STATUTORY INSTRUMENTS

1961 No. 2316

CIVIL AVIATION

The Colonial Air Navigation Order, 1961

Made - - - -	*6th December*, 1961
Laid before Parliament	*7th December*, 1961
Coming into Operation	*8th December*, 1961

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At the Court of Saint James, the 6th day of December, 1961

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Margaret, Countess of Snowdon

Lord President	**Lord John Hope**
Earl of Perth	**Mr. Erroll**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the eighth day of November, 1961, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) on any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess

Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorized thereto by the said Letters Patent, and in pursuance of the powers vested in Her Majesty by the Civil Aviation Act, 1949(a), and the Colonial Civil Aviation (Application of Act) Order, 1952(b), and of all other powers enabling Her Majesty in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

1.—(1) Subject to the provisions of paragraph (2) of this Article, an aircraft shall not fly over the Colony unless it is registered in:—

(*a*) some part of the Commonwealth; or

(*b*) a Contracting State; or

(*c*) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the Colony of aircraft registered in that country:

Provided that—

(i) a glider may fly unregistered, and shall be deemed to be registered in the Colony for the purposes of Articles 9, 10, 15 and 26 of this Order, on any flight which—

(*a*) begins and ends in the Colony without passing over any other country, and

(*b*) is not for the purpose of public transport or aerial work;

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

(*a*) begins and ends in the Colony without passing over any other country, and

(*b*) is in accordance with the "B Conditions" set forth in the Second Schedule to this Order;

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

(2) The Governor may, in such special circumstances and subject to such conditions or limitations as he may think fit, temporarily exempt from the provisions of paragraph (1) of this Article an aircraft registered elsewhere.

(a) 12, 13, & 14 Geo. 6. c. 67. (b) S.I. 1952/868 (1952 I, p. 565).

(3) If an aircraft flies over the Colony in contravention of paragraph (1) of this Article in such manner or circumstances that if the aircraft had been registered in the Colony an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the Colony

2.—(1) The Governor shall be the authority for the registration of aircraft in the Colony.

(2) Subject to the provisions ~~of paragraphs (4) and (5)~~ of this Article, an aircraft shall not be registered or continue to be registered in the Colony if it appears to the Governor that :— 1963/966

(*a*) the aircraft is registered anywhere outside the Colony; or

(*b*) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or any share therein; or

(*c*) the aircraft could more suitably 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 Colony.

(3) The following persons and no others shall be qualified to be the owner of a legal or beneficial interest in an aircraft registered in the Colony or a share therein :—

(*a*) the Crown in right of Her Majesty's Government in the United Kingdom or in right of the Government of the Colony;

(*b*) British subjects and citizens of the Republic of Ireland;

(*c*) British protected persons;

(*d*) bodies incorporated in some part of the Commonwealth, and having their principal place of business in any part of the Commonwealth;

(*e*) bodies incorporated in the Republic of South Africa or in South West Africa, and having their principal place of business in the said Republic or in South West Africa or in any part of the Commonwealth.

(4) If an unqualified person residing or having a place of business in the Colony is entitled as owner to a legal or beneficial interest in an aircraft, or a share therein, the Governor, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the Colony. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this pargaraph, 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 Governor may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the Colony 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 Article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the Colony shall be made in writing to the Governor, 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 Colony and to issue the certificate referred to in paragraph (8) of this Article. 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 the First Schedule to this Order.

(7) Upon receiving an application for the registration of an aircraft in the Colony and being satisfied that the aircraft may properly be so registered, the Governor 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 Governor;

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

(*d*) the serial number of the aircraft;

(*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 hire-purchase agreement, the name and address of the hirer; or,

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

(8) The Governor shall furnish to the person or persons in whose name the aircraft is registered (hereinafter in this Article 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.

(9) Subject to paragraphs (4) and (5) of this Article, if at any time after an aircraft has been registered in the Colony an unqualified person becomes entitled as owner to a legal or beneficial interest 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 Governor for cancellation.

(10) Any person who is registered as the owner of an aircraft registered in the Colony shall forthwith inform the Governor in writing of—

(*a*) any change in the particulars which were furnished to the Governor 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 Article, the termination of the demise charter.

(11) Any person who becomes the owner of an aircraft registered in the Colony shall forthwith inform the Governor in writing to that effect.

(12) The Governor may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part of this Order 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 if he is satisfied that there has been a change in the ownership of the aircraft.

(13) The Governor may, by regulations, adapt or modify the foregoing provisions of this Article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Colony register, either generally or in relation to a particular case or class of cases.

(14) In this Article 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 (10) of this Article 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.

(15) Sub-paragraph (*e*) of paragraph (3) of this Article shall cease to have effect on the 31st day of May, 1962.

(16) The Governor shall transmit to the Minister particulars of all registrations, and of changes in or cancellations of registrations, entered in the register.

Nationality and registration marks 1963/1966

3.—(1) An aircraft (other than an aircraft permitted by or under this Order 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 Colony shall comply with Part B of the First Schedule to this Order.

(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 II

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Certificate of airworthiness to be in force

4.—(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 Colony 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;

(*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 the Second Schedule to this Order;

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

(2) In the case of an aircraft registered in the Colony the certificate of airworthiness referred to in paragraph (1) of this Article shall be a certificate issued or rendered valid in accordance with the provisions of Article 5 of this Order.

Issue and renewal of certificates of airworthiness

5.—(1) The Governor may 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 Governor 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 Governor, appropriate to the aircraft in accordance with the Third Schedule to this Order 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 Governor 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 paragraph (1) of Article 24 of this Order.

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

(6) Subject to the provisions of this Article and of Article 54 of this Order, a certificate of airworthiness of validation issued under this Article shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Governor 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 Governor 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 of such equipment as aforesaid, being an inspection required by the Governor to be made for the purpose of ascertaining whether the aircraft remains airworthy.

(8) Without prejudice to any other provision of this Order the Governor may, for the purposes of this Article, 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.

(9) The Governor shall cause to be prepared and preserved in relation to each aircraft registered in the Colony a record enabling the aircraft (including in particular its engines) and such of its equipment as he may have considered necessary for the airworthiness of the aircraft in issuing, varying or rendering valid a certificate of airworthiness, to be identified with the drawings and other documents on the basis of which the certificate was issued, varied or rendered valid as the case may be. All equipment so identified shall for the purposes of this Order be deemed to be equipment necessary for the airworthiness of the aircraft. The Governor shall cause such record to be produced for examination upon request being made therefor at any reasonable time by any person having, in the opinion of the Governor, reasonable grounds for requiring to examine it.

Certification of maintenance

6.—(1) An aircraft registered in the Colony shall not fly for the purpose of public transport or dropping or projecting any material for agricultural, public health or similar purposes unless:—

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

(*b*) there are in force in respect of that aircraft certificates (in this Order referred to as "certificates of maintenance") issued in accordance with the provisions of this Article and certifying that maintenance has been carried out in accordance with such maintenance schedules:

Provided that an aircraft may, notwithstanding that sub-paragraphs (*a*) and (*b*) have not been complied with in relation to the radio station therein, fly for the sole purpose of enabling persons to be trained to perform duties in aircraft.

(2) Every certificate of maintenance shall come into force upon being issued and shall cease to be in force upon the expiration of the period of its validity in elapsed time or flying time, whichever may be the earlier, as specified in the relevant maintenance schedule, and the period of validity of the certificate shall be recorded in the certificate at the time when it is issued.

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

(*a*) the holder of a licence granted under this Order as an aircraft maintenance engineer or aircraft radio maintenance engineer being a licence of a category appropriate in accordance with Article 8 of and the Fourth Schedule to this Order; or

(*b*) the holder of a licence as such an engineer granted under the law of a country other than the Colony and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or

(*c*) a person whom the Governor has authorised to issue a certificate of maintenance in a particular case, and in accordance with that authority:

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

(4) Certificates of maintenance shall be issued in duplicate. One of the duplicates shall, during the period of validity of the certificate, be carried in the aircraft when Article 51 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(5) On the termination of every flight the commander of the aircraft shall enter in a technical log particulars of— 1963/1966

(*a*) the times at which that flight began and ended;

(*b*) any defect in any part of the aircraft or its equipment which may be known to him, being a part to which a maintenance schedule relates, and if no such defect is known to him he shall make an entry to that effect:

Provided that, in the case of a number of consecutive flights beginning and ending on the same day and at the same aerodrome and with the same person as commander of the aircraft, the commander of the aircraft may enter the particulars as aforesaid in a technical log at the end of the last of such flights.

(6) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (5) of this Article, a copy of the certificate of compliance required by Article 7 of this Order in respect of the work done for the rectification of the defect shall be entered in the technical log in such a position or manner as to be readily identifiable with the entry of the defect to which it relates.

(7) The technical log referred to in paragraphs (5) and (6) of this Article shall be carried in the aircraft when Article 51 of this Order so requires and copies of the entries referred to in those paragraphs shall be kept on the ground.

(8) Subject to the provisions of Article 53 of this Order every certificate of maintenance shall be preserved by the operator of the aircraft for a period of two years following the expiry of the period of validity of the certificate and for such further period as the Governor may require in any particular case.

Inspection, overhaul, repair, replacement and modification

7.—(1) An aircraft registered in the Colony, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force, shall not fly if any part of the aircraft or of such of its equipment as is necessary for the airworthiness of the aircraft, has been overhauled, repaired, replaced or modified, or has been inspected as provided in paragraph (7) (*b*) of Article 5 of this Order, unless there is in force a certificate of compliance issued in accordance with this Article and relating to the overhaul, repair, replacement, modification or inspection, 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 compliance can be issued under this Article in respect thereof, or

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

the aircraft may fly to a place at which such a 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 Governor within ten days thereafter.

(2) Neither—

(*a*) equipment provided in compliance with the Fifth Schedule to this Order (except paragraph (3) thereof), nor

(*b*) in the case of a public transport aircraft, radio apparatus provided for use therein or in any survival craft carried therein, whether or not such apparatus is provided in compliance with this Order or any regulation made thereunder,

shall be installed, or placed on board for use, in an aircraft registered in the Colony after being overhauled, repaired or modified, unless there is in force in respect thereof at the time when it is installed or placed on board

a certificate of compliance issued in accordance with this Article and relating to the overhaul, repair or modification, as the case may be.

(3) For the purposes of this Order, "certificate of compliance" means a certificate that the part of the aircraft or its equipment has been overhauled, repaired, replaced or modified, as the case may be, in a manner and with material of a type approved by the Governor either generally or in relation to a class of aircraft or the particular aircraft and which identifies the aircraft and the overhaul, repair, replacement or modification to which it relates and includes particulars of the work done; and in relation to an inspection required by the Governor, that the inspection has been made in accordance with the requirement of the Governor and that any consequential repair or replacement has been carried out as aforesaid.

(4) A certificate of compliance may be issued for the purposes of this Article only by—

(*a*) the holder of a licence granted under this Order as an aircraft maintenance engineer or aircraft radio maintenance engineer being a licence of a category appropriate in accordance with Article 8 of and the Fourth Schedule to this Order; or

(*b*) the holder of a licence as such an engineer granted under the law of a country other than the Colony and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or

(*c*) a person approved by the Governor as being competent to issue such certificates; or

(*d*) a person whom the Governor has authorised to issue the certificate in a particular case.

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(5) Subject to the provisions of Article 53 of this Order, if the aircraft to which a certificate of compliance relates is a public transport aircraft or an aerial work aircraft, the certificate of compliance shall be preserved by the operator of the aircraft 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. In the case of any other aircraft the certificate shall be preserved by the operator of the aircraft for a period of two years.

Licensing of maintenance engineers

8.—(1) The Governor may grant to any person a licence to act for the purposes of this Order as an aircraft maintenance engineer, or an aircraft radio maintenance engineer, of one of the categories specified in the Fourth Schedule to this Order, upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by his knowledge and experience to do so, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Governor may require of him. The Governor may include a rating in the licence limiting the licence to particular types of aircraft or equipment.

(2) A licence of any category shall, subject to any rating as aforesaid, entitle the holder to issue certificates of maintenance, certificates of compliance or certificates of fitness for flight in accordance with the Fourth Schedule to this Order.

(3) A licence and a rating shall, subject to the provisions of Article 54 of this Order, remain in force for the periods specified therein, not exceeding twelve months, but may be renewed by the Governor from time to time upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

(4) The Governor may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted under the law of any country other than the Colony. Such certificate may be issued subject to such conditions, and for such periods, as the Governor thinks fit.

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

Equipment of aircraft

9.—(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 this Order and any regulations made thereunder.

(2) In the case of aircraft registered in the Colony the equipment required to be provided (in addition to any other equipment required by or under this Order) shall be that specified in such parts of the Fifth Schedule to this Order 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 Governor 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 Governor may direct that an aircraft registered in the Colony 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 Article 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 there shall be exhibited in a prominent position in every passenger compartment of every public transport aircraft registered in the Colony a notice stating where the lifejackets (if any) are to be found, and containing 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 Article, 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) This Article shall not apply in relation to radio apparatus except that specified in the Fifth Schedule to this Order.

Radio equipment of aircraft

10.—(1) An aircraft shall not fly unless it is so equipped with radio apparatus 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 this Order and any regulations made thereunder.

(2) In the case of aircraft registered in the Colony, the aircraft shall be equipped with radio apparatus in accordance with the Sixth Schedule to this Order.

(3) In any particular case the Governor may direct that an aircraft registered in the Colony shall carry such additional or special radio apparatus 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 radio apparatus provided in compliance with this Article in an aircraft registered in the Colony shall always be maintained in serviceable condition.

(5) All radio apparatus installed in an aircraft registered in the Colony (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Governor 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 paragraph (1) of Article 1 of this Order to fly unregistered, be installed in a manner approved by the Governor. Neither the apparatus nor the manner in which it is installed shall be modified except with the approval of the Governor.

Aircraft, engine and propeller log books

11.—(1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of every public transport aircraft and aerial work aircraft registered in the Colony:—

(*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 the Seventh Schedule to this Order.

(2) Each entry in the log book shall be made as soon as is practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of maintenance (if any) in force in respect of the aircraft at the time of the occurrence.

(3) 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 this Order, 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 Article.

(5) Subject to the provisions of Article 53 of this Order 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

12.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Governor may require 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 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; and showing

the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight.

(3) Subject to the provisions of Article 53 of this Order the weight schedule shall be preserved by the operator of the aircraft until the expiry of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this Article.

Access and inspection for airworthiness purposes

13. The Governor may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Governor 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 aircraft factory.

PART III

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft

1963/1966 **14.**—(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 Colony 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 this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order, in respect of that aircraft.

(3) A flying machine registered in the Colony and flying for the purpose of public transport, having a maximum total weight authorised of more than 22,500 lb., shall carry not less than two pilots as members of the flight crew thereof.

(4) An aircraft registered in the Colony engaged on a flight for the purpose of public transport shall carry a flight navigator as a member of the flight crew 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 over part of an area specified in the Eighth Schedule to this Order. The flight navigator carried in compliance with this paragraph shall be carried in addition to any person who is carried in accordance with this Article to perform other duties.

(5) An aircraft registered in the Colony which is required by the provisions of Article 10 of this Order 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 Article to perform other duties.

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

(7) When an aircraft registered in the Colony carries twenty or more passengers on a flight for the purpose of public transport, the crew of the aircraft shall include a person carried for the purpose of performing in the interest of the safety of passengers duties to be assigned by the operator or the person in command of the aircraft, but who shall not act as a member of the flight crew.

Members of flight crew—licences

15.—(1) Subject to the provisions of this Article, a person shall not act as a member of the flight crew of an aircraft registered in the Colony unless he is the holder of an appropriate licence granted or rendered valid under this Order: 1963/1966

Provided that a person may, within the Colony act as a flight radiotelephony operator without being the holder of such a licence if—

(*a*) 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 Colony to perform duties as a member of the flight crew of an aircraft; and

(*b*) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station by the Governor or other appropriate authority under any enactment; and

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

(*d*) messages are transmitted only on a frequency exceeding 60 megacycles per second assigned by the Governor for that purpose; and

(*e*) 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

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

(*g*) the stability of the frequency radiated is maintained automatically by the transmitter.

(2) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered outside the Colony 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; and

(*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 this Order, and the Governor does not in the particular case give a direction to the contrary.

(3) For the purposes of this Article a licence granted under the law of a Contracting State 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 Governor in the particular case gives a direction to the contrary be deemed to be a licence rendered valid under this Order but shall not entitle the holder to act as member of the flight crew of any aircraft flying for the purpose of public transport or aerial work.

(4) Notwithstanding the provisions of paragraph (1) of this Article, 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 Colony for the purpose of undergoing training or tests—

(*a*) for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating thereon; or

(*b*) for admission into any of Her Majesty's naval, military or air forces, without being the holder of an appropriate licence, if the following conditions are complied with:—

(i) 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 this Order, a person authorised by the Governor to witness the aforesaid training or 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 as a member of the flight crew of an aircraft; and

(ii) the person acting as the pilot of the aircraft without being the holder of an appropriate licence shall not be the pilot in command of the aircraft unless within the period of six months immediately preceding he was either the holder of a pilot's licence (other than a student pilot's licence) granted under this Order or was serving as a qualified pilot of aircraft in any of Her Majesty's military, naval or air forces, 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.

(5) Notwithstanding the provisions of paragraph (1) of this Article, a person may act as a member of the flight crew of an aircraft registered in the Colony 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 any of Her Majesty's naval, military or air forces.

(6) An appropriate licence for the purposes of this Article 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.

(7) This Article shall not apply to a person (other than a flight radio operator) by reason of his acting as a member of the flight crew of a glider which is not flying for the purpose of public transport or aerial work.

Grant and renewal of licences to members of flight crew

16.—(1) The Governor may grant licences, subject to such conditions as he thinks fit, of any of the following classes:—

Student pilot's licence,
Private pilot's licence (flying machines),
Commercial pilot's licence (flying machines),
Senior commercial pilot's licence (flying machines),
Airline transport pilot's licence (flying machines),
Private pilot's licence (balloons and airships),
Commercial pilot's licence (balloons),
Commercial pilot's licence (airships),
Commercial pilot's licence (gliders),
Flight navigator's licence,
Flight engineer's licence,
Flight radiotelephony operator's general licence,
Flight radiotelephony operator's restricted licence,
Flight radiotelegraphy operator's licence,
Flight radiotelegraphy operator's temporary licence,

upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical 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) as the Governor may require of him. 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 the Ninth Schedule to this Order.

(2) Subject to any conditions of the licence, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the said Ninth Schedule under the heading " privileges " :

Provided that—

(*a*) subject to the provisions of paragraph (10) of this Article, and paragraph (4) of Article 15 and paragraph (1) of Article 19 of this Order a person shall not be entitled to perform any of the functions specified in Part B of the said Schedule in respect of a rating unless his licence includes that rating ;

(*b*) a person shall not be entitled to perform any of the functions to which his licence relates if he knows or has reason to believe that his physical condition renders him temporarily or permanently unfit to perform such function.

