and

(b) paying the prescribed fee.

(2) An aeronautical telecommunication service shall not be provided in such a way that it is in any way available for use without the prior approval of the Authority.
Privileges of an approval holder.

10. The approval document will specify the aeronautical telecommunication services and aeronautical telecommunication equipment that the approval holder is approved to provide.

Duration of approval.

11. (1) An aeronautical telecommunication service approval may be granted or renewed for a period of up to 5 years, unless revoked prior to this.

(2) A change or variation of the details within the approval shall require a reissue of the approval document.

Renewal of approval.

12. (1) An application for the renewal of an aeronautical telecommunication service approval shall be made to the Authority.

(2) The application for the renewal shall not be less than 30 days before the approval expires.

(3) The application for renewal shall be accompanied by payment of any prescribed fees.

Exceptions.

13. (1) A person that operates aeronautical telecommunication equipment is exempt from holding an approval if the aeronautical telecommunication equipment—

(a) is a radio communication transmitter that does not support an air traffic service; and

(b) the establishment and operation of the radio communications transmitter is notified to the Authority.

(2) The aeronautical telecommunication equipment is operated in accordance with—

(a) the applicable system characteristics prescribed in ICAO Annex 10, Volume III, Part II, Chapter 2; and

(b) the applicable communication procedures prescribed in ICAO Annex 10, Volume II.

(3) The aeronautical telecommunication equipment does not interfere with any other aeronautical telecommunication service, aeronautical telecommunication equipment or air traffic service.

(4) The appropriate licence and frequency authorisation use of the frequency has been granted by the Minister with responsibility for Telecommunications.

(5) No fees shall be payable upon application or renewal of an approval if the aeronautical telecommunications service is maintained or operated by the Authority or subsidiary thereof.
PART III

APPROVAL REQUIREMENTS


14. (1) The applicant shall provide the Authority with an Operations Manual containing a policy statement signed by the Accountable Manager attesting that—

(a) the manual demonstrates compliance and supporting evidence with the relevant requirements of the Regulations;

(b) the organisation will continually comply with the Operations Manual; and

(c) the manual commits the organisation to safety of the operation.

(2) The Operations Manual shall contain—

(a) the titles and names of the Accountable Manager or persons required under regulation 15(2);

(b) the duties and responsibilities of the senior persons in regulation 15(3), including matters for which they have responsibility to deal directly with the Authority on behalf of the organisation;

(c) an organisational chart;

(d) a summary of the organisation’s staffing structure including job descriptions and safety responsibilities;

(e) a list of each type of aeronautical telecommunication equipment to be operated under the authority of the aeronautical telecommunication service approval;

(f) a summary of the operational details of each aeronautical telecommunication equipment;

(g) a summary of services provided at each location where an aeronautical telecommunication service is provided;

(h) details of the security procedures required under regulation 19;

(i) the procedures required under regulation 28 regarding the systematic management of safety and quality;

(j) the procedures, evidence or a reference that identifies the documentation that contains the procedures or evidence, that are required under—

(i) regulation 15(2) regarding the competence of personnel;

(ii) regulation 17(1) regarding the design, installation, and commissioning of facilities;

(iii) regulation 16(2) regarding the operation of temporary, pre-operational or replacement equipment for site tests;

(iv) regulation 20(2) regarding documentation;

(v) regulation 21(1) regarding the maintenance programme;

(vi) regulation 22 regarding equipment performance;
(vii) regulation 23 regarding the control, calibration, and maintenance of inspection, measuring, and test equipment;
(viii) regulation 17(1) regarding the notification of facility information;
(ix) regulation 25 regarding equipment checks after notification of an accident or incident;
(x) regulation 26 regarding equipment malfunction incidents;
(xi) regulation 25 regarding the maintenance of records;
(xii) regulation 27 regarding operating and maintenance instructions; and

(k) procedures to control, amend, and distribute the manual.

**Personnel requirements.**

15. (1) The applicant shall employ, contract, or otherwise engage an accountable manager, acceptable to the Authority, authorised as ultimately accountable and responsible for—

(a) managing safety;
(b) ensuring that the organisation complies with the requirements of these Regulations;
(c) ensuring that safety is given the highest priority when assessing commercial, operational, environmental or social pressures; and
(d) managing personnel in relation to safety and compliance with these Regulations.