(3) The Governor may, if he is satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, include in a licence a rating of any of the classes specified in Part B of the said Ninth Schedule, and such rating shall be deemed to form part of the licence and shall entitle the holder to perform such functions as are specified in Part B of the said Schedule in respect of that rating. An instrument rating (referred to in the said Schedule) may be renewed by any person appointed by the Governor for that purpose, if that person is satisfied by a test that the applicant continues to be competent to perform the functions to which the rating relates. The test shall be carried out either in flight or by means of apparatus approved by the Governor in which flight conditions are simulated on the ground.

(4) A licence and a rating shall, subject to the provisions of Article 54 of this Order, remain in force for the periods indicated in the licence, not exceeding those respectively specified in the Ninth Schedule to this Order, and may be renewed by the Governor from time to time upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

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

(6) Every holder of a licence, other than a flight radiotelephony operator's licence, granted under this Article shall submit himself to medical examination, by a person approved by the Governor, upon applying for the renewal of the licence and upon such other occasions as the Governor may require.

(7) Every holder of a licence, other than a flight radiotelephony operator's licence, granted under this Article or rendered valid under Article 17 of this Order who suffers—

(*a*) any personal injury involving incapacity to undertake the functions to which his licence relates ; or

(*b*) any illness involving incapacity to undertake those functions throughout a period of twenty days or more,

shall inform the Governor in writing of such injury or illness, as soon as possible in the case of an injury, and as soon as the period of twenty days has elapsed in the case of illness.

(8) A licence, other than a flight radiotelephony operator's licence, granted under this Part of this Order shall be deemed to be suspended upon the occurrence of such an injury, or the elapse of such period of illness as is referred to in paragraph (7) of this Article. The suspension of the licence shall cease :—

(*a*) upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume his functions under the licence ; or

(*b*) upon the Governor exempting the holder from the requirement of a medical examination, subject to such conditions as the Governor may think fit.

(9) A licence granted under this Article shall be deemed to be suspended upon the pregnancy of the holder being diagnosed and shall remain suspended until the holder has been medically examined after the termination of the pregancy and pronounced fit to resume her duties under the licence.

(10) Nothing in this Order shall be taken to prohibit the holder of a commercial pilot's, senior commercial pilot's or airline transport pilot's licence (flying machines) from acting as pilot in command of a flying machine carrying passengers by night by reason of the lack of a night rating in his licence.

Validation of licences

17. The Governor may issue a certificate of validation rendering valid for the purposes of this Order any licence as a member of the flight crew of aircraft granted under the law of any country other than the Colony. A certificate of validation may be issued subject to such conditions and for such period as the Governor thinks fit.

Personal flying log book

18. Every member of the flight crew of an aircraft registered in the Colony and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order or undergoing tests or receiving instruction in flying for admission into any of Her Majesty's naval, military or air forces shall keep a personal flying log book in which the following particulars shall be recorded:—

The name and address of the holder of a log book.

Particulars of holder's licence (if any) to act as a member of the flight crew of an aircraft.

The name and address of his employer (if any).

Particulars of all flights made as a member of the flight crew of aircraft, including—

(*a*) the date, time, duration and places of arrival and departure of each flight ;

(*b*) the type 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.

Instruction in flying

19.—(1) A person shall not give any instruction in flying to any person flying or about to fly a flying machine for the purpose of becoming qualified for— 1963/588

(*a*) the grant of a pilot's licence; or

(*b*) the inclusion in a pilot's licence of an aircraft rating entitling the holder of the licence to act as pilot of—

(i) a multi-engined aircraft, or

(ii) an aircraft of any class appearing in column 4 of the Table in Part A of the First Schedule to this Order,

if he has not been previously entitled under the Act, or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of a multi-engined aircraft, or of an aircraft of that class, as the case may be; or

(*c*) the inclusion or variation of any rating, other than an aircraft rating in a pilot's licence,

unless:—

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

(ii) such licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder, in accordance with the privileges specified in the Ninth Schedule to this Order in respect of that rating, to give the instruction; and

(iii) if payment is made for the instruction, such licence entitles the holder to act as pilot in command of an aircraft flying for the purpose of public transport:

Provided that sub-paragraph (iii) of this paragraph shall not apply if the aircraft is owned, or is operated under arrangements entered into, by a flying club of which both the person giving and the person receiving the instruction are members.

(2) For the purpose of this Article payment shall be deemed to be made for instruction if any reward is given or promised by any person to any other person in consideration of the flight being made or of the instruction being given or if the instruction is given by a person employed for reward primarily for the purpose of giving such instruction.

Glider pilot—minimum age

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

PART IV

OPERATION OF AIRCRAFT

Operations Manual

21.—(1) This Article shall apply to public transport aircraft registered in the Colony except aircraft 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 Article 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 that one copy thereof is carried on each flight so as to be available to the members of the fligh. crew.

(*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 the Tenth Schedule to this Order:

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) The operator of the aircraft shall, if the Governor shall so require, furnish the Governor with a copy of the whole of the operations manual for the time being in effect, or of such parts thereof as the Governor may specify. The operator shall make such amendments of or additions to the operations manual as the Governor 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 Article and the Tenth Schedule to this Order " 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.

1963/1966 (5)

Public transport—operators' responsibilities

22.—(1) The operator of an aircraft registered in the Colony 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 at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped 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 Colony 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 the Tenth Schedule to this Order 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 the said Tenth Schedule.

Public transport—loading of aircraft

23.—(1) The operator of an aircraft registered in the Colony shall not cause or permit it to be loaded for a flight for the purpose of public transport 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— 1963/966

(*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 basic weight (shown in the weight schedule referred to in Article 12 of this Order) 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 2,500 lb., or

(*b*) the aircraft's maximum total weight authorised does not exceed 6,000 lb. 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.

(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 Article.

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination of 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 Article does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when Article 51 of this Order 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 Article shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft.

Public transport—operating conditions

24.—(1) An aircraft registered in the Colony shall not fly for the purpose of public transport, except for the sole purpose of training persons to

perform duties in aircraft, unless such requirements as may be prescribed in respect of its weight and related performance are complied with.

(2) The assessment of the ability of an aircraft to comply with paragraph (1) of this Article 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) Such requirements as may be prescribed in respect of the weather conditions required for take-off, approach to landing and landing shall be complied with in respect of every aircraft to which Article 21 of this Order applies.

(4) A flying machine registered in the Colony 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.

(5) Without prejudice to the provisions of paragraph (4) of this Article, an aeroplane in respect of which there is in force under this Order 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 purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

Aircraft not registered in the Colony—weather conditions

25.—(1) An aircraft registered in a country other than the Colony shall not fly for the purpose of public transport unless the operator thereof shall have furnished to the Governor such particulars as he may from time to time have required relating to the weather conditions specified by the operator in relation to aerodromes in the Colony 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 weather conditions.

(2) The aircraft shall not begin or end a flight at an aerodrome in the Colony in weather conditions less favourable than those so specified in relation to that aerodrome, or in contravention of the instructions referred to in paragraph (1) of this Article.

Pre-flight action by commander of aircraft

1963/1966 **26.** The commander of an aircraft registered in the Colony 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 this Order to be carried 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 certificates of maintenance are required by paragraph (1) of Article 6 of this Order to be in force, they are 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

27. The commander of an aircraft registered in the Colony, 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 this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. Each pilot at the controls shall be secured in his seat by either a safety belt or a safety harness except that during take-off and landing a safety harness shall be used if it is required by Article 9 of this Order to be provided.

Public transport of passengers—duties of commander

28.—(1) This Article applies to flights for the purpose of the public transport of passengers by aircraft registered in the Colony. 1963/1966

(2) In relation to every flight to which this Article applies the commander of the aircraft shall— 1965/588

(*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 exits, safety belts, safety harnesses and lifejackets, and all other devices required by or under this Order and intended for use by passengers individually in case of an emergency occurring to the aircraft:

Provided that in relation to lifejackets this requirement may, except in the case of a seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land;

(*b*) 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 of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before that point is reached, all passengers are given a practical demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers;

(*c*) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a practical demonstration of the method of use of the equipment referred to in the preceding sub-paragraph;

(*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 the person, if any, carried in compliance with paragraph (7) of Article 14 of this Order is secured in a seat which shall be in a passenger compartment and which shall be so situated that he 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 flight he considers the precaution necessary, take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses;

(*f*) in any 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 an altitude of 13,000 feet above mean sea level, the method of use of the oxygen provided in the aircraft in compliance with the requirements of Article 9 of this Order is demonstrated to all passengers;

(ii) on reaching such altitude all passengers are recommended to use oxygen;

(iii) at all times when the aircraft is flying at an altitude exceeding 13,000 feet above mean sea level, oxygen is used by all the crew of the aircraft.

Operation of radio in aircraft

29.—(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 this Order to be equipped with radio communication 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 Colony, otherwise designated as transmitting a signal suitable for that purpose.

(3) 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*) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the air-space 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 Article.

(4) In every aircraft registered in the Colony 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 traffic sent or received;

(*d*) particulars of any action taken upon the receipt of a distress signal or 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.

(5) 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.

(6) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(7) In any flying machine registered in the Colony 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 at an altitude less than 15,000 feet above mean sea level or is taking off or landing.

Towing of gliders

30.—(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 500 feet.

(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 is capable of flying in the manner referred to in paragraph (*g*) of Article 26 of this Order;

(*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

31.—(1) Subject to the provisions of this Article, 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 in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one mile.

(3) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 500 feet.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.

(5) Nothing in this Article 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 this Order 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 the Second Schedule to this Order;

(*d*) be taken to permit the towing or picking up of a glider otherwise than in accordance with Article 30 of this Order.

Dropping of persons and articles

32.—(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) Articles, animals and persons (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the Colony:

Provided that this paragraph shall not apply to the descent of persons by parachute from an aircraft in an emergency, or to the dropping of articles by, or with the authority of, the commander of the aircraft in 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 this Order;

(*e*) the dropping at an aerodrome in accordance with prescribed regulations, of ropes, banners or similar articles towed by aircraft.

(3) For the purposes of this Article dropping includes projecting and lowering.

(4) Nothing in this Article shall prohibit the lowering of any person, animal or article 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.

Carriage of munitions of war

33.—(1) An aircraft shall not carry any munitions of war.

(2) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for carriage thereon, any goods which he knows or has reason to believe or suspect to be munitions of war.

(3) For the purposes of this Article "munitions of war" means such weapons and ammunition as are designed for use in warfare.

Carriage of dangerous goods

34.—(1) Dangerous goods shall not be carried in an aircraft except as follows:—

(*a*) goods carried in accordance with any regulations which the Governor may make to permit dangerous goods to be carried either in aircraft generally or in aircraft of any class specified in the regulations;

(*b*) goods carried with the written permission of the Governor, and in accordance with any conditions to which such permission may be subject;

(*c*) goods carried in an aircraft with the consent of the operator thereof for the purpose of ensuring the proper navigation or safety of the aircraft or the well-being of any person on board;

(*d*) goods permitted to be carried under the laws of the country in which the aircraft is registered, if there is in force in relation to such country an agreement between Her Majesty's Government in the United Kingdom and the Government of that country permitting the carriage of dangerous goods within the Colony in aircraft registered in that country.

(2) Dangerous goods permitted by or under this Order to be carried in an aircraft shall not be loaded as cargo therein unless:—

(*a*) the consignor of the goods has furnished the operator of the aircraft with particulars in writing of the nature of the goods and the danger to which they give rise; and

(*b*) the goods or any container in which they are packed are clearly marked so as to indicate that danger to the person loading the goods in the aircraft.

The operator of the aircraft shall, before the flight begins, inform the commander of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(3) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by this Article.

(4) The provisions of this Article shall be additional to and not in derogation from the provisions of Article 33 of this Order.

Method of carriage of persons

35. 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 designated to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings

36.—(1) This Article shall apply to every public transport aircraft registered in the Colony.

(2) Whenever an aircraft to which this Article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall, during take-off and landing and during any emergency, 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 an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Governor, either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers.

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the word "Exit" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words "Emergency Exit" in capital letters.

(4) (*a*) Every exit from the aircraft shall be marked with instructions in English and in such other language or languages, if any, as may be prescribed, 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 Article applies, being an aircraft of which the maximum total weight authorised exceeds 8,000 lb., 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 4 inches in length along its outer edge and 1 inch in width.

(*c*) The words "Cut Here in Emergency" shall be marked across the centre of each break-in area in capital letters.

(6) The markings required by this Article shall—

(*a*) be painted, or affixed by other equally permanent means;

(*b*) 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*) be kept at all times clean and unobscured.

Imperilling safety of aircraft

37. A person shall not wilfully or negligently act in a manner likely to endanger an aircraft, or any person therein.

Imperilling safety of any person or property

38. A person shall not wilfully or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

39.—(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

40.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the Colony 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 Colony 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

41. Every person in an aircraft registered in the Colony 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

42. 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 V

FATIGUE OF FLIGHT CREW

Application, interpretation and modification of Part V

1965/388 **43.**—(1) Articles 44 to 48, inclusive, of this Order apply in relation to an aircraft if, but only if, it is an aircraft registered in the Colony 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 Articles 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 a flying school, or a person who is not an air transport undertaking.

(2) In this Part of this Order, the following expressions shall, except where the context otherwise requires, 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 while it is in flight and he is carried therein as a member of the flight crew thereof;

(*b*) "duty period", in relation to any person who flies in an aircraft as a member of the flight crew thereof, means any continuous period throughout which he is, under the provisions of paragraph (3) or (4) of this Article, to be treated as being on duty:

Provided that where two or more periods which would, but for this proviso, be separate duty periods are separated by an interval of less than 10 hours, the period starting when the first of those duty periods began and finishing when the last of them ended shall be treated as constituting a single continuous duty period;

(*c*) "rest period", in relation to any person, means any continuous period no part of which forms part of a duty period of that person.

(3) For the purposes of this Part of this Order, a person who is employed under a contract of service to fly in an aircraft as a member of the flight crew thereof shall be treated as being on duty at any time when in the course of that employment he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Article) or he is otherwise acting in the course of that employment:

Provided that when he is not flying in an aircraft—

(*a*) subject to paragraph (*c*) of this proviso, he shall not be treated as being on duty during any period which he is allowed for rest;

(*b*) subject to paragraph (*c*) of this proviso, he shall not be treated as being on duty at any time by reason only of his being required at that time to be available at a particular place to report for duty if required to do so;

(*c*) he shall be treated as being on duty at any time when he is required to be available at a particular place to report for duty if required to do so if—

(i) that place is at an aerodrome or

(ii) that place, not being at an aerodrome, is a place at which his employer requires persons similarly employed to be available as

aforesaid and adequate facilities for rest are not available for his use while he is required to be so available.

(4) For the purposes of this Part of this Order, a person who flies in an aircraft as a member of the flight crew thereof, otherwise than in the course of his employment under a contract of service to fly as aforesaid, shall be treated as being on duty at any time when, in connection with any business of operating aircraft, he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Article) or does any work.

(5) For the purposes of this Part of this Order, references to a person flying in an aircraft as a member of the flight crew thereof include references to the operator of the aircraft who himself flies in the aircraft in any such capacity and references to the work and other duties which a person is required or permitted by an operator to carry out shall in any such case be construed as references to any work carried out by that operator in connection with the management of aircraft or with any business which includes the flying of aircraft.

(6) Notwithstanding the provisions of this Article and Articles 44 to 50 of this Order, the Governor may by regulations modify or replace the provisions of this Article (other than this paragraph) or any or all of those Articles in their application to the Colony if he considers that the prevention of excessive fatigue of the flight crew of aircraft registered in the Colony will thereby be more suitably ensured.

Duties of operators to prevent excessive fatigue of flight crew

44. It shall be the duty of every operator of an aircraft to which this Article applies to ensure, as respects each person flying as a member of the flight crew of that aircraft, that the periods during which that person is required or permitted by that operator to carry out any work or other duties are so limited in length and frequency, and that that person is afforded such periods for rest, that his said work and duties are not likely to cause him such fatigue while he is flying in the aircraft as may endanger the safety thereof.

Establishment of limits on flight times, flying duty periods and rest periods

45.—(1) Without prejudice to the provisions of Article 44 of this Order, and for the purposes of securing that the requirements of those provisions are complied with, every operator of an aircraft to which this Article applies shall establish for every person flying in that aircraft as a member of the flight crew thereof— 1961 588

(*a*) limits on the aggregate of all his flight times during every period of 30 consecutive days,

(*b*) limits on his flying duty periods, and

(*c*) minimum rest periods which he is to have immediately before any duty period in the course of which he makes any such flight as aforesaid,

being limits and minimum rest periods which the operator is satisfied after taking into account the matters mentioned in paragraph (2) of this Article, are such that, if every member of the flight crew observes those limits and has those minimum rest periods, the safety of the aircraft on any flight is not likely to be endangered by reason of any fatigue which may be caused by the work or other duties which the members of the flight crew are required or permitted by that operator to carry out. Different limits and different minimum rest periods may be established either for different persons or for different classes of persons and for different circumstances.

(2) The matters which an operator shall take into account in establishing under paragraph (1) of this Article limits and minimum rest periods as therein mentioned for the persons therein mentioned are the nature of the work and other duties which those persons will carry out and all circumstances arising out of the carrying out of that work and those duties which may affect the degree of fatigue from which those persons may suffer while they are making a flight in an aircraft to which this Article applies in any such capacity as is mentioned in the said paragraph (1).

(3) No limits or minimum rest periods may be established under paragraph (1) of this Article which would require or permit any person to fly in any aircraft at a time when such flying would constitute a contravention of any of the provisions of Articles 46, 47 and 49 of this Order.

(4) An operator of an aircraft to which this Article applies shall not permit that aircraft to make a flight unless limits and minimum rest periods have been established in accordance with the foregoing provisions of this Article so as to apply to every member of the flight crew thereof.

(5) Every operator of an aircraft to which this Article applies shall take all such steps as are reasonably practicable to secure that all limits for the time being established by that operator in accordance with the foregoing provisions of this Article are observed and that no person for whom minimum rest periods are for the time being so established makes any flight in an aircraft to which this Article applies unless, immediately before the duty period in the course of which he makes the flight, he has had the appropriate rest period so established.

(6) Notwithstanding anything contained in the foregoing provisions of this Article, an operator of an aircraft to which this Article applies may confer upon the commander of that aircraft a discretion to make, or authorise any person to make a flight in that aircraft in such circumstances that the commander or, as the case may be, that other person will not observe the limits or will not have had the minimum rest period established by that operator under the foregoing provisions of this Article and applicable to the commander or that other person:

Provided that the said discretion shall not be exercisable unless the following conditions are fulfilled, that is to say—

(*a*) that it appears to the commander—

(i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that if the flight had been made in accordance with those arrangements each member of the crew would have observed the limits and have had the minimum rest periods established by the operator and applicable to them as aforesaid, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of exceptional circumstances or by reason of circumstances which were not foreseen as likely to prevent that flight from being so made, or

(ii) that the flight is one which ought to be carried out in the interests of the safety or health of any person, and

(*b*) that the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

(7) Every operator of an aircraft to which this Article applies shall include in every operations manual to be provided under Article 21 of this Order for the use and guidance of the members of the flight crew of that aircraft, or, in any case where no such manual is required to be provided by that Article, in a document which shall be provided for the use and guidance of those members, full particulars of all limits and minimum rest periods for the time being established under the foregoing provisions of this Article which may affect any of those members, and of any discretion conferred upon the commander of that aircraft under paragraph (6) of this Article and (without prejudice to the provisions of Article 21 of this Order) every such operator shall, whenever requested to do so by a person authorised in that behaf by the Governor, furnish that person with a copy of all particulars from time to time included in any such operations manual or document in accordance with the requirements of this paragraph.

(8) In this Article the expression "flying duty period", in relation to any person, means the time, reckoned from the beginning of each duty period of that person, in the course of which he is permitted to make any flight to which this Article applies and after expiration of which he is not in the course of the same duty period, to make any such flight.

Maximum flying duty periods for pilots and flight engineers

46.—(1) Without prejudice to the provisions of Article 44 of this Order a person shall not fly in an aircraft to which this Article applies as a pilot or flight engineer thereof in the course of any duty period of that person after more than the specified time has elapsed since the beginning of that duty period.

(2) In paragraph (1) of this Article the expression "the specified time" means—

(*a*) in relation to a person who flies in an aircraft as the only pilot thereof, 12 hours:

Provided that if before the commencement of that flight and during the duty period in the course of which he makes that flight, there has been a period of not less than seven continuous hours throughout which that person has not flown in any aircraft, the foregoing provisions of this sub-paragraph shall have effect in relation to that flight as if 14 hours were substituted therein for 12 hours;

(*b*) in relation to a person who flies as a pilot of an aircraft in which two or more persons are carried as pilots thereof, 16 hours:

Provided that the foregoing provisions of this sub-paragraph shall have effect in relation to that flight as if 24 hours were substituted therein for 16 hours if three or more persons are carried in the aircraft as pilots thereof and the following conditions are fulfilled:—

(i) at least two of the pilots are duly qualified by their respective licences to act as a commander of the aircraft for the purposes of that flight;

(ii) at least one of the pilots is carried in addition to those members of the flight crew who are required to be carried in the circumstances of the flight by or under this Order;

(iii) suitable facilities for sleeping are available for the use of at least one of the pilots at all times throughout the flight; and

(iv) each of the pilots has, during the duty period in the course of which that flight is made and before the end of that flight, been afforded opportunities of resting for a reasonable time;

(*c*) in relation to a person who flies as a flight engineer of an aircraft, 16 hours:

Provided that the foregoing provisions of this sub-paragraph shall have effect in relation to that flight as if 24 hours were substituted therein for 16 hours if two or more persons are carried in the aircraft as flight engineers thereof and the following conditions are fulfilled:—

(i) at least one of the flight engineers is carried in addition to the members of the flight crew who are required to be carried in the circumstances of the flight by or under this Order;

(ii) suitable facilities for sleeping are available for the use of at least one of the flight engineers at all times throughout the flight; and

(iii) each of the flight engineers has, during the duty period in the course of which that flight is made and before the end of that flight, been afforded opportunities of resting for a reasonable time.

Minimum rest periods for flight crew

47. Without prejudice to the provisions of Article 44 of this Order a person shall not fly in an aircraft to which this Article applies as a member of the flight crew thereof, unless immediately before the duty period in the course of which he makes that flight he had a sufficient rest period, that is to say, a rest period of a length not less than the minimum length specified in the first column of the Table set out at the end of this Article and therein set opposite to the length specified in the second column of that Table which corresponds to the length of the duty period of that person which immediately precedes that rest period.

TABLE

Minimum length of sufficient rest period	*Length of immediately preceding duty period*
10 hours	Not exceeding 10 hours
11 „	Exceeding 10 but not exceeding 11 hours
12 „	„ 11 „ „ „ 12 „
13 „	„ 12 „ „ „ 13 „
14 „	„ 13 „ „ „ 14 „
15 „	„ 14 „ „ „ 15 „
16 „	„ 15 „ „ „ 16 „
18 „	„ 16 „ „ „ 17 „
20 „	„ 17 „ „ „ 18 „
22 „	„ 18 „ „ „ 19 „
24 „	„ 19 „ „ „ 20 „
26 „	„ 20 „ „ „ 21 „
28 „	„ 21 „ „ „ 22 „
30 „	„ 22 „ „ „ 23 „
32 „	„ 23 hours

Records of flight times, duty periods and rest periods

48.—(1) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly therein as a member of the flight crew thereof unless the operator has in his possession an accurate and up-to-date record maintained by him or by another operator of aircraft in respect of that person and in respect of the 30 days immediately preceding the flight showing—

(*a*) the times of the beginning and end of each flight in any aircraft made by that person in the course of any of his duty periods, and

(*b*) the times of the beginning and end of each duty period of that person, and

(*c*) brief particulars of the nature of the work or other duties carried out by that person during each of his duty periods.

(2) The Governor may prescribe the form and manner in which any records required to be kept under the last foregoing paragraph shall be kept and where he has so prescribed the said records shall be kept accordingly.

(3) Subject to the provisions of Article 53 of this Order the operator of the aircraft shall preserve the records referred to in paragraph (1) of this Article for a period of at least 12 months after the end of the flight, duty period or rest period to which they relate.

Maximum flight times for flight crew

49. A person shall not fly in any aircraft registered in the Colony as a member of the flight crew thereof at any time on any day after the aggregate of all his flight times (whether arising from flight in an aircraft to which this Article applies or in any other aircraft) during the period of 30 consecutive days expiring at the end of that day amounts to 125 hours :

Provided that the foregoing prohibition shall not apply to a flight made in an aircraft which is not such an aircraft as is described in paragraph (1) of Article 43 of this Order if at the time of the flight the aggregate of all the flight times of the person making the flight since he was last medically examined under this Order and found fit does not exceed 125 hours.

Provision for particular cases

50.—(1) Notwithstanding anything contained in Articles 46, 47 and 49 of this Order (hereinafter referred to as " the relevant Articles ") a person shall be deemed not to have contravened any of the provisions of those Articles by reason of a flight made at any time by that person or by another person if the first mentioned person proves—

(*a*) that it was due to an unavoidable delay in the completion of the flight that the person so flying was flying at that time, and

(*b*) that the said first mentioned person could not reasonably be expected to have foreseen before the flight began that the delay was likely to occur.

(2) Without prejudice to the provisions of paragraph (2) of Article 74 of this Order and notwithstanding anything contained in the relevant Articles, the commander of an aircraft may make, or authorise any other person to make, and that other person if so authorised may make, a flight in that aircraft which he would, but for this paragraph, be prohibited from making by virtue of any provision contained in the relevant Articles if—

(*a*) it appears to the commander :—

(i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that no member of that crew would have been prohibited from making the flight in accordance with those arrangements by any provision contained in the relevant Articles, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of exceptional circumstances or by reason of circumstances which were not foreseen as likely to prevent that flight from being so made, or

(ii) that the flight is one which ought to be carried out in the interest of the safety or health of any person, and

(*b*) the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

(3) Where the commander or any other person makes a flight in an aircraft which he or that other person is permitted to make under the last foregoing paragraph, a report in writing that he or that other person has made that flight, giving full particulars of the circumstances in which it was made and the reasons why the commander made that flight or, as the case may be, authorised that other person to do so, shall be made as soon as is reasonably practicable by the commander to the operator of the aircraft and in any event by the operator to the Governor; and the operator and the commander shall furnish any authorised person with such further information in his possession relating to the flight and to the circumstances in which it was made as that person may require.

PART VI

DOCUMENTS AND AIRCRAFT

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Documents to be carried

51.—(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 Colony shall, when in flight, carry documents in accordance with the Eleventh Schedule to this Order:

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 Colony, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Production of documents

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52.—(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 Article 51 of this Order to carry when in flight.

(2) The operator of an aircraft registered in the Colony 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 as may have been requested by that person being documents which are required, by or under this Order, to be in force or to be carried or preserved:—

(*a*) the documents referred to in the Eleventh Schedule to this Order as Documents A, B and G;

(*b*) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;

(*c*) the weight schedule, if any, required to be preserved under Article 12 of this Order;

(*d*) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in the Eleventh Schedule to this Order as Documents D, E and F;

(*e*) any records of flight times, duty periods and rest periods which he is required by paragraph (3) of Article 48 of this Order 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.

(3) The holder of a licence granted or rendered valid under this Order shall, within a reasonable time after being requested 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 paragraph shall be deemed to have been complied with, except in relation to licences required by Article 51 of this Order 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 Colony specified, at the time of the request, by the person to whom the request is made.

(4) Every person required by Article 18 of this Order 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.

Preservation of documents, etc.

53. A person required by this Order to preserve any document 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 as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document shall fall upon his personal representative:

Provided that if— 1963/588

(*a*) another person becomes the operator of the aircraft and it remains registered in the Colony he or his personal representative shall deliver to that other person upon demand the certificates of maintenance and compliance, the log books and the weight schedule 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 and registered in the Colony he or his personal representative shall deliver to that other 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 Article 48 of this Order becomes a member of the flight crew of a public transport aircraft registered in the Colony 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 delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

54.—(1) The Governor may, if he thinks fit, provisionally suspend any certificate, licence, approval, permission, exemption or other document issued or granted under this Order, pending investigation of the case. The Governor may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Governor 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 under this Order shall render the document invalid during the continuance of the breach.

Offences in relation to documents

55.—(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 this Order 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 required by or under this Order 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 or exemption or other document.

(2) A person shall not wilfully mutilate, alter or render illegible any log book or other record required by or under this Order 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 this Order to be preserved.

(3) All entries in such log books and records shall be made in ink or indelible pencil.

(4) A person shall not wilfully or negligently 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 of maintenance or certificate of compliance or any certificate under Condition (3) of the "A Conditions" set forth in the Second Schedule to this Order unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART VII

CONTROL OF AIR TRAFFIC

Rules of the Air and Air Traffic Control

56.—(1) Every person and every aircraft shall comply with such of the Rules of the Air and Air Traffic Control contained in the Twelfth Schedule to this Order as may be applicable to that person or aircraft in the circumstances of the case.

(2) Subject to the provisions of paragraph (3) of this Article, 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 Colony 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 Governor.

(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 Governor may for the purpose of promoting the safety of aircraft make regulations as to special signals and other communications to be made by or on an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precautions to be observed in relation to the navigation and control of aircraft which the Governor may consider expedient for the purpose aforesaid and no aircraft shall fly in contravention of any such regulations.

Power to prohibit or restrict flying

57.—(1) Where the Governor deems it necessary in the public interest to restrict or prohibit flying over any area of the Colony or along any route therein by reason of— 1963/1966

(*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 of flying, or

(*c*) national defence or any other reason affecting the public interest,

the Governor may make regulations prohibiting, restricting or imposing conditions on flight, either generally or in relation to any class of aircraft, over any such area or along any such route, and an aircraft shall not fly in contravention of such regulations.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any such regulations which have been made by reason of any area being used for purposes of national defence he shall forthwith cause a signal of distress to be made by radio or by one of the prescribed visual signals, and shall (unless otherwise instructed by the appropriate air traffic control unit or by a commissioned officer of Her Majesty's naval, military or air forces), cause the aircraft to land at the aerodrome, being an aerodrome suitable for that purpose, which it can reach by flying to the least possible extent over the area to which the regulations relate. The aircraft shall not begin to descend while over such area.

Balloons, kites and airships 1963/1966

58.—(1) Within the Colony—

(*a*) a captive balloon or kite shall not be flown at a height of more than 200 feet above the ground level;

(*b*) a captive balloon shall not be flown within 3 miles of an aerdrome;

(*c*) a balloon exceeding 6 feet 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 airspace;

(*d*) a kite shall not be flown within 3 miles of an aerodrome;

(*e*) an airship shall not be moored,

without the permission in writing of the Governor, 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.

PART VIII

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes: public transport of passengers and instruction in flying

59.—(1) An aircraft engaged on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying shall not take off or land at any place in the Colony other than—

(*a*) a Government aerodrome notified as available for the take-off and landing of aircraft so engaged, 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;

(*b*) an aerodrome licensed under this Order for the take-off and landing of aircraft so engaged,

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:

Provided that, subject to paragraph (2) of this Article, the foregoing prohibition shall not apply in relation to—

(i) any aeroplane of which the maximum total authorised weight does not exceed 6,000 lb. not being engaged on a scheduled journey, on a flight intended to begin and end at the same aerodrome or on a flight for the purpose of instruction in flying;

(ii) any helicopter, not being engaged on a journey or flight as aforesaid;

(iii) any glider being flown under arrangements made by a flying club and carrying no person other than a member of the club;

(iv) a landing due to accident, stress of weather or other unavoidable cause or to the next subsequent departure from the place in which the landing due to any such cause has been made.

(2) The Governor may by regulations direct that proviso (i) (ii) or (iii) to paragraph (1) of this Article, or more than one of those provisos, shall not apply to aircraft, or to classes of aircraft, in the Colony, or in some parts of the Colony, and such regulations shall have effect accordingly.

(3) An aircraft engaged on a flight for the public transport of passengers shall not take off or land by night at any place in the Colony unless adequate lighting is in operation on the aerodrome.

Use of Government aerodromes

60. The Governor may cause to be notified, subject to such conditions as he thinks fit, any Government aerodrome as an aerodrome available for take-off and landing by aircraft engaged on flights for the purpose of the public transport of passengers or for instruction in flying or by any classes of such aircraft.

Licensing of aerodromes

61.—(1) The Governor may licence any aerodrome in the Colony subject to such conditions as he thinks fit, for the take-off and landing of aircraft engaged in 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.

(2) Without prejudice to the generality of paragraph (1) of this Article, if the person applying for the licence so requests, the Governor may grant a licence (in this Order 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 the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(3) The licensee of an aerodrome in respect of which a licence for public use is in force shall display in a prominent place at the aerodrome a copy of the licence and shall furnish to any person on request information concerning the terms of the licence.

(4) The licensee of an aerodrome licensed under this Order shall not cause or permit any condition of the licence to be contravened, in relation to an aircraft engaged on a flight for the public transport of passengers or for instruction in flying, but the licence shall not cease to be valid by reason only of such a contravention.

(5) A licence granted by the Governor in respect of an aerodrome shall, subject to the provisions of Article 54 of this Order, remain in force as may be specified in the licence.

Charges at aerodromes licensed for public use

62.—(1) The Governor 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 licensee of an aerodrome in relation to which the Governor has made any regulations under paragraph (1) of this Article 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 licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Governor, furnish to the Governor 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

63. The person in charge of any aerodrome in the Colony which is open to public use by aircraft registered in the Colony (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for 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 Colony.

Noise and vibration caused by aircraft on aerodromes

64. The Governor may prescribe 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, and subsection (2) of section 41 of the Act as set out in the First Schedule to the Colonial Civil Aviation (Application of Act) Order, 1952, shall apply to any aerodrome in relation to which the Governor has prescribed conditions as aforesaid.

Aeronautical lights

65.—(1) A person shall not establish or maintain an aeronautical light within the Colony except with the permission of the Governor and in accordance with any conditions which may be prescribed, or subject to which the permission may be granted.

(2) A person shall not alter the character of an aeronautical light within the Colony except with the permission of the Governor and in accordance with any conditions subject to which permission may be granted.

(3) In the case of an aeronautical light, being a beacon, which is or may be visible from any waters within an area of a lighthouse authority, the Governor shall not give his permission for the purpose of this Article except with the consent of that authority.

(4) A person shall not wilfully or negligently injure or interfere with any aeronautical light established and maintained by, or with the permission of, the Governor.

Dangerous lights

66.—(1) A person shall not exhibit in the Colony 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 Governor to be such a light as aforesaid is exhibited the Governor 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 Governor under this Article shall not be exercised except with the consent of that authority.

Customs Airports

67.—(1) The Governor may, subject to such conditions as he may think fit, by order designate any aerodrome to be a place of landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs.

(2) The Governor may by order revoke any designation so made.

PART IX

GENERAL

Prohibited Areas

68.—(1) The Governor may by proclamation declare any specifically defined area in the Colony to be a prohibited area.

(2) Except as may be provided in the proclamation whereby the prohibited area is established, or in any subsequent proclamation issued by the Governor, no aircraft shall fly over, or land in, any prohibited area.

Power to prevent aircraft flying

69.—(1) If it appears to the Governor or an authorised person that any aircraft is intended or likely to be flown— 1963/966

(*a*) in such circumstances that any provision of Article 1, 3, 4, 14, 15, 23 or 33 of this Order 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 this Order or any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft;

(*c*) while in a condition unfit for the flight, whether or not the flight would otherwise be in a contravention of any provision of this Order or of any regulation made thereunder,

the Governor 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 flight, and the Governor or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this Article the Governor or any authorised person may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

70. The Governor 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 this Order, or for the purpose of detaining any aircraft under the provisions of this Order; 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 this Order and for the purpose of detaining the aircraft under the provisions of this Order:

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

71. A person shall not wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions

72. Any person who fails to comply with any direction given to him by the Governor or by any authorised person under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Fees

73.—(1) Subject to the provisions of paragraph (3) of this Article, the provisions of the Thirteenth Schedule to this Order shall have effect with respect to 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, this Order or any regulations made thereunder.

(2) 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 Governor, the Governor may, subject as 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 Governor 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 Governor 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 Governor the amount representing the balance of such fee shall be payable by the applicant.

In this paragraph and in the Thirteenth Schedule to this Order the expression "investigation" includes an inspection, examination, calculation or test.

(3) If the Governor is of the opinion that, owing to special circumstances existing in the Colony, any fee prescribed by the Thirteenth Schedule to this Order is not an appropriate fee to be charged in the Colony, he may by regulation substitute therefor such other fee as may to him appear appropriate and, on and after such date as may be appointed by the regulation, the said Thirteenth Schedule shall have effect in the Colony as if for the fee therein prescribed there were substituted such other fee.

Penalties

74.—(1) If any provision of this Order or of any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof, if the operator or, as the case may be, the commander is not the person who contravened that provision shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this Article 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 this Order 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 this Order 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 the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose. 1963/1966

(4) If any person contravenes any provision of this Order, or of any regulations made thereunder, not being a provision referred to in paragraph (5) or paragraph (6) of this Article, he shall be liable on conviction, to a fine not exceeding ten pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding twenty pounds.