(2) The applicant shall employ competent and qualified personnel in respect of inspection, supervision and maintenance.

(3) The applicant shall establish written records and procedures acceptable to the Authority in respect of the commissioning, operation and maintenance of aeronautical telecommunication services or equipment, to—

(a) assess the competence of those authorised personnel;
(b) maintain the competence of those authorised personnel;
(c) establish a means to provide those personnel with signed written evidence of the scope of their authorisation; and
(d) establish the job descriptions containing safety responsibilities.

**Service operational safety requirements.**

16. (1) Notwithstanding the requirements of these Regulations, the applicant shall establish safety requirements for the aeronautical telecommunication service and its constituent equipments by conducting a risk assessment in relation to the purpose of the service or equipment or both if applicable.

(2) The analysis and production of these requirements shall be in liaison with all organisations whose services, equipment or procedures may impact upon the provision of the aeronautical telecommunication service being approved and this will include the air traffic service, radio navigation service or radio communication service that the aeronautical telecommunication service supports.

(3) The service safety requirement shall be acceptable to the Authority.
Aeronautical Telecommunication Equipment requirements.

17. (1) The applicant shall list the aeronautical telecommunication equipment comprising the service in the Operations Manual and for each the Operations Manual shall provide evidence that—

(a) it is designed, installed, and commissioned to meet the operational safety requirements of regulation 16;
(b) it conforms with the applicable standards and recommended practices prescribed in the ICAO Annexes, including guidance material unless a justifiable alternative is agreed with the Authority;
(c) the monitoring and means of notification of the operational status meets the operational needs of the related air traffic service;
(d) the power supply to the equipment meets the operational continuity requirements of the air traffic service being supported;
(e) any critical or sensitive site area necessary for protecting the safe operation of equipment listed is defined and protected; and
(f) a procedure has been established to ensure sufficient spares are held to ensure the continuity of the aeronautical telecommunication service.

(2) The applicant who intends to operate temporary or pre-operational equipment shall—

(a) notify the Authority with adequate notice prior to start of the tests;
(b) demonstrate that operation does not cause any interference with any other operating aeronautical telecommunication equipment;
(c) ensure that the appropriate licence and frequency authorisation has been granted;
(d) ensure that appropriate information is provided to the relevant aeronautical information service (AIS).

Identification codes, call signs and frequencies.

18. (1) The applicant shall only operate an aeronautical radio navigation aid or radio communication transmitter if a current licence and frequency authorisation granted by the Minister with responsibility for Telecommunications is held by the applicant; an identification code has been allocated; and that these have been declared in the Operations Manual.

(2) The applicant shall ensure the performance of an aeronautical radio navigation aid or radio communication transmitter is protected against any interference caused by obstructions and other radio emissions.

(3) The applicant shall ensure the performance of an aeronautical radio navigation aid or radio communication transmitter does not cause interference to other transmitters and devices.

Security.

19. (1) The applicant shall ensure that measures which are acceptable to the Authority are made for the security of equipment in relation to its safe operation and that these are included in the Operations Manual.
(2) The measures under regulation 19(1) must specify the physical security requirements, practices and procedures to be followed for the purpose of minimising the risk of destruction of, damage to or interference with the operations of any aeronautical telecommunications facility operated by the applicant, if such destruction, damage or interference could endanger the safety of aircraft or facilities.

(3) The measures under regulation 19(1) may be contained in an Aerodrome Security Programme approved by the Authority.

Documentation.

20. (1) The applicant shall hold copies of relevant equipment manuals, organisational aeronautical telecommunication operations manual, technical standards, practices, instructions, and any other documentation that are necessary for the provision and operation of the facilities listed in the applicant’s Operations Manual.

(2) The applicant shall establish a procedure for the retention and configuration control of the documentation required in relation to these Regulations.

Maintenance programme.

21. (1) The applicant shall establish a procedure for maintenance of the aeronautical telecommunication equipment listed in the Operations Manual verifying that it meets the applicable requirements and performance specifications for that equipment, including—

(a) a schedule of maintenance meeting the manufacturers’ recommendations and ICAO Doc 8071 (Manual on Testing of Radio Navigation Aids);

(b) personnel maintenance instructions meeting manufacturers’ recommendations and ICAO Doc 8071, as required under regulation 28(b); and

(c) the identification of any maintenance or fault rectification that requires a calibration flight check before the equipment is returned to service.