(5) If any person contravenes any provision specified in Part A of the Fourteenth Schedule to this Order he shall be liable on conviction to a fine not exceeding fifty pounds; or in the case of a second or subsequent conviction for the like offence to a fine of one hundred pounds, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on conviction or indictment to a fine not exceeding two hundred pounds or to imprisonment for a term of six months or to both such fine and imprisonment.

Extra-territorial effect of the Order

75.—(1) Except where the context otherwise requires, the provisions of this Order,

(*a*) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the Colony, 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 aircraft when they are within the Colony;

(*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 Colony, 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 Colony by other persons shall, where such persons are British subjects, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be.

(2) Nothing in this Article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by subsection (1) of section 3 of the British Nationality Act, 1948(a) (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

(a) 11 & 12 Geo. 6. c. 56.

Application of Order

76. The provisions of this Order apply to the colonies and other territories mentioned in the Fifteenth Schedule to this Order, any one of which is in this Order referred to in the expression "the Colony".

Regulations by the Governor

77. The Governor may make regulations for prescribing anything which, under the provisions of this Order, is to be prescribed.

Application of Order to the Crown and visiting forces, etc.

78.—(1) Subject to the following provisions of this Article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty, not being military aircraft, as they apply to or in relation to other aircraft which are registered in the Colony or are capable of being so registered and for the purposes of such application the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft:

Provided that nothing in this Article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty 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 property held or used for the purpose of such a force shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if, were there serving in the Colony forces of Her Majesty raised in the United Kingdom, the visiting force formed part of those forces.

(3) Save as otherwise provided by paragraph (4) of this Article, paragraph (1) of Article 56, and Article 64 of this Order, nothing in this Order 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 any of Her Majesty's naval, military or air forces or as a member of a visiting force, the following provisions of this Order shall apply on the occasion of that flight, that is to say, Articles 37, 38, 39, 57 and 68 and in addition Article 56 (so far as applicable) shall apply.

Exemption from Order

79. The Governor may exempt from any of the provisions of this Order 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.

Provisions for East African Territories

80.—(1) The provisions of this Order except Articles 66, 70, 79 and 81 thereof shall have effect in relation to each of the East African Territories as if for references in this Order to the Governor there were substituted references to the Authority.

(2) The Authority may by order published in the Official Gazette of the Organization declare that, subject to such limitations and conditions as may be specified in the order, any of the powers conferred or duties

imposed upon the Authority by virtue of paragraph (1) of this Article may be exercised or shall be performed in relation to any of the East African Territories by the Governor of that territory.

(3) Where by virtue of a declaration made under paragraph (2) of this Article any power may be exercised or any duty is to be performed by the Governor of any of the East African Territories then—

(*a*) the Authority shall not exercise such power or perform such duty in relation to that territory; and

(*b*) in the exercise of such power or the performance of such duty the Governor may, in relation to that territory, revoke or vary any instrument or thing previously made or done by the Authority to the same extent as such instrument or thing could, but for the provisions of subparagraph (*a*) of this paragraph, have been revoked or varied by the Authority.

(4) (*a*) The Authority may by a further order published in like manner, revoke or vary any order made under paragraph (2) of this Article.

(*b*) Where, by reason that any such order has been so revoked or varied, or has otherwise ceased to have effect, any power or duty ceases to be exercisable or is no longer to be performed by the Governor of any East African territory, any instrument made or other thing done by the Governor in the exercise or performance of such power or duty shall, if in force immediately before such revocation or variation, continue in force, but may be revoked or varied by the Authority as if it had been made or done by the Authority.

(5) Any references to the Governor in Articles 70 and 79 of this Order shall, in relation to each of the East African Territories, be construed as including references to the Authority.

(6) The definition of "International Air Navigation" in the Eleventh Schedule to this Order, shall have effect in relation to the East African Territories as if references in that definition to the Colony were references to the East African Territories as one territory.

Interpretation

81.—(1) In this Order, unless the context otherwise requires— 1965/587

"The Act" means the Civil Aviation Act, 1949;

"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 whose business 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, 1963/1966 set apart or commonly used for affording facilities for the take-off and landing of aircraft;

"Aeronautical light" means any light established for the purpose of aiding air navigation;

"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 Governor or by any other person maintaining an aerodrome to give instructions and advice by means of radio signals to aircraft in the interests of safety and "Air traffic control service" shall be construed accordingly;

"Air transport undertaking" means an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward;

"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" for the purposes of any provision of this Order means any person authorised by the Governor either generally or in relation to a particular case or class of cases, and references to a person authorised by the Governor include references to the holder for the time being of any office designated by the Governor;

"The Authority" means the East African Common Services Authority(a):

Provided that until the Authority is established references thereto shall be construed as references to the East Africa High Commission;

"Beneficial interest" has the same meaning as in Section 57 of the Merchant Shipping Act, 1894(b);

"Cargo" includes mail and animals;

"Central and Southern Line Islands" means the Islands of Malden, Starbuck, Vostock, Caroline and Flint;

"Certificate of airworthiness" includes any validation thereof and any flight manual or performance schedule relating to the certificate of airworthiness;

"Certificate of maintenance" and "certificate of compliance" have the meanings respectively assigned to them by paragraph (1) of Article 6 and paragraph (3) of Article 7 of this Order;

"The Colony" has the meaning assigned to it by Article 76 of this Order and includes the dependencies of the Colony and the adjacent territorial waters;

"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;

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"The Commonwealth" means the United Kingdom, any of the Channel Islands, the Isle of Man, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, the Federation of Malaya, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, the Federation of Rhodesia and Nyasaland and any other part of Her Majesty's dominions and includes any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction;

"Competent authority" means in relation to the Colony, the Governor, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

(a) *See* The East Africa (High Commission) (Revocation) Order in Council, 1961 (S.I. 1961/2315, p. 4142 of this Pt.). (b) 57 & 58 Vict. c. 60.

" 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 (including the United Kingdom) which is a party to the Convention on International Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on the 7th day of 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 ;

" 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 ;

" Country " includes a territory except in sub-paragraph (*b*) of paragraph (3) of this Article ;

" Crew " has the meaning assigned to it by paragraph (5) of this Article ;

" The East African Territories " means the Colony and Protectorate of Kenya, Tanganyika and the Uganda Protectorate ;

" Flight " and " to fly " have the meanings respectively assigned to them by paragraph (4) of this Article ;

" 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 ;

" Government aerodrome " means any aerodrome in the Colony which is under the control of the Governor or is in the occupation of any Government Department or visiting force ;

" Governor " means the officer for the time being administering the Government of the Colony, and in relation to the West Indies includes the Governor-General of the Federation of the West Indies, and in relation to Zanzibar means the person for the time being performing the functions of British Resident, Zanzibar ;

" The High Commission " means the East Africa High Commission established by the East Africa (High Commission) Order in Council, 1947(a) ;

" Instrument Flight Rules " means Instrument Flight Rules contained in Section VI of the Twelfth Schedule to this Order ;

" To land " in relation to aircraft includes alighting on the water ;

" Legal personal representatives " has the same meaning as in Section 742 of the Merchant Shipping Act, 1894 ;

" 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 paragraph (2) of Article 61 of this Order ;

" Licensed aerodrome " means an aerodrome licensed under this Order ;

(a) S.R. & O. 1947/2863 (Rev. XI, p. 695: 1947 I, p. 758).

"Lifejacket" includes any device designed to support a person individually in or on the water;

"Lighthouse authority" means any authority in the Colony in which the care and management of lighthouses is by law vested;

"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 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 and—

(*a*) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into by the Minister;

(*b*) any aircraft belonging to Her Majesty in respect of which there is in force a certificate issued by the Admiralty or the Secretary of State that the aircraft is to be treated for the purposes of the Air Navigation Order, 1960(a), as a military aircraft; and

(*c*) any aircraft in respect of which there is in force a certificate as aforesaid issued by the Minister;

"The Minister" means the Minister of Aviation in the United Kingdom;

"Nautical mile" means a distance of 6,080 feet;

"Night" means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being determined at surface level;

"Notified" means shown in any of the following publications issued in the Colony whether before or after the coming into operation of this Order, that is to say, "Notams (Notices to Airmen", "Information Circulars", or such other official publication so issued for the purpose of enabling any of the provisions of this Order to be complied with;

"Operator" has the meaning assigned to it by paragraph (6) of this Article;

"The Organization" means "the East African Common Services Organization"(b):

Provided that until the Organization is established references thereto shall be construed as references to the East Africa High Commission;

"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;

"Prescribed" means prescribed by regulations made by the Governor under this Order, and the expression "prescribe" shall be construed accordingly;

"Prototype aircraft" means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which has not previously been investigated in connection with any such application;

"Prototype (modified) aircraft" means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which, in part, has not previously been investigated in connection with any such application;

"Public transport" has the meaning assigned to it by paragraph (7) of this Article;

(a) S.I. 1960/972 (1960 I, p. 599). (b) *See* The East Africa (High Commission) (Revocation) Order in Council, 1961 (S.I. 1961/2315, p. 4142 of this Pt.).

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

"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" has the meaning assigned to it by paragraph (1) of Article 56 of this Order;

"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" has the same meaning as for the purpose of Section 52 of the Act;

"State aircraft" means military aircraft and aircraft used in customs and police services;

"Visual Flight Rules" means Visual Flight Rules contained in Section V of the Twelfth Schedule to this Order.

(2) In this Order references to sums expressed in terms of "pounds", "shillings" or "pence" shall be construed as references to the equivalent sums in the currency of the Colony calculated at such rate of exchange as may be prescribed or as the Governor may by order direct.

(3) (*a*) In its application to any territory which is mentioned in the Fifteenth Schedule to this Order but is not mentioned in the First Schedule to the Visiting Forces Act (Application to Colonies) Order, 1954(a), as amended from time to time, this Order shall have effect as if:—

(i) The whole of paragraph (2) was omitted from Article 78;

(ii) The words "or as a member of a visiting force" were omitted from paragraph (4) of Article 78; and

(iii) in paragraph (1) of this Article the words "or visiting force" were omitted from the definition of "Government aerodrome".

(*b*) In relation to any territory which is mentioned in the Fifteenth Schedule to this Order and is also mentioned in the First Schedule to the Visiting Forces Act (Application to Colonies) Order, 1954, as amended from time to time, the expression "visiting force" in this Order means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act, 1952(b), which extend to that territory, in respect of that country, by virtue of any Order in Council made under subsection (2) of section 1 or under section 15 of that Act.

(4) 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;

(a) S.I. 1954/636 (1954 II, p. 2460). (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

(*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.

(5) 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.

(6) References in this Order to the operator of an aircraft are, for the purpose of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft:

Provided that for the purposes of the application of any provision in Part II of this Order 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.

(7) (*a*) Subject to the provisions of this paragraph, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport—

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

(ii) 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 and, in the case of a corporation established by the Air Corporations Act, 1949(a), members of the Corporation), persons authorised by the Governor to witness the training or tests referred to in paragraph (4) of Article 15 of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking ; or

(iii) for the purposes of Part II of this Order, if hire or reward is given or promised for the right to fly the aircraft on that flight otherwise than under a hire-purchase agreement.

(*b*) Where under a transaction effected by or on behalf of a member of an unincorporated 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 deemed to be given or promised if the transaction were effected otherwise than as aforesaid, hire or reward shall, for the purposes of this Order, be deemed to be given.

(8) The expressions appearing in the " General Classification of Aircraft " set forth in Part A of the First Schedule to this Order shall have the meanings thereby assigned to them.

(9) The Interpretation Act, 1889(b), shall apply, with necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purposes of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

(10) A power to make regulations under this Order 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 the Colony.

(a) 12, 13 & 14 Geo. 6. c. 91. (b) 52 & 53 Vict. c. 63.

(11) (*a*) Any power conferred by this Order 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.

(*b*) In this paragraph "instrument" includes any regulation, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, log book record or other document.

Interpretation in relation to the East African Territories

82. Article 81 of this Order shall have effect in relation to the East African Territories—

(*a*) as if for the definition of "Prescribed" in paragraph (1) of the said Article there were substituted the following definition—

"'Prescribed' means prescribed by regulations made by the Authority or by the Governor under this Order, or made by the Governor by virtue of any powers conferred upon him by any declaration made under paragraph (2) of Article 80 of this Order"; and

(*b*) as if a reference to the Authority were substituted for the reference to the Governor in paragraph (2) of the said Article.

Saving

83. Subject to the provisions of Articles 61 and 63 of this Order, nothing in this Order 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.

Small aircraft

84. The provisions of this Order, other than Articles 38 and 58 thereof, shall not apply to—

(*a*) any balloon which at any stage of its flight is not more than 6 feet in any linear dimension including any basket or other equipment attached to the balloon;

(*b*) any kite weighing not more than 4 lb.;

(*c*) any other aircraft weighing not more than 11 lb. without its fuel.

Revocation

85.—(1) The following Orders are revoked in so far as they apply as part of the law of the Territories mentioned in the Fifteenth Schedule to this Order—

The Colonial Air Navigation Order, 1955(a);

The Colonial Air Navigation (Amendment) Order, 1956(b);

The Colonial Air Navigation (Amendment) Order, 1957(c);

The Colonial Air Navigation (Amendment) (No. 2) Order, 1957(d);

The Colonial Air Navigation (Amendment) Order, 1958(e);

The Colonial Air Navigation (Amendment) (No. 2) Order, 1958(f);

The Colonial Air Navigation (Amendment) Order, 1959(g):

(a) S.I. 1955/711 (1955 I, p. 351).
(b) S.I. 1956/615 (1956 I, p. 472).
(c) S.I. 1957/99 (1957 I, p. 382).
(d) S.I. 1957/1741 (1957 I, p. 386).
(e) S.I. 1958/258 (1958 I, p. 299).
(f) S.I. 1958/2187 (1958 I, p. 300).
(g) S.I. 1959/1051 (1959 I, p. 683).

Provided that Articles 61, 62, paragraph (5) of Article 69 and paragraph (7) of Article 76 of the Colonial Air Navigation Order, 1955, and Schedule III to that Order as amended by the Colonial Air Navigation (Amendment) (No. 2) Order, 1958, shall remain in force for the period of one year from the date of the commencement of this Order.

(2) Notwithstanding the revocation of the Orders mentioned in paragraph (1) of this Article, any instrument (that is to say any regulation, direction, instrument, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, log book, record or other document) issued, made, served or granted under those Orders, or under any enactment revoked by any of those Orders, if in force at the commencement of this Order, shall (without prejudice to any power to amend any such instrument) continue in force until superseded, revoked or otherwise terminated and, so far as it could have been issued, made, served or granted under this Order, shall have effect as if issued, made, served or granted under this Order and this Order 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 this Order or in accordance with any prescribed provisions.

Citation and commencement

86.—(1) This Order may be cited as the Colonial Air Navigation Order, 1961.

(2) This Order shall come into operation on the 8th day of December, 1961.

W. G. Agnew.

FIRST SCHEDULE

Articles 2 (6), 19 (1) and 81 (8)

Part A.

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

Col. 1	*Col.* 2	*Col.* 3	*Col.* 4
Aircraft	Lighter than air aircraft	Non-mechanically driven	Free Balloon
			Captive Balloon
		Mechanically driven	Airship
	Heavier than air aircraft	Non-mechanically driven	Glider
			Kite
		Mechanically driven (flying machines)	Aeroplane (Landplane)
			Aeroplane (Seaplane)
			Aeroplane (Amphibian)
			Gyroplane
			Helicopter

Article 3 (2)

Part B.

NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN THE COLONY

1. The nationality mark of the aircraft shall be a group of two capital letters in Roman character, and the registration mark of the aircraft shall be a group of three capital letters in Roman character, assigned by the Governor 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 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) *Wings:* Except on aircraft having no fixed wing surface, the marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure. They shall be on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and lower surfaces of the wing structure. 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.

(ii) *Fuselage (or equivalent structure) or Vertical Tail Surface:* The marks shall also be either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When on a single vertical tail surface they shall be on both sides of the tail. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer tails.

(b) *Airships and Balloons*

(i) *Airships:* The marks shall be on each side of the airship and also on the upper surface on the line of symmetry. They shall be placed lengthwise near the maximum cross-section of the airship.

(ii) *Spherical Balloons:* The marks shall be in two places diametrically opposite. They shall be placed near the maximum horizontal circumference of the balloon.

(iii) *Non-Spherical Balloons:* The marks shall be on each side. They shall be placed near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) In the case of all airships and 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 20 inches.

(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 two inches along each side of the vertical tail surface. The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 6 inches.

(b) *Airships and Balloons*

The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 30 inches.

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.

3. 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.

4. In addition to the foregoing requirements of this Schedule 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 in a prominent position to the fuselage or car or basket, as the case may be, and near the main entrance to the aircraft.

SECOND SCHEDULE

Articles 1 (1), 4 (1), 31 (5) and 55 (5)

A AND B CONDITIONS

The A conditions or the B Conditions referred to in paragraph (1) of Article 1 and of Article 4, paragraph (5) of Article 31, and paragraph (5) of Article 55 of this Order 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 the provisions of the Order, 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, test or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (*a*).

(3) The aircraft and its engines shall be certified as fit for flight by the holder of a licence as an aircraft maintenance engineer entitled in accordance with the provisions of the Fourth Schedule to this Order so to certify, or by a person approved by the Governor for the purpose of issuing certificates under this condition.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under this Order 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 passengers or cargo except passengers performing duties in the aircraft in connection with the flight.

(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 paragraph (2) of Article 14 of this Order, 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 Governor 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 Colony or under the law of any country referred to in Article 1 of this Order, the aircraft shall be marked in a manner approved by the Governor for the purposes of these Conditions, and the provisions of Articles 10, 11, 15, 26, 29, 51 and 52 of this Order shall be complied with in relation to the aircraft as if it was registered in the Colony 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 the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft; or

(*c*) proceeding to or from a place at which any experiment, test, inspection or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (*a*) or (*b*).

(4) 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 passengers or cargo except passengers performing duties in the aircraft in connection with the flight.

(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, a licensed aerodrome or in accordance with normal aviation practice, or at a place approved by the Governor under condition (1). 1963/1966

THIRD SCHEDULE

Article 5

1. *Categories of Aircraft*

Transport Category (Passenger).
Transport Category (Cargo).
Aerial Work Category.
Private Category.
Special Category.

2. 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: Aerial work only.

Private Category: Any purpose other than public transport or aerial work.

Special Category: Any other purpose specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

FOURTH SCHEDULE

Article 8 (2)

Maintenance Engineers: Privileges of Licences

An aircraft maintenance engineer may, subject to the conditions of his licence, issue certificates as follows:—

Aircraft Maintenance Engineers—Category A (Aircraft)

In relation to aircraft (not including engines)—

(*a*) certificates of maintenance in accordance with the maintenance schedules approved under this Order;

(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;

(*c*) certificates of fitness of aircraft for flight under the " A Conditions ".

Aircraft Maintenance Engineers—Category B (Aircraft)

In relation to aircraft (not including engines)—

Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under this Order.