(2) Any flight checking organisation employed in relation to the aeronautical telecommunication service shall be approved by the Authority.

Aeronautical Telecommunication Equipment performance.

22. (1) The applicant shall ensure that a person does not put, or return aeronautical telecommunication service equipment into operational service unless—

(a) he is assessed as competent and authorised for that specific function according to regulation 16(2);

(b) the appropriate checks detailed in the operating and maintenance instructions required under regulation 30 have been carried out to verify the performance of the aeronautical telecommunication equipment;

(c) the aeronautical telecommunication equipment record has been completed according to the procedures required under regulation 27; and

(d) that person knows or suspects that the information being provided by that facility is erroneous.
(2) The applicant shall apply the requirements of regulation 22(1) before returning an Aeronautical Telecommunication System into service following a flight inspection.

Tools and test equipment.

23. (1) The applicant shall ensure that appropriate tools and test equipment are available for personnel to maintain the operation of equipment listed in the applicant’s Operations Manual.

(2) The applicant shall establish a procedure to control, calibrate, and maintain all the equipment required under regulation 23(1) to ensure that it is suitable for its purpose.

(3) If computer systems are used for the testing of any aeronautical telecommunication equipment the procedure required under regulation 23(1) shall ensure these systems are periodically inspected, and that software is current and appropriate and any associated elements are calibrated if appropriate.

Notification of Aeronautical Telecommunication Service Information.

24. (1) A person operating an aeronautical telecommunication service shall have a procedure to inform all relevant Aeronautical Information Service (AIS) providers of—

(a) information to be promulgated in the Aeronautical Information Publication (AIP) in relation to that aeronautical telecommunication service in relation to type and availability for use by aircraft; and

(b) information to be promulgated in a NOTAM concerning any change in the operational status of the aeronautical telecommunication service.

(2) A person operating an aeronautical telecommunication service shall verify that the information under regulation 24(1) has been accurately published by the Aeronautical Information Service (AIS).

Aeronautical Telecommunication Equipment check after an accident or incident.

25. (1) A person operating an aeronautical telecommunication service shall establish a procedure to check and accurately record the operating condition of any Aeronautical Telecommunication Equipment operated under the authority of an approval that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

(2) The procedure required under regulation 25(1) shall require that—

(a) the check of the aeronautical telecommunications facility’s operating condition is carried out as soon as practicable after notification to the person operating the aeronautical telecommunication service, of the accident or incident;

(b) the record of that check, and the recorded history of the aeronautical telecommunications facility, is retained in a secure place for possible use by any subsequent accident or incident investigation; and

(c) this information shall be subject to the retention requirements in regulation 27.
Aeronautical Telecommunication Equipment malfunction.

26. (1) Where aeronautical telecommunication equipment malfunctions such that it fails to meet the technical requirements of these Regulations, there shall be a procedure—

(a) to notify, investigate, and record the malfunction; and
(b) to record and implement corrective action; and
(c) to record where a change has been implemented to prevent recurrence.

Records.

27. (1) The applicant shall record legibly recoverable information relating to maintenance, periodic inspections and test data including flight checks, overhaul, modification for the equipment listed on the applicant’s Operations Manual and these records should be preserved for a period of two years or longer if the Authority so directs.

(2) The applicant shall use recording apparatus that is capable of recording and replaying the terms or content of any ATS message transmitted or received through equipment.

(3) The applicant shall ensure that any impounding or changing of ATC recording media is not performed by operational ATC personnel and that access to the original media is controlled to ensure its integrity is preserved.

Systematic management of safety and quality.

28. The applicant shall develop and establish a systematic means of managing quality and safety to ensure continued compliance with, and the adequacy of, the procedures required under these Regulations and the safe operation of the aeronautical telecommunication service provided under the approval issued by the Authority.

PART IV
OPERATING REQUIREMENTS

Continued compliance.