Aircraft Maintenance Engineers—Category C (Engines)

In relation to engines—

(*a*) certificates of maintenance in accordance with the maintenance schedules approved under this Order;
(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;
(*c*) certificates of fitness of aircraft engines for flight under the " A Conditions ".

Aircraft Maintenance Engineers—Category D (Engines)

In relation to engines—

certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under this Order.

Aircraft Maintenance Engineers—

Category X (Compasses)
Category X (Instruments)
Category X (Electrical)
Category X (Automatic Pilots).

In relation respectively to compasses, instruments, electrical equipment or automatic pilots—

(*a*) certificates of maintenance in accordance with the maintenance schedules approved under this Order;
(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Radio Maintenance Engineers—Category A (Radio)

In relation to aircraft radio stations:—

(*a*) certificates of maintenance in accordance with the maintenance schedules approved under this Order;
(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Radio Maintenance Engineers—Category B (Radio)

Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications of any aircraft radio apparatus approved under this Order.

FIFTH SCHEDULE

Articles 7 (2) and 9 (2)

Aircraft Equipment

1963/966 1. Every aircraft registered in the Colony shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph (4) of this Schedule, 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. 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 Governor:—

(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 and J.
(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.

4. TABLE

Aircraft and Circumstances of Flight	Scale of Equipment Required														
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Extras
(1) *Flying machines flying for purposes other than public transport*															
(*a*) when flying at night	A		C	D											
(*b*) when flying under Instrument Flight Rules															
(i) outside controlled airspace	A			D											
(ii) within controlled airspace	A				E	F									E (iv) duplicated
(*c*) when carrying out aerobatic manoeuvres	A												M		
(*d*) on all other flights	A														
(2) *Flying machines flying for the purpose of public transport*															
(*a*) when flying under Instrument Flight Rules															
(i) in the case of flying machines of which the maximum total weight authorised exceeds 2,500 lb.	A	B			E	F									E (iv) duplicated
(ii) in the case of flying machines of which the maximum total weight authorised does not exceed 2,500 lb.															
(*a*) outside controlled airspace	A	B		D		F (i) only									
(*b*) within controlled airspace	A	B			E	F									E (iv) duplicated
(*b*) when flying at night															
(i) in the case of flying machines of which the maximum total weight authorised exceeds 2,500 lb.	A	B	C		E	F	G								E (iv) duplicated

(ii) in the case of flying machines of which the maximum total weight authorised does not exceed 2,500 lb.	A	B	C	D		F (i) only	G								
(c) when flying over water beyond gliding distance from land	A	B		D		F (i) only		H							
1965/588 (d) when flying over water at such a distance from the nearest land that, while 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, it would be unable to reach the nearest land in the following times: (i) in the case of an aeroplane classified in its certificate of airworthiness as being of performance group A, C or X—90 minutes (ii) in the case of an aeroplane having no performance group classification in the certificate of airworthiness and of such a weight and performance that 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 airworthiness in force in respect of that aircraft—90 minutes (iii) in the case of all other flying machines—30 minutes	A	B		D		F (i) only		H		J					
(e) on all flights which involve manoeuvres on water...	A	B		D		F (i) only		H	I	J					
(f) when flying at a height of 10,000 feet or more above mean sea level	A	B		D		F (i) only					K				

Aircraft and Circumstances of Flight	Scale of Equipment Required														
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Extras
(*g*) 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	A	B		D		F (i) only						L			
(*h*) when carrying out aerobatic manoeuvres	A	B		D		F (i) only							M		
(*i*) on all flights on which the aircraft carries a flight crew of more than one person														N	
(*j*) on all other flights	A	B		D		F (i) only									
(3) *Gliders flying for purposes other than public transport or aerial work* (*a*) when flying by night...	A (ii) only		C												
(4) *Gliders flying for the purpose of public transport or aerial work* (*a*) when outside controlled airspace under Instrument Flight Rules	A	B		D		F (i) only									
(*b*) when flying by night...	A	B	C	D		F (i) only	G								
(*c*) when carrying out aerobatic manoeuvres	A	B		D		F (i) only							M		
(*d*) on all other flights	A	B		D		F (i) only									

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 this Order, for the intended flight of the aircraft, including any diversion which may reasonably be expected.

(iii) Subject to Scale B (iii), a safety belt or safety harness for every seat in use.

Scale B

(i) First-Aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following:

Roller bandages, triangular bandages, absorbent gauze, adhesive plaster, white absorbent lint, cotton wool (or wound dressings in place of the lint and cotton wool), burn dressings, safety pins;

Haemostatic bandages or tourniquet, scissors;

Antiseptic, analgesic and stimulant drugs;

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 six feet from the ground when the undercarriage of the machine is in the normal position for taxying, or

(*b*) would be more than six feet 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 safety harness for every pilot's seat in use, in place of the safety belt referred to under Scale A:

Provided that the Governor may permit a safety belt to be fitted if he is satisfied that it is not reasonably practicable to fit 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) Either (*a*) a turn and slip indicator; or

(*b*) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator;

(ii) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale E

(i) A turn and slip indicator;

(ii) A gyroscopic bank and pitch indicator;

(iii) A gyroscopic direction indicator;

(iv) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale F

(i) A timepiece with a sweep second hand;

(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 is more than 12,500 lb., a means of indicating the outside air temperature;

(v) If the maximum total weight authorised of the aircraft is more than 12,500 lb., two air speed indicators.

Scale G

(i) Landing lights consisting of two single filament lamps, or one dual filament lamp with separately energised filaments;

(ii) An electric light system to provide illumination in every passenger compartment;

(iii) (*a*) If the aircraft, in accordance with its certificate of airworthiness, may carry more than nineteen persons over three years of age:— two electric torches and 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 sub-paragraph (ii);

(*b*) In the case of any other aircraft, one electric torch for each member of the crew of the aircraft;

(iv) In the case of an aircraft of which the maximum total weight authorised exceeds 12,500 lb., means of observing the existence and build up of ice on the aircraft.

Scale H

For each person on board, a lifejacket equipped with a whistle and waterproof torch:

Provided that lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

(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 and complying with Part III of the Thirteenth Schedule to the Merchant Shipping (Life Saving Appliances) Rules, 1958(a);

(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.

Scale J

(i) Dinghies sufficient to accommodate all persons on board the flying machine with the following equipment:

(*a*) means for maintaining buoyancy;

(*b*) a sea anchor;

(*c*) life lines, and means of attaching one dinghy to another;

(*d*) paddles or other means of propulsion;

(a) S.I. 1958/602 (1958 I, p. 1420).

(*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;

(*i*) for each person the dinghy is designed to carry:

8 ounces of glucose toffee tablets;

4 ounces of sweetened condensed milk in durable containers;

2 pints of fresh water in durable containers:

Provided that in any case in which it is not reasonably practicable owing to lack of stowage space in the dinghy to carry the quantities of condensed milk and water above prescribed, an equal quantity by weight of glucose toffee tablets may be substituted for the former and as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted for the latter. 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 item (*h*) of this sub-paragraph, to provide 2 pints of water for each person the dinghy is designed to carry;

(*j*) first aid equipment.

Items (*f*) to (*j*), inclusive, shall be contained in a pack stowed with the dinghy.

(ii) For every four, or proportion of four, dinghies:—one dinghy radio transmitter.

Scale K

(i) In every flying machine in which a pressure greater than 700 millibars is maintained throughout the flight in the control compartment and in every compartment in which passengers are carried:—

a supply of oxygen sufficient, in the event of failure to maintain such pressure, for continuous use by all the crew during the whole time in which, after such failure, the flying machine flies at a height over 10,000 feet above mean sea level, together with suitable and sufficient apparatus to enable the crew 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 three-tenths of the number of passengers, during any time exceeding twenty minutes in which the flying machine flies at a height over 10,000 feet but not over 13,000 feet above mean sea level, together with suitable and sufficient apparatus to enable such persons to use the oxygen; and

(*b*) a supply of oxygen sufficient for continuous use by all persons on board during the whole time in which the flying machine flies at a height over 13,000 feet above mean sea level, together with suitable and sufficient apparatus to enable all such persons to use the oxygen.

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.

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).

SIXTH SCHEDULE

Article 10

1961 588

RADIO APPARATUS TO BE CARRIED IN AIRCRAFT

1. Every aircraft registered in the Colony shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph (2) of this Schedule, 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
(1) *All aircraft*—				
(*a*) when flying under Instrument Flight Rules within controlled airspace ...	A	B		
(*b*) where required by the Rules of the Air and Air Traffic Control to comply in whole or in part with Instrument Flight Rules in Visual Meteorological Conditions	A*	B*		
(*c*) when flying within any airspace in respect of which special rules may be prescribed by the said Rules in relation to a particular aerodrome, so as to require two-way radio communication with that aerodrome	A*			
(2) *All aircraft when flying for the purpose of public transport*—				
(*a*) *under Instrument Flight Rules:*				
(i) while making an approach to landing	A	B	C	D
(ii) on all other occasions	A	B	C	
(*b*) *under Visual Flight Rules:*				
(i) over a route on which navigation is not effected solely by visual reference to landmarks	A	B		
(ii) over water, beyond gliding distance from any land	A			

* Unless the appropriate Air Traffic Control Unit otherwise permits in relation to the particular flight.

3. The scales of radio apparatus indicated in the foregoing Table shall be as follows:—

Scale A

Radio apparatus capable of maintaining two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio apparatus capable of enabling the aircraft to be navigated on the intended route.

Scale C

Radio apparatus capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio apparatus capable of receiving signals from one or more aeronautical radio 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.

4. All aircraft when flying to, from or over Berlin, Germany, shall be equipped with radio navigation apparatus appropriate to the route, including automatic direction finding apparatus and any one of the following:—

(i) apparatus 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, or

(ii) apparatus capable of giving both the visual and the aural indications of radio signals received from visual/aural radio ranges, or

(iii) apparatus capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

In this sub-paragraph "automatic direction finding apparatus" means radio navigation apparatus which automatically indicates the bearing of any radio station transmitting the signals received by such apparatus, and "visual/aural radio range" means a radio navigation land station the signals from which provide track guidance for aircraft along four paths, two of which are identifiable by visual, and two by aural indications at the receiving station in the aircraft.

SEVENTH SCHEDULE

Article 11

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*) particulars of the date and duration of each flight, or, if more than one flight was made on one day, the number of flights and total duration of flights 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 this Order, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by paragraphs (5) and (6) of Article 6 of this Order;

(*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 sub-paragraphs (*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*) particulars of the date and duration of each occasion on which the engine is run in flight, or, if the engine is run on more than one occasion on one day, the number of occasions and the total duration of the running of the engine on that day;

(*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 paragraphs (5) and (6) of Article 6 of this Order;

(*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*) particulars of the date and duration of each occasion on which the propeller is run in flight, or, if the propeller is run on more than one occasion on one day, the number of occasions and the total duration of thte running of the propeller on that day;

(*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 paragraphs (5) and (6) of Article 6 of this Order;

(*g*) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

EIGHTH SCHEDULE

Article 14 (4)

Areas Specified in connection with the Carriage of Flight Navigators as Members of the Flight Crews of Public Transport Aircraft

The following areas are hereby specified for the purposes of paragraph (4) of Article 14 of this Order.

Area A—Arctic

All that area north of latitude 66° 33′ north, excluding any part thereof lying within 300 nautical miles of Norway.

Area B—Antarctic

All that area south of latitude 50° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points:—

32°	north	latitude	03°	west	longitude
24°	"	"	14°	"	"
14°	"	"	14°	"	"
18°	"	"	28°	east	"
24°	"	"	28°	"	"
28°	"	"	23°	"	"
32°	"	"	03°	west	"

Area D—Arabian Desert

All that area enclosed by rhumb lines joining successively the following points:—

30°	north	latitude	38°	east	longitude
16°	"	"	46°	"	"
20°	"	"	52°	"	"
29°	"	"	43°	"	"
30°	"	"	38°	"	"

Area E—South America (Central)

All that area enclosed by rhumb lines joining successively the following points:—

05°	north	latitude	75°	west	longitude
04°	"	"	60°	"	"
10°	south	"	40°	"	"
50°	"	"	60°	"	"
30°	"	"	70°	"	"
18°	"	"	69°	"	"
14°	"	"	75°	"	"
05°	"	"	80°	"	"
05°	north	"	75°	"	"

Area F—South America (Patagonia)

All that area enclosed by rhumb lines joining successively the following points:—

50°	south	latitude	75°	west	longitude
40°	"	"	75°	"	"
40°	"	"	62°	"	"
50°	"	"	65°	"	"
50°	"	"	75°	"	"

Area G—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:—

50°	south	latitude	75°	west	longitude
20°	"	"	73°	"	"
05°	"	"	85°	"	"
05°	north	"	80°	"	"
15°	"	"	105°	"	"
30°	"	"	125°	"	"
55°	"	"	140°	"	"
67°	"	"	180°	"	"
60°	"	"	180°	"	"
20°	"	"	128°	east	"
04°	"	"	128°	"	"
00°		"	160°	"	"
50°	south	"	160°	"	"
50°	"	"	75°	west	"

excluding any part thereof lying within 300 nautical miles of New Zealand.

Area H—Australia

All that area enclosed by rhumb lines joining successively the following points:—

18°	south	latitude	123°	east	longitude
26°	"	"	118°	"	"
30°	"	"	118°	"	"
30°	"	"	145°	"	"
26°	"	"	145°	"	"
21°	"	"	140°	"	"
18°	"	"	123°	"	"

Area I—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:—

50°	south	latitude	110°	east	longitude
20°	„	„	110°	„	„
13°	„	„	120°	„	„
10°	„	„	100°	„	„
18°	north	„	89°	„	„
00°		„	80°	„	„
24°	north	„	65°	„	„
05°	south	„	43°	„	„
20°	„	„	60°	„	„
25°	„	„	60°	„	„
30°	„	„	35°	„	„
50°	„	„	35°	„	„
50°	„	„	110°	„	„

Area J—Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:—

50°	south	latitude	15°	east	longitude
05°	„	„	10°	„	„
02°	north	„	05°	„	„
02°	„	„	10°	west	„
15°	„	„	25°	„	„
55°	„	„	15°	„	„
67°	„	„	40°	„	„
67°	„	„	60°	„	„
45°	„	„	45°	„	„
40°	„	„	63°	„	„
19°	„	„	63°	„	„
05°	south	„	30°	„	„
50°	„	„	55°	„	„
50°	„	„	15°	east	„

NINTH SCHEDULE

961 S88

Article 16

Flight Crew of Aircraft: Licences and Ratings

Part A—Licences

Minimum Age, Period of Validity, Privileges

1. *Student Pilots*

Student Pilot's Licence (Flying Machines, Balloons and Airships)

Minimum age—17 *years*

Maximum Period of Validity

(*a*) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(*b*) 12 months, if the holder is 40 years of age or more on that date.

Privileges: The licence—

(*a*) shall entitle the holder to fly as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence;

(*b*) shall be valid only for flights within the Colony and within any other territory specified in the licence;

1963 1966

(*c*) shall not entitle the holder to fly as pilot in command of an aircraft in which any passenger is carried;

(*d*) shall be valid only for flights carried out in accordance with instructions given by a person holding a pilot's licence granted under this Order, 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 to be flown.

2. *Flying Machine Pilots*

Private Pilot's Licence (Flying Machines)

Minimum age—17 years

Maximum Period of Validity

(*a*) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(*b*) 12 months, if the holder is 40 years of age or more on that date.

Privileges: The licence—

(i) shall entitle the holder to fly as pilot in command or co-pilot of a flying machine of any of the types specified in the aircraft rating included in the licence, when the aircraft is flying for any purpose other than public transport or aerial work;

(ii) shall not entitle the holder to act as pilot in command by night while carrying any passenger in the aircraft unless a night rating is included in the licence, and unless an instrument rating is included therein or he has within the preceding 6 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 is not less than 12 degrees below the horizon.

1963 1966

Commercial Pilot's Licence (Flying Machines)

Minimum age—18 years

Maximum Period of Validity—6 months.*

Privileges: In addition to the privileges given above for the Private Pilot's licence, the holder of the licence shall be entitled to fly as—

(i) pilot in command of any flying machine of which the maximum total weight authorised does not exceed 12,500 lb. and of a type specified in Part I of the aircraft rating included in the licence, when the flying machine is engaged in a flight for the purpose of public transport or aerial work: Provided that he shall not fly such an aircraft on a scheduled journey unless his licence includes an instrument rating;

(ii) co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating: Provided that he shall not fly under instrument flight rules in controlled airspace as co-pilot of a flying machine required by or under this Order to carry more than one pilot unless his licence includes an instrument rating:

Provided also that the holder of the licence shall not fly as pilot in command on a flight carrying passengers at night unless an instrument rating is included in his licence or he has within the immediately preceding 90 days 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 is not less than 12 degrees below the horizon.

Senior Commercial Pilot's Licence (Flying Machines)

Minimum age—21 years

Maximum Period of Validity—6 months.*

Privileges: In addition to the privileges given above for the Private Pilot's Licence, the holder of the licence shall be entitled to fly—

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

(i) as pilot in command of any flying machine of which the maximum total weight authorised does not exceed 30,000 lb. and of a type specified in Part I of the aircraft rating included in the licence;

(ii) as co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating.

Airline Transport Pilot's Licence (Flying Machines)

Minimum age—21 years

Maximum Period of Validity—6 months.*

Privileges: In addition to the privileges given above for the Private Pilot's Licence, the holder of the licence shall be entitled to fly—

(i) as pilot in command of any flying machine of a type specified in Part 1 of the aircraft rating included in the licence;

(ii) as co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating.

3. *Balloon and Airship Pilots*

Private Pilot's Licence (Balloons and Airships)

Minimum age—17 years

Maximum Period of Validity

(*a*) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(*b*) 12 months, if the holder is 40 years of age or more on that date.

Privileges: The holder of the licence shall be entitled to fly, when the balloon or airship is flying for any purpose other than public transport or aerial work, as

(i) pilot in command of any type of balloon or airship specified in Part 1 of the aircraft type rating included in the licence;

(ii) co-pilot of any type of balloon or airship specified in Part 1 or Part 2 of such aircraft rating.

Commercial Pilot's Licence (Balloons)

Minimum age—18 years.

Maximum Period of Validity—6 months.*

Privileges: In addition to the privileges given above for the Private Pilot's Licence in respect of balloons, the holder of the licence shall be entitled to fly as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

Commercial's Pilot's Licence (Airships)

Minimum age—18 years.

Maximum Period of Validity—6 months.*

Privileges: In addition to the privileges given above for the Private Pilot's Licence in respect of airships, the holder of the licence shall be entitled to fly as—

(i) pilot in command of any airship of a type specified in Part 1 of the aircraft rating included in the licence;

(ii) co-pilot of any airship of a type specified in Part 2 of such aircraft rating.

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

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 as pilot in command or co-pilot of—

(*a*) any glider of which the maximum total weight authorised does not exceed 1,500 lb.;

(*b*) any glider of which the maximum total weight authorised exceeds 1,500 lb. and which is of a type specified in the rating included in the licence.

5. *Other Flight Crew*

Flight Navigator's Licence

Minimum age—21 years.

Maximum Period of Validity—12 months.

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—12 months.

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—24 months.

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—24 months.

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 (other than a student pilot's licence) granted under Part III of this Order, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:—

Aircraft Rating. The licence shall entitle the holder to act as pilot only 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 Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine flying in controlled airspace in accordance with the Instrument Flight Rules:

Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorised by the Governor for that purpose, indicating that the holder has, within the previous 13 months, passed an instrument flying test conducted by that person. 1963/906

Night Rating (Private Pilot's Licence—Flying Machines) shall entitle the holder of a private pilot's licence to act as pilot in command of a flying machine carrying passengers by 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 purpose 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. The maximum period of validity of a flying instructor's rating shall be 12 months.

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.

The maximum period of validity of an assistant flying instructor's rating shall be twelve months.

2. An aircraft rating may be included in every flight engineer's licence. The license shall entitle the holder 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 this Order.

"Cross-country flight" means any flight during the course of which the aircraft is more than 3 miles from the aerodrome of departure.

TENTH SCHEDULE

Article 21

PUBLIC TRANSPORT—OPERATIONAL REQUIREMENTS

PART A. OPERATIONS MANUAL

1965/588

Information and instructions relating to the following matters shall be included in the operations manual referred to in paragraph (2) of Article 21 of this Order:—

(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;

1963/1966 (ii) the respective duties of each member of the crew and the other members of the operating staff, ~~including the method of supervision of flight operations~~;

(iii) the particulars referred to in paragraph (7) of Article 45 of this Order;

1963/1966 (iv) such technical particulars (~~not being particulars contained in a flight manual forming part of the certificate of airworthiness~~) 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;

1963/1966 (vi) 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;

(vii) the circumstances in which a radio watch is to be maintained;

(viii) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;

1963/1966 (ix) communication, search and rescue facilities, navigational aids, aerodromes, local regulations, in-flight procedures, instrument 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;

1963/1966 (x) the reporting in flight to the appropriate authorities of information relating to hazardous and other weather conditions experienced;

(xi) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of the Colony or of the countries whose territory is to be flown over;

(xii) such matters as may be prescribed relating to weather conditions for take-off and landing;

1963/1 (xiii) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment, procedures for the reporting to search and rescue agencies of particulars of emergency and survival equipment carried on board the aircraft, 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:

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 (ix), (xi) 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

1. The training, experience, practice and periodical tests required under paragraph (2) of Article 22 of this Order 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 Governor 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 conditions requiring compliance with Instrument Flight Rules (which conditions are hereafter in this Schedule referred to as "IMC") shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in an aircraft of the type to be used on the flight, including a test of his ability—

(i) to execute normal and emergency manœuvres and procedures in flight in such aircraft in IMC, actual or simulated, and

(ii) to use in IMC, actual or simulated, the instruments and equipment provided for use in such conditions in the aircraft to be used on the flight.

A pilot's ability to carry out normal manœuvres 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 Governor for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground.

(*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 as pilot in IMC, 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 as to his competence to act as pilot thereof, including a test of his ability to execute normal and emergency manœuvres and procedures.

(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, either in flight, or, under the supervision of a person approved by the Governor for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground, as to his competence to perform the duties of flight engineer in aircraft of the type to be used on the flight, including his ability to execute emergency procedures in the course of such duties.

(4) *Flight Navigators and Flight Radio Operators*

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under paragraphs (4) and (5) respectively of Article 14 of this Order 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—

(i) 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;

(ii) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in IMC or IMC simulated by means approved by the Governor, or under the supervision of a person approved by the Governor for the purpose by means of apparatus so approved in which flight conditions are simulated on the ground;

(iii) have carried out as pilot in command not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(*b*) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (*a*) (i) 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 Schedule, the expression "relevant period" means a period which immediately precedes the commencement of the flight, being a period—

(*a*) in the case of sub-paragraph (5) (*a*) (iii) of this paragraph, of three months;

(*b*) in the case of sub-paragraphs (2), (3), and (5) (*a*) (ii) of this paragraph, of six months;

(*c*) in the case of sub-paragraphs (1), (4) and (5) (*a*) (i) of this paragraph, of twelve months:

Provided that—

(i) any pilot of the aircraft to whom the provisions of sub-paragraph (2) or (5) (*a*) (ii) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3) 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 twelve months immediately preceding the flight, such occasions being separated by an interval of not less than four months;

(ii) the requirements of sub-paragraph (5) (*a*) (i) 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 twelve months before commencement of the flight, he has within the period of twelve 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 paragraph (2) of Article 22 of this Order 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 the 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*) (i) 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.

ELEVENTH SCHEDULE

Articles 51 and 52

DOCUMENTS TO BE CARRIED BY AIRCRAFT REGISTERED IN THE COLONY

On a flight for the purpose of public transport:—

Documents A, B, C, D, E, F 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 any licence to install and operate radio apparatus in the aircraft for the time being in force, and the current telecommunication log book required by this Order;

"B" means the certificate of airworthiness in force in respect of the aircraft;

"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 Article 23 of this Order in respect of the flight;

"E" means one copy of each certificate of maintenance, if any, in force in respect of the aircraft;

"F" means the technical log referred to in paragraph (7) of Article 6 of this Order;

"G" means the certificate of registration in force in respect of the aircraft.

For the purposes of this Schedule:—

"International air navigation" means any flight in which a landing is made outside the Colony or State in which the aircraft commences the flight.

TWELFTH SCHEDULE

Article 56

Rules of the Air and Air Traffic Control

Section I

Interpretation

1. In these Rules, unless the context otherwise requires—

"Aerodrome traffic zone" in relation to any aerodrome means the airspace extending from the aerodrome to a height of 2,000 feet above the level of the aerodrome and within a distance of 3,000 yards of its boundaries.

"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 light fitted to the exterior of an aircraft for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft.

"Cloud ceiling" in relation to an aerodrome means the distance measured vertically from the notified elevation of that 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.

"Flight visibility" means the visibility forward from the flight deck of an aircraft in flight.

"Ground visibility" means the horizontal visibility at ground level.

"IFR flight" means a flight conducted in accordance with the Instrument Flight Rules in Section VI of these Rules.

"Instrument Meteorological Conditions" means weather precluding flight in compliance with the Visual Flight Rules.

"Manoeuvring area" means the part of an aerodrome provided for the movement of aircraft from the point of embarkation to the point of take-off and from the point of landing to the point of disembarkation.

"Night" means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being determined at surface level.

"Runway" means a rectangular 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 Section V of these Rules.

"Visual Meteorological Conditions" means weather permitting flight in accordance with the Visual Flight Rules.

SECTION 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 30 of these Rules, apply in relation to—

(*a*) all aircraft within the Colony; and

(*b*) all aircraft registered in the Colony, 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 Her Majesty's naval, military or air force aircraft.

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; 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 Governor 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 1,000 yards 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 Governor 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:

Provided that where a person is charged with an offence under this Order 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 1,000 yards 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*) Paragraphs (1) (*d*) and (*e*) of this Rule shall not apply to an aircraft which is being used for police purposes.

(*b*) Paragraphs (1) (*d*) and (*e*) of this Rule shall not apply to the flight of an aircraft over or within 1,000 yards 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 in a flight arranged by, or made with the consent in writing of, the organisers of the event.

(*c*) 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.

(3) Nothing in this Rule shall prohibit any aircraft from—

(*a*) taking off, landing or practising approaches to landing, or

(*b*) flying for the purpose of checking navigational aids or procedures

in accordance with normal aviation practice at a Government or licensed aerodrome in the Colony or at any aerodrome in any Contracting State, or

(*c*) flying in such a manner as may be necessary for the purpose of saving life:

Provided that in the case of practising approaches to landing as aforesaid such practising is confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

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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;

(*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 from which 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 Colony 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 purpose 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.

SECTION III

LIGHTS AND OTHER SIGNALS TO BE SHOWN BY AIRCRAFT

General

8.—(1) For the purposes of this Section of these Rules the horizontal plane of a light shown by an aircraft means the plane which would be the horizontal plane passing through the source of that 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 Section 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° 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) 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:

Provided that nothing in this paragraph shall prevent the display of an anti-collision light.

(2) A flying machine on the manoeuvring area of a land aerodrome in the Colony, at which aircraft commonly land or take off at night, shall display the lights which it would be required to display if it were flying, unless it is stationary in an area the boundaries of which are marked with obstruction lights: 1963/1966

Provided that the lights specified in sub-paragraph (*b*) (i) of paragraph (2) of Rule 11 of these Rules may be steady lights when the aircraft is on the ground notwithstanding that an anti-collision light is not displayed.

Failure of Navigation Lights

10. In the Colony, in the event of the failure of any light which is required by these Rules to be displayed in flight, if the light cannot be immediately repaired or replaced the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorized by the appropriate air traffic control unit to continue its flight.

Flying Machines

1963/1966 11.—(1) A flying machine when flying at night shall display lights as follows:—

(*a*) if it is registered in the Colony, either of the systems of lights specified in sub-paragraphs (*a*) and (*b*) of paragraph (2) of this Rule, except that if it has a maximum total weight authorised as shown in its certificate of airworthiness of more than 12,500 lb. it shall display the system specified in sub-paragraph (*b*) of paragraph (2) of this Rule;

(*b*) in the case of any other flying machine one of the systems of lights specified in paragraph (2) of this Rule.

(2) (*a*) *Steady Lights*

(i) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;

(ii) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and

(iii) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane,

all being steady lights;

(*b*) *Flashing Lights or steady lights with anti-collision light—(United Kingdom system)*

(i) the lights specified in sub-paragraph (*a*) of this paragraph but all being flashing lights flashing together; and

(ii) a flashing white light of at least twenty candles showing in all directions and flashing alternately with the three lights referred to in (i) of this sub-paragraph:

Provided that if an anti-collision light, being a flashing light, is displayed, the lights specified in sub-paragraph (*b*) (i) may all be steady lights;

(*c*) *Flashing Lights (Other I.C.A.O. Systems)*

(i) the lights specified in sub-paragraph (*a*) of this paragraph, but all being flashing lights flashing together; also either one or both of the following lights:—

(ii) a flashing white light of at least twenty candles showing in all directions and flashing alternately with the three lights referred to in (i) of this sub-paragraph;

(iii) a flashing red light of at least twenty candles showing through angles of 70° from dead astern to each side in the horizontal plane and flashing alternately with the three lights referred to in (i) of this sub-paragraph.

(3) If the lamp showing either the red or the green light specified in sub-paragraph (*a*) of paragraph (2) of this Rule is fitted more than six feet from the wing tip, a lamp may, notwithstanding the provisions of paragraph (1) of Rule 9 of these Rules, 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 candles, showing in all directions, or lights in accordance with paragraphs (2) and (3) of Rule 11 of these Rules.

Free Balloons

13. A free balloon while flying at night shall display a steady red light, of at least five candles, showing in all directions, suspended not less than fifteen feet and not more than thirty feet 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 200 feet above the surface shall display lights as follows:—

(*a*) a group of two steady lights consisting of a white light placed twelve feet above a red light, both being of at least five candles and showing in all directions, the white light being placed not less than fifteen feet or more than thirty feet 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 1,000 feet 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;

(*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 80 feet; 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 200 feet above the surface shall have attached to its mooring cable at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than sixteen inches in diameter and six feet in length, and marked with alternate bands of red and white twenty inches 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 300 feet measured from the lowest part of the kite, streamers of not less than thirty-two inches long and one foot wide at their widest part and marked with alternate bands of red and white four inches wide.

Airships

15.—(1) Except as provided in paragraph (2) of this Rule, an airship while flying at night shall display the following steady lights:—

(*a*) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane;

(*b*) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;

(*c*) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and

(*d*) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(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 sub-paragraphs (*a*) and (*d*) of paragraph (1) of this Rule;

(*b*) two red lights, each of at least five candles and showing in all directions suspended below the control car so that one is at least twelve feet above the other and at least twenty-five feet below the control car; and

(*c*) if the airship is making way but not otherwise, the green and red lights referred to in sub-paragraphs (*b*) and (*c*) of paragraph (1) 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 Colony by night, shall display the following lights:—

(*a*) when moored to a mooring mast, at or near the rear a white light of at least five candles showing in all directions;

(*b*) when moored otherwise than to a mooring mast:—

(i) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane;

(ii) a white light of at least five candles showing through angles of 70° 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 twelve feet above the other and at least twenty-five feet below the control car.

(5) For the purpose 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.

SECTION IV

GENERAL FLIGHT RULES

Weather reports and forecasts

16.—(1) Immediately before an aircraft flies the commander of the aircraft shall 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.

(2) *Converging*

(*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) gliders 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.

(3) *Approaching Head-on*

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.

(4) *Overtaking*

An aircraft which is being overtaken in the air shall have the right-of-way and the over-taking 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 Colony may alter its course to the right or to the left.

(5) *Landing*

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.

(6) *Two or more aircraft landing*

In the case of two or more flying machines or gliders 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 on final approach to land or overtake that aircraft:

Provided that:—

(*a*) 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

(*b*) 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.

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 Colony 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.

Notification of Arrival

20.—(1) The commander of an aircraft entering or leaving the Colony on any flight for which a flight plan has been submitted shall take all reasonable steps to ensure upon landing that notice of the arrival of the aircraft is given to the aerodrome of departure.

(2) 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.

Flight in Notified Airspace

21. In relation to flights in Visual Meteorological Conditions in controlled airspace notified for the purposes of this Rule, the commander of an aircraft shall comply with Rules 27, 28 and 29 of these Rules 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 paragraph (3) of Rule 27.

Choice of VFR or IFR

22. Subject to the provisions of Rule 21 of these Rules an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules:

Provided that in the Colony an aircraft flying at night shall be flown in accordance with the Instrument Flight Rules, or, in a control zone, in accordance with the Instrument Flight Rules or the provisions of the proviso to paragraph (*b*) of Rule 23 of these Rules.

SECTION V

VISUAL FLIGHT RULES

23.—(1) The Visual Flight Rules shall be as follows:—

(*a*) *Outside controlled airspace*

An aircraft flying outside controlled airspace shall remain at least 2,000 feet horizontally and 500 feet vertically away from cloud and in a flight visibility of at least three nautical miles:

Provided that at or below 3,000 feet above mean sea level this paragraph shall be deemed to be complied with if the aircraft is flown clear of cloud and in sight of the surface.

(*b*) *Within controlled airspace*

An aircraft flying within controlled airspace shall remain at least 2,000 feet horizontally and 500 feet vertically away from cloud and in a flight visibility of at least three 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 purposes of the Rule "special VFR flight" means a flight in Instrument Meteorological Conditions or at night which is not an IFR flight and which is made with the permission of the appropriate air traffic control unit.

(2) Where the Governor has notified increases in all or any of the distances mentioned in sub-paragraph (*a*) or (*b*) of paragraph (1) of this Rule, then such increased distances shall be deemed to be substituted for the distances mentioned in this Rule for so long as the notification concerned is in force.

SECTION VI

INSTRUMENT FLIGHT RULES

24. The Instrument Flight Rules shall be as follows:—

(*a*) *Outside controlled airspace*

In relation to flights outside controlled airspace Rules 25 and 26 of these Rules shall apply.

(*b*) *Within controlled airspace*

In relation to flights within controlled airspace Rules 25, 27, 28 and 29 of these Rules shall apply.

Minimum Height

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 otherwise authorised by the competent authority or unless it is necessary to do so in order to take off or land.

Quadrantal Rule

26. In order to comply with the Instrument Flight Rules an aircraft when in level flight above 3,000 feet above mean sea level outside controlled airspace 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 notified, or in the case of flight over a country other than the Colony, otherwise published by the competent authority, in relation to the area over which the aircraft is flying.

TABLE I—*Flights at levels below* 29,000 *feet*

Magnetic Track	*Cruising Level*
Less than 90°	Odd thousands of feet.
90° but less than 180°	Odd thousands of feet+500 feet.
180° but less than 270°	Even thousands of feet.
270° but less than 360°	Even thousands of feet+500 feet.

TABLE II—*Flights at levels of* 29,000 *feet and above*

Magnetic Track	*Cruising Level*
Less than 90°	29,000 feet or higher levels at intervals of 4,000 feet.
90° but less than 180°	30,000 feet or higher levels at intervals of 4,000 feet.
180° but less than 270°	31,000 feet or higher levels at intervals of 4,000 feet.
270° but less than 360°	32,000 feet or higher levels at intervals of 4,000 feet.

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 enters any controlled airspace or in other circumstances prescribed for this purpose, 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 the air traffic control clearance issued for the flight as amended by any further instructions given by an air traffic control unit, and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination, unless:—

(*a*) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace, and

(*b*) 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:

Provided that if an emergency arises which requires an immediate deviation from an air traffic control clearance, the commander of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation.

(4) 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 altitude 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.

Communication Failure

29. In order to comply with the Instrument Flight Rules the commander of an aircraft flying in controlled airspace who is unable to establish or maintain two-way communication with the appropriaite air traffic control unit shall—

(*a*) continue to fly to his destination, if it is possible to do so by flying only in conditions not inferior to those specified in sub-paragraph (*b*) of paragraph (1) of Rule 23 of these Rules, or

(*b*) if he has received and acknowledged an air traffic control clearance to fly to his destination or to enter the controlled airspace in which it lies, and sufficient navigational assistance is obtainable to enable him to comply with such clearance,

(i) continue to fly in compliance with the current flight plan to the holding point at the aerodrome of destination, maintaining the last acknowledged cruising levels for the portion of the route for which levels have been specified in the clearance, and thereafter the cruising levels shown in the flight plan;

(ii) arrange the flight to arrive over the holding point as closely as possible to the last acknowledged estimated time of arrival;

(iii) begin to descend over the holding point at the last acknowledged expected approach time, or, if no such expected approach time has been acknowledged, the last acknowledge estimated time of arrival;

(iv) land within 30 minutes of the time at which the descent should have been started; or

(*c*) if he is unable to comply with the provisions of paragraph (*a*) or (*b*) of this Rule, leave or avoid controlled airspace either—

(i) fly to an area in which flight may be continued in Visual Meteorological Conditions, and land at an aerodrome there, or

(ii) select a suitable area in which to descend through cloud, and land at an aerodrome there.

SECTION VII

AERODROME TRAFFIC RULES

Application of Aerodrome Traffic Rules

30. The Rules in this Section 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

31. The commander of a flying machine on, or in the traffic zone of, 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 44 of these Rules (Marshalling Signals) if in his opinion it is inadvisable to do so in the interests of safety.

Access to and movement on the Manoeuvring Area

32.—(1) A person or vehicle shall not go on to the manoeuvring area of an 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 shall not move on the manoeuvring area of 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 either 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 the manoeuvring area of a land 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 paragraph (3) (*b*) of Rule 35 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.