29. The holder of an aeronautical telecommunication service approval shall—

(a) continue to meet the standards and comply with the requirements of these Regulations;
(b) comply with all procedures referred to in its Operations Manual;
(c) hold at least one complete and current copy of its Operations Manual;
(d) ensure that a copy of these Regulations are available to personnel who require these Regulations to carry out their duties; and
(e) use configuration control procedures to ensure all revisions to manuals and requirements are implemented in a timely manner into the copies formally held by all parties.
Operating and maintenance instructions.

30. The holder of an aeronautical telecommunication service approval shall—

(a) have operating and maintenance instructions that set out the requirements for operating and maintaining each aeronautical telecommunication equipment listed in its Operations Manual; and

(b) provide the operating and maintenance instructions required under regulation 30(1)(a) for the use and guidance of its personnel;

(c) arrange for adequate formally recorded training for staff intended for discharging duties in respect of the operating and maintenance instructions.

Temporary Aeronautical Telecommunication Equipment.

31. If temporary, pre-operational or replacement Aeronautical telecommunication equipment is operated for the purpose of a site test, the holder of an aeronautical telecommunication service approval shall not be required to comply with any requirements of Part III of these Regulations, except regulation 17(2).

Limitations on approval holder.

32. Except if a site test is carried out according to the procedures required under regulations 15(2) and 31, the holder of an aeronautical telecommunication service approval may not operate aeronautical telecommunication equipment under the authority of that approval unless—

(a) the aeronautical telecommunication equipment is listed in the approval holder’s Operations Manual;

(b) the performance of the aeronautical telecommunication equipment meets the applicable information published for that facility under regulation 22;

(c) the performance of the aeronautical telecommunication equipment meets the applicable requirements in regulation 17(1) and 22;

(d) any integrity monitoring system for the aeronautical telecommunication equipment is fully functional; and

(e) all the periodic tests for the aeronautical telecommunication equipment are completed according to the programmes established in accordance with the requirements of regulation 21.

Operations Manual Changes.

33. (1) The holder of an Aeronautical Telecommunication Service approval shall—

(a) ensure that its Operations Manual is amended, as required, to remain a current description of the approval holder’s organisation, aeronautical telecommunication services, and equipment;

(b) ensure that any amendments made to its Operations Manual meet the applicable requirements of these Regulations;

(c) comply with the Operations Manual amendment procedure;

(d) provide the Authority with a copy of each amendment to the Operations Manual;
(e) make such amendments to its Operations Manual as the Authority may consider necessary in the interests of aviation safety; and

(f) ensure that any such amendments are made in a timely manner to all formally held copies of the Operations Manual.

(2) The holder of an aeronautical telecommunication service approval shall apply and obtain prior acceptance by the Authority if the approval holder proposes to change any of the following—

(a) the Accountable Manager;

(b) the maintenance engineering staffing;

(c) the aeronautical telecommunication equipment operated under the authority of the approval.

(3) An application to make any of the changes under regulation 33 (2) shall be made by the approval holder in writing or in the prescribed form.

(4) The Authority may impose any conditions that are considered necessary in the interests of aviation safety, on the holder of an aeronautical telecommunication service approval while any changes under regulation 33(2) are occurring or as a consequence of those changes.

Internal Quality Assurance and Safety Management.

34. An organisation providing an aeronautical telecommunication service shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required under these Regulations, and, to report, investigate and prevent safety deficiencies.

PART V

MISCELLANEOUS

Implementing Standards.

35. (1) The Director-General shall, from time to time, issue the Implementing Standards which are applicable to these Regulations.

(2) Implementing Standards issued pursuant to sub-regulation (1) are legally binding and a contravention of any provision of the Implementing Standards is a contravention of these Regulations.

Offence of non-compliance with Regulations.

36. (1) A person who contravenes any of these Regulations commits an offence and is liable in accordance with the provisions of section 41 of the Act.

(2) Any holder of an aeronautical telecommunication service approval who wilfully or intentionally contravenes any of these Regulations, or who demonstrates an unwillingness or inability to adequately carry out the respective requirements of these Regulations or the holder’s approved Operations Manual, and whose continued operations are determined by the Authority as posing a threat to civil aviation shall be subject to the revocation or suspension of the holder’s aeronautical telecommunication service approval.
Transitional.

37. Notwithstanding any other provision of these Regulations, compliance with the provisions of these Regulations shall be required within one year of the commencement of these Regulations.

*(Inserted by S.R.O. 19/2014)*