Dropping of Tow Ropes, etc.

34. Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and:—

(*a*) 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; or

(*b*) in the area designated by the marking described in paragraph (7) of Rule 41 of these Rules, and the ropes, banners or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

Aerodromes not having Air Traffic Control Units

35.—(1) An aircraft shall not fly within a zone which the commander knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome which does not have an air traffic control unit, except for the purpose of taking off, and landing or observing the signals in the signals area with a view to landing. An aircraft flying within such a zone for the purpose of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall:—

(*a*) conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;

(*b*) make all turns to the left unless ground signals otherwise indicate; and

(*c*) 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.

(3) (*a*) A flying machine or glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(*b*) Where take-offs and landings are not confined to a runway—

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take off; if such a flying machine or glider is obliged 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 is already taking off or is about to take off.

(4) A flying machine after landing shall move clear of the landing area in use as soon as it is possible to do so.

Aerodromes having Air Traffic Control Units

36.—(1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome having an air traffic control unit except for the purpose of taking-off, landing or observing the signals in the signals area with a view to landing, unless he has the permission of the appropriate air traffic control unit.

(2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome having an air traffic control unit or moving on the manoeuvring area of such an aerodrome shall:—

(*a*) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control 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*) not taxy, take off or land except with the permission of the air traffic control unit; and

(*c*) comply with the provisions of Rule 35 of these Rules as if the aerodrome did not have an air traffic control unit, unless he has the permission of the air traffic control unit at the aerodrome, or has been instructed by such unit, to do otherwise.

37. Without prejudice to the provisions of Rules 20 and 27 of these Rules, the commander of an aircraft shall, immediately upon arrival at, or prior to departure from, an aerodrome within the Colony having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

SECTION VIII

AERODROME SIGNALS AND MARKINGS: VISUAL AND AURAL SIGNALS

General

38.—(1) Whenever any signal specified in this Section 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 Colony, have the meaning assigned to it in this Section.

(2) All dimensions specified in this Section of these Rules shall be subject to a tolerance of 10 per cent, plus or minus.

Signals in the Signals Area

39.—(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 one foot wide the internal sides measuring 40 feet.

(2) A white landing T, as illustrated in this paragraph,

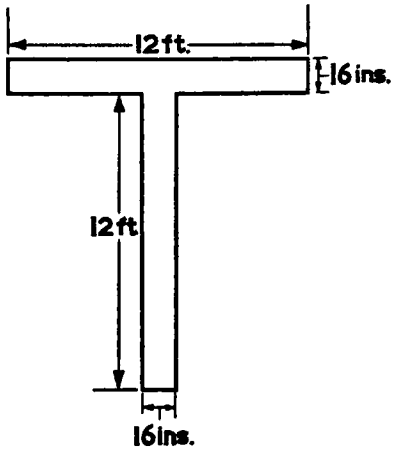


Fig. 1.

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 two feet in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph,

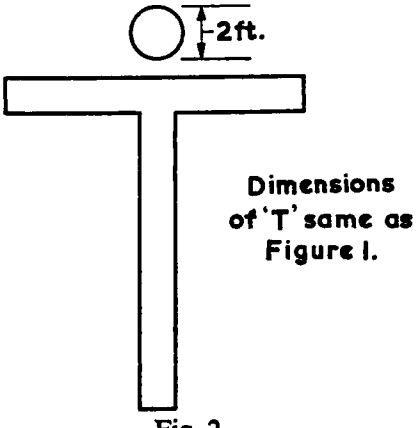


Fig. 2.

signifies that the direction of landing and take-off do not necessarily coincide.

(4) A white dumb-bell, as illustrated in this paragraph,

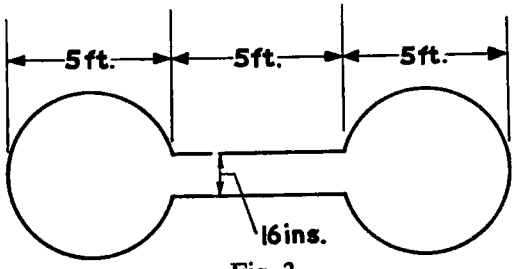


Fig. 3.

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 two feet wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

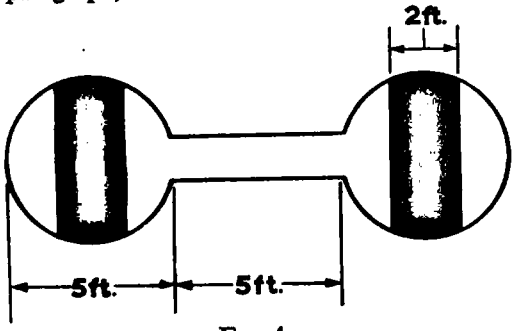


Fig. 4.

signifies that aeroplanes and gliders taking off or landing shall 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,

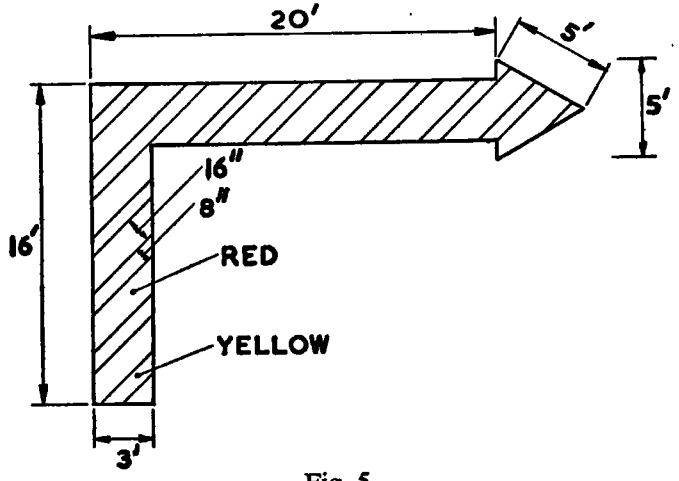


Fig. 5.

the shaft of which is at least three feet wide placed along the whole or not less than a total of 36 feet 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 ten feet square with a yellow strip along one diagonal at least twenty inches wide, as illustrated in this paragraph,

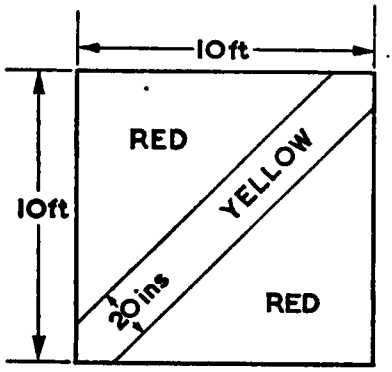
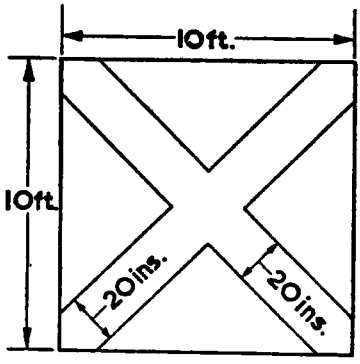


Fig. 6.

signifies that the state of the manoeuvring area is poor and that pilots must exercise special care when landing.

(8) A red panel ten feet square with a yellow strip, at least twenty inches wide, along each diagonal, as illustrated in this paragraph,



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,

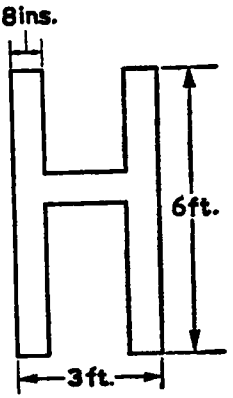


Fig. 8.

signifies that helicopters shall take off and land only within the area designated by the marking specified in paragraph (5) of Rule 41 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,

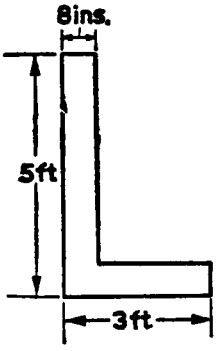


Fig. 9.

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 paragraph (6) of Rule 41 of these Rules.

(11) A white double cross, as illustrated in this paragraph,

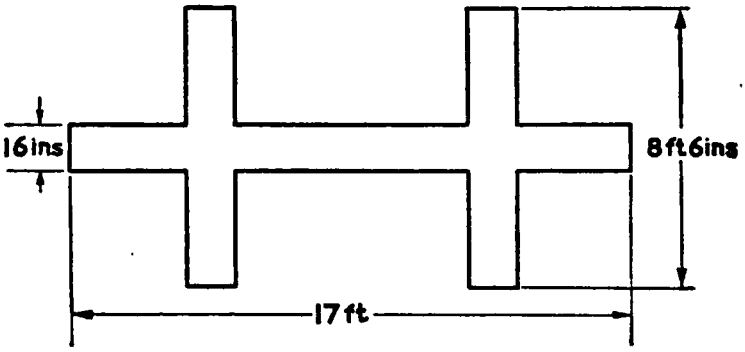


Fig. 10.

signifies that glider flying is in progress.

Markings for Paved Runways and Taxiways

40.—(1) Two or more white crosses, as illustrated in this paragraph,

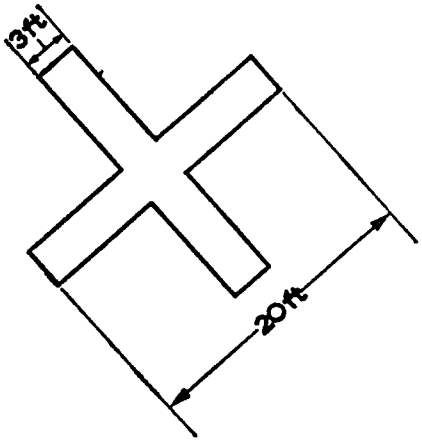


Fig. 11.

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 1,000 feet signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

(2) A broken white line and a continuous white line as illustrated in this paragraph,

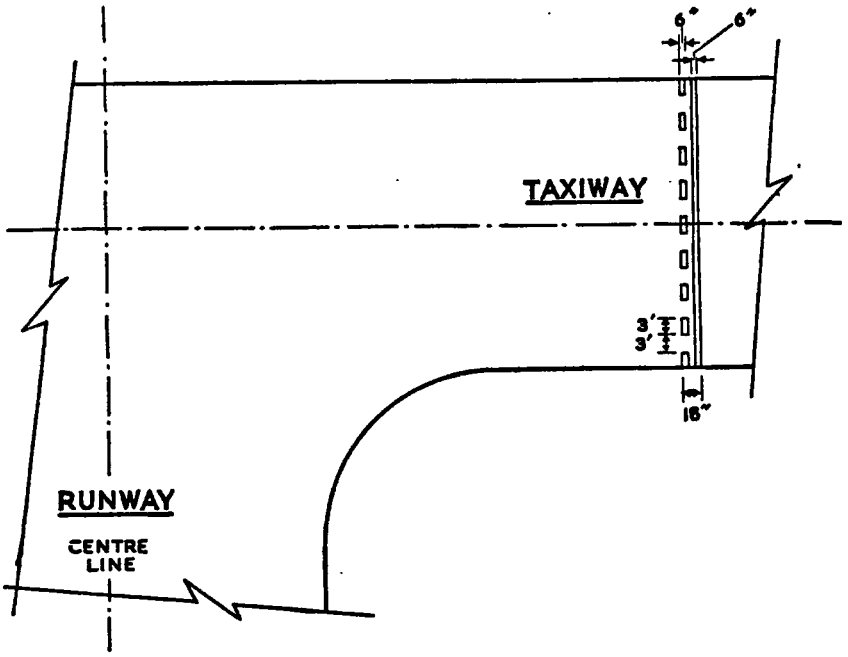


Fig. 12.

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,

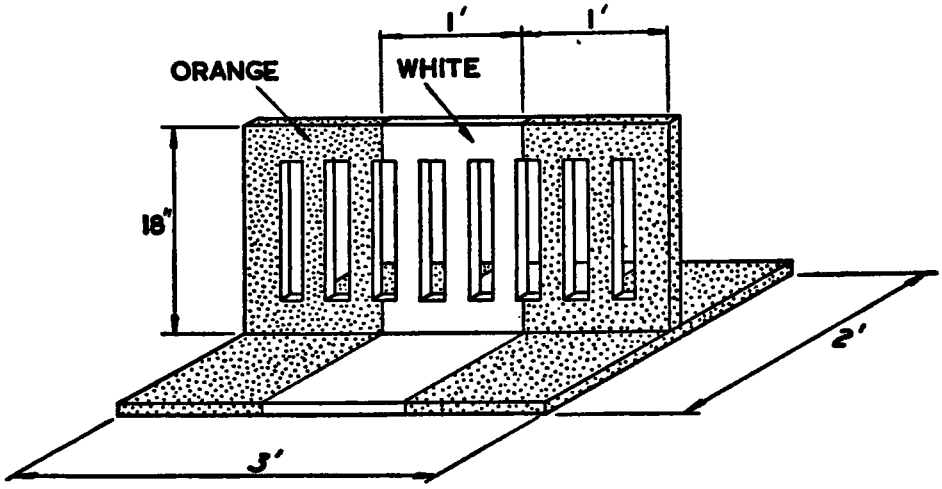


Fig. 13.

spaced not more than 150 feet 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

41.—(1) Markers with orange and white stripes of an equal width of not less than 1½ feet, with an orange stripe at each end, as illustrated in this paragraph,

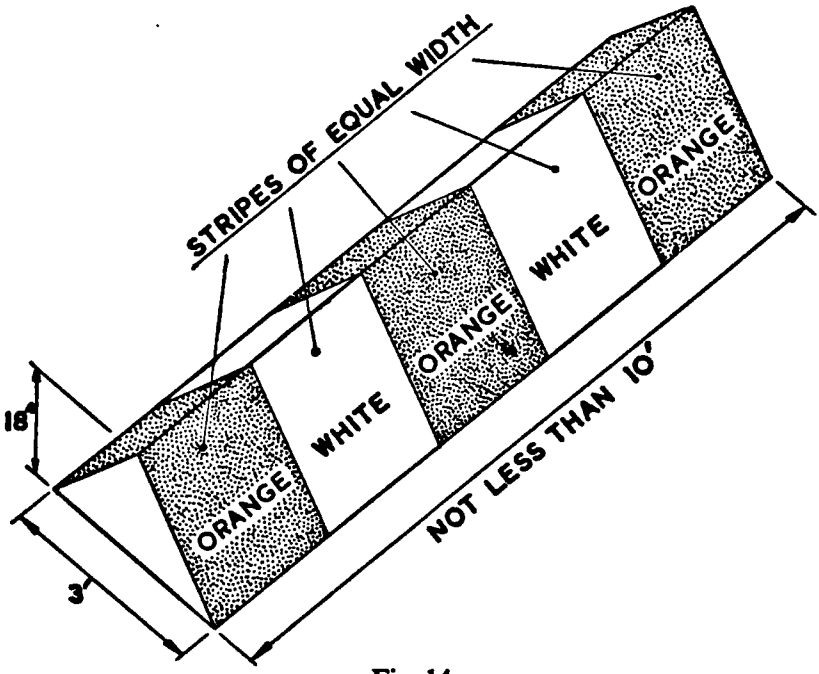


Fig. 14.

alternating with flags not less than 2 feet 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 paragraph (1) of Rule 40 of these Rules indicate the said area. The distance between any two successive orange and white flags shall not exceed 300 feet.

(2) Striped markers, as specified in paragraph (1) of this Rule, spaced not more than 150 feet apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes, of an equal width of not less than 1½ feet, with an orange stripe at each end, as illustrated in this paragraph,

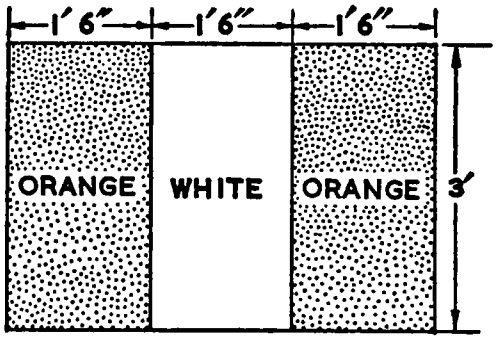


Fig. 15.

spaced not more than 150 feet 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 6 inches from the top of the structure.

(4) White flat rectangular markers 10 feet long and 3 feet wide at intervals not exceeding 300 feet, flush with the surface of the unpaved runway or stopway, as the case may be, indicate the boundary of an unpaved runway or of a stopway.

(5) A white letter H, as illustrated in this paragraph,

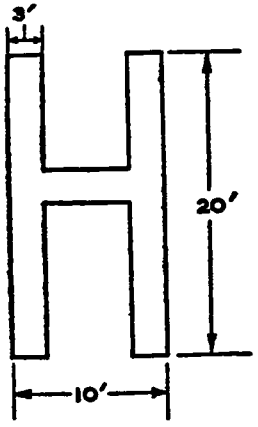


Fig. 16.

indicates an area which shall be used only for the taking off and landing of helicopters.

(6) A white letter L as illustrated in this paragraph,

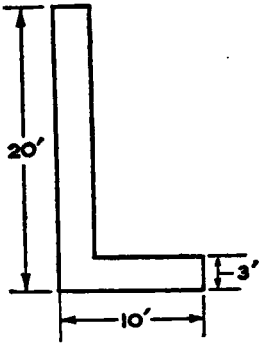


Fig. 17.

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 20 feet long by 3 feet wide at right angles, indicates that tow ropes and similar articles towed by aircraft shall only be dropped in the area in which the cross is placed.

(8) A white double cross as illustrated in this paragraph,

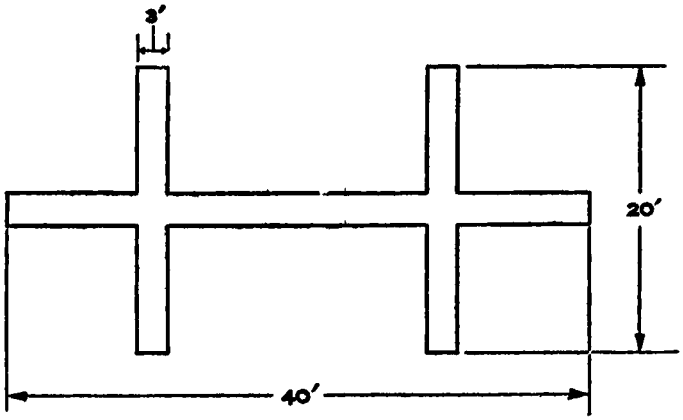


Fig. 18.

indicates an area which shall be used only for the taking off and landing of gliders.

(9) A white landing T as specified in paragraph (2) of Rule 39 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

42.—(1) A black ball 2 feet 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, 4 feet by 3 feet containing twelve equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately, signifies that aerodrome traffic on the manoeuvring area is subject to control by means of the lights and pyrotechnic signals referred to in Rule 43 of these Rules.

(3) Two red balls 2 feet in diameter, disposed vertically one above the other, 2 feet 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), R.C. (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,

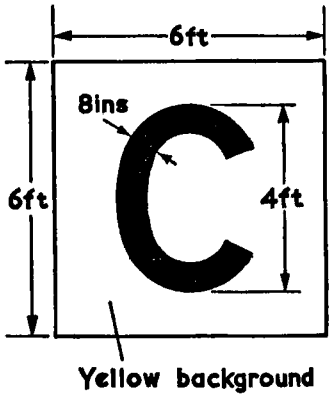


Fig. 19.

cc

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 2 feet square flown from a mast indicates that a right-hand circuit is in force.

Lights and Pyrotechnic Signals for Control of Aerodrome Traffic

43. 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.

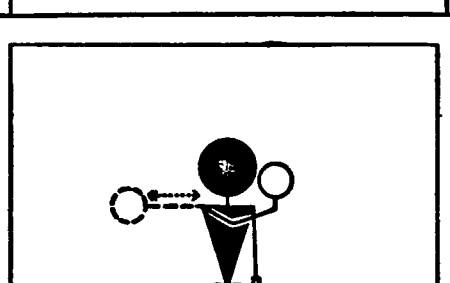
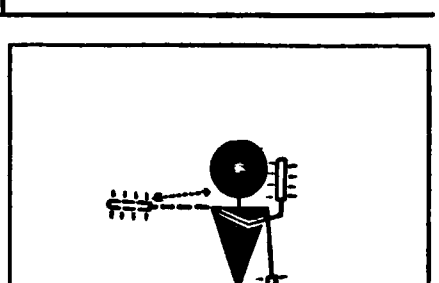
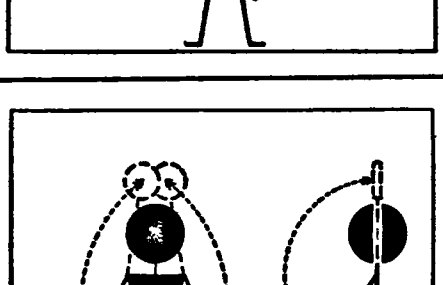
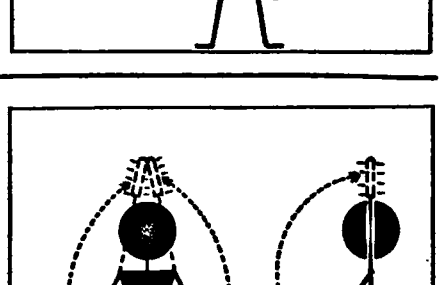
TABLE A—MEANING OF LIGHTS AND PYROTECHNIC SIGNALS (RULE 43)

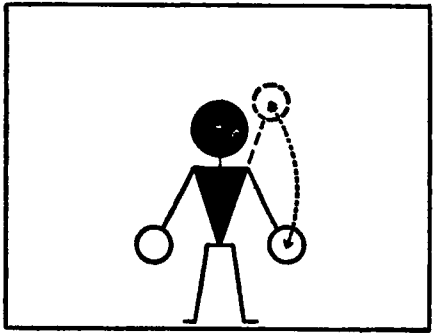
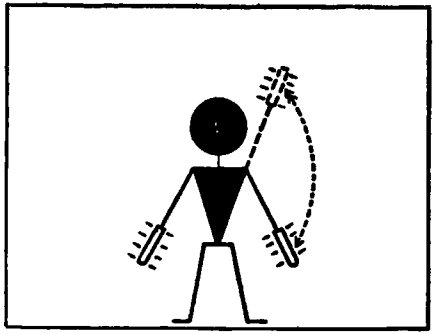
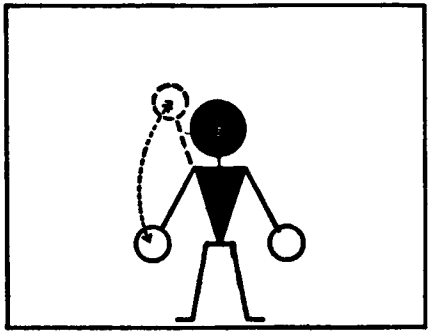
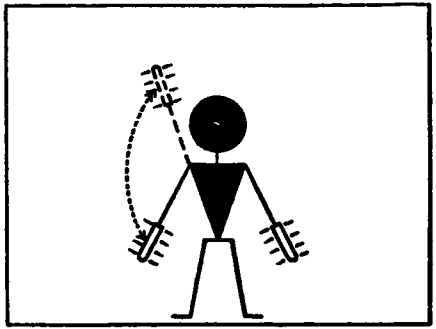
Characteristic and colour of light beam or pyrotechnic	From an aerodrome		From an aircraft in flight to an aerodrome
	to an aircraft in flight	to an aircraft or vehicle on the aerodrome	
(a) Continuous red light	Do not land; wait for permission.	Stop.	—
(b) Red pyrotechnic light, or Red flare	Do not land; wait for permission.	—	—
(c) Red flashes ...	Do not land; aerodrome not available for landing.	Move clear of landing area.	—
(d) Green flashes ...	Return to aerodrome; wait for permission to approach and land.	You may move on manoeuvring area.	—
(e) Continuous green light.	You may land.	You may take off (not applicable to a vehicle).	—
(f) Continuous green light, or Green flashes, or Green pyrotechnic light	—	—	By night: May I land? By day: May I land in direction different from that indicated by landing T?
(g) White flashes ...	—	Return to starting point on the aerodrome.	I am compelled to land immediately.
(h) White pyrotechnic lights Switching on and off the navigation lights.	—	—	I am compelled to land immediately.

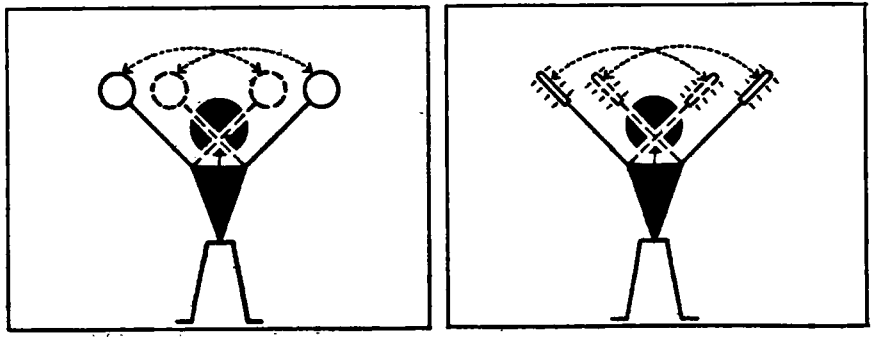
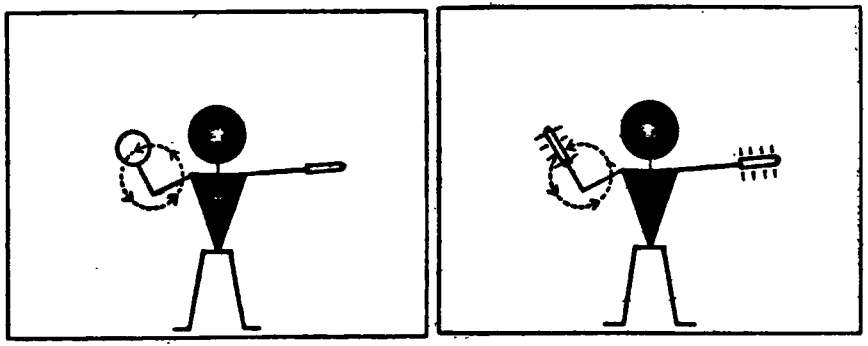
Marshalling Signals

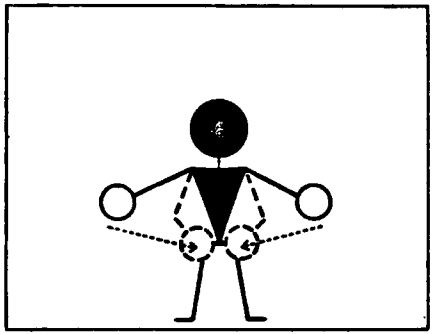
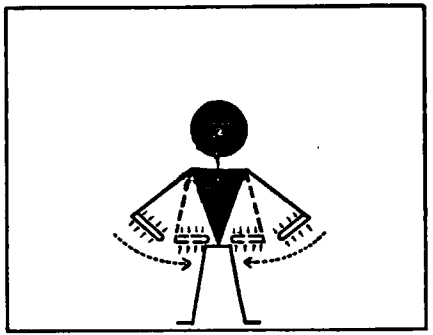
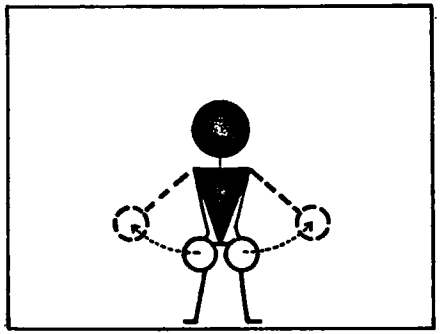
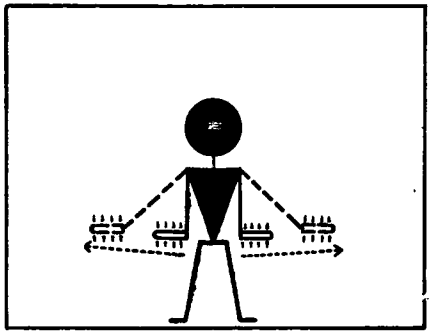
44. Each of the signals for the guidance of aircraft manoeuvring on the ground, described in the first column of Table B, shall, in the Colony, have the meaning set forth in the second column of that Table opposite the description of the signal. By day any such signals shall be given by hand or by circular bats and by night by torches or illuminated wands.

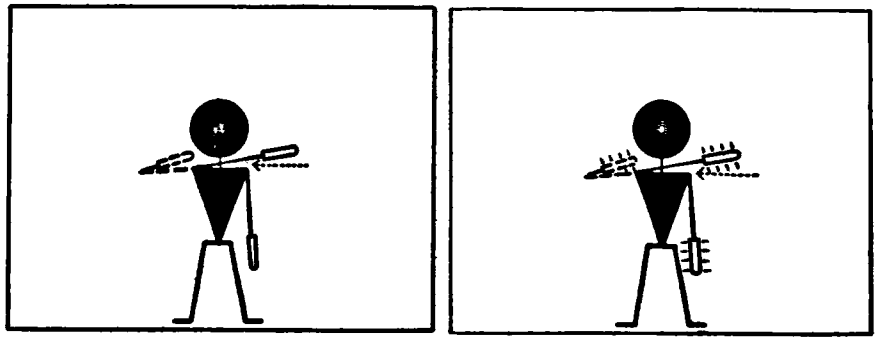
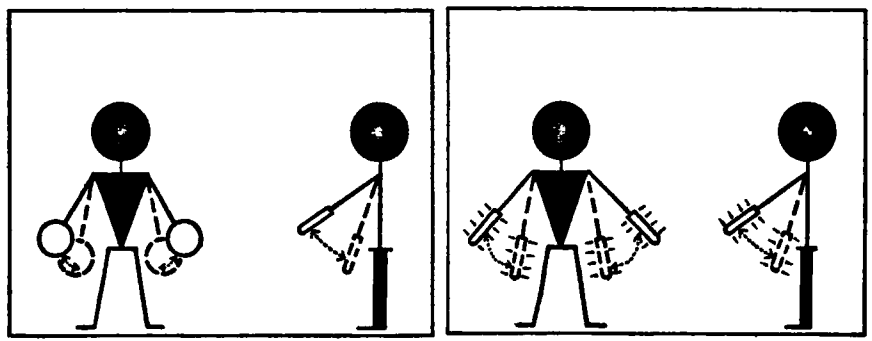
TABLE B—MEANING OF MARSHALLING SIGNALS (RULE 44)

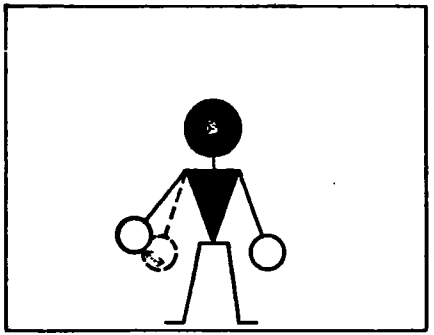
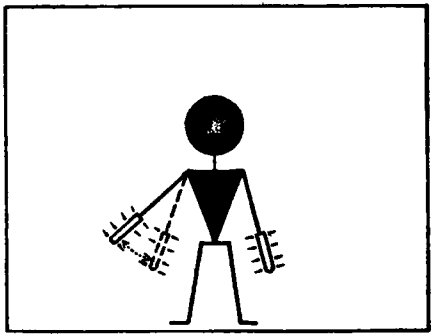
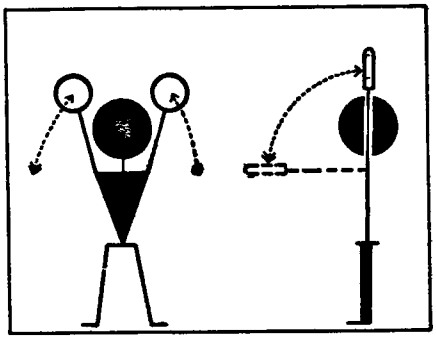
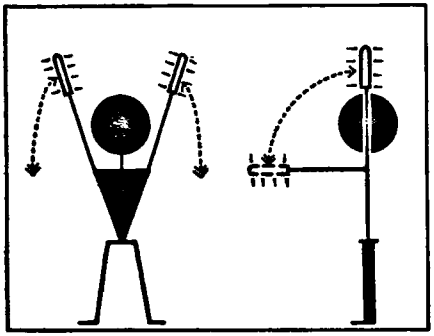
Description of Signal	Meaning of Signal	In Daylight	By Night
(*a*) Right or left arm down, the other arm moved across body and extended to indicate position of the other marshaller.	Proceed under guidance of another marshaller.		
(*b*) Arms repeatedly moved upward and backward, beckoning onward.	~~Straight ahead.~~ MOVE		

Description of Signal	Meaning of Signal	In Daylight	By Night
(*c*) Right arm down, left arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up starboard engine or turn to port.		
(*d*) Left arm down, the right arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up port engine or turn to starboard.		

(*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.	

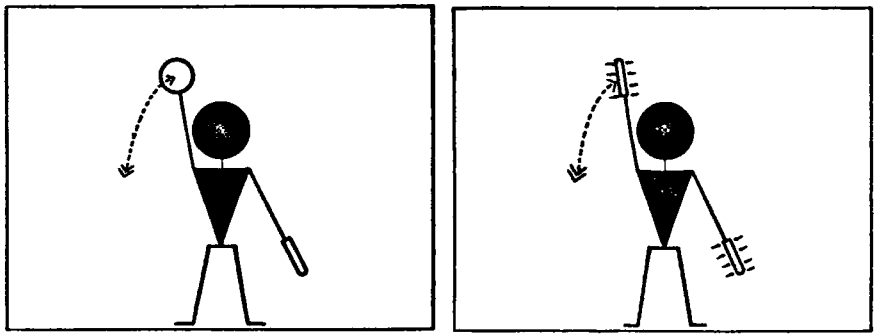
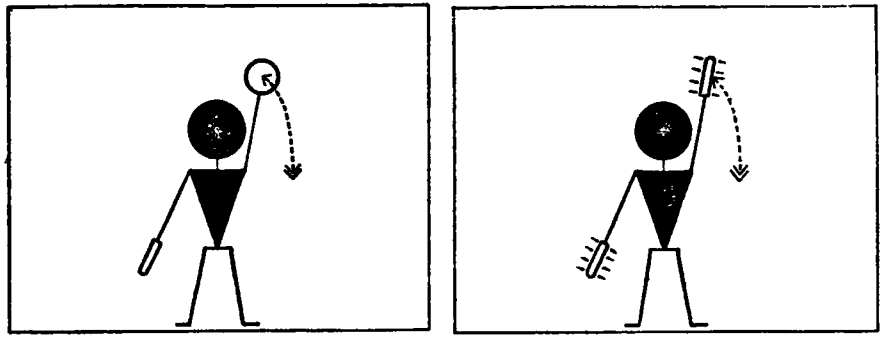
Description of Signal	Meaning of Signal	In Daylight	By Night
(*g*) Arms extended, the palms facing inwards, then swung from the extended position inwards.	Insert chocks.		
(*h*) Arms down, the palms facing outwards, then swung outwards.	Chocks away.		

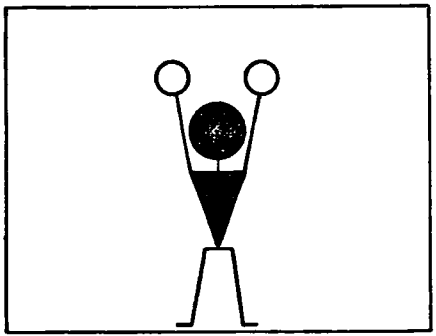
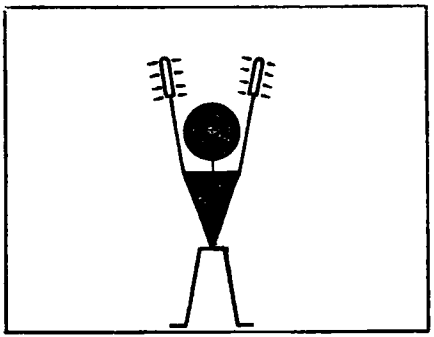
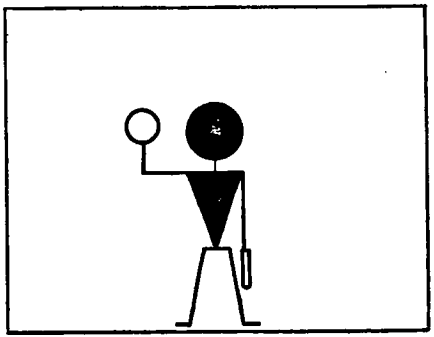
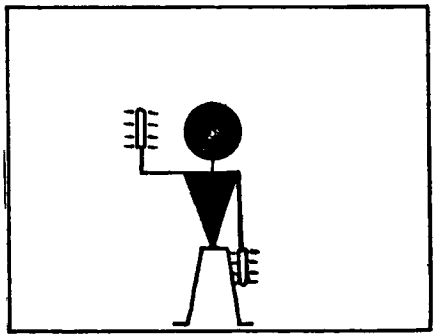
(*f*) Either arm and hand placed level with the chest, then moved laterally with the palm downwards.	Cut engines. 
(*k*) Arms placed down, with the palms towards the ground, then moved up and down several times.	Slow down. 

Description of Signal	Meaning of Signal	In Daylight	By Night
(*l*) 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.		
(*m*) Arms placed above the head in a vertical position, with the palms facing forward, then brought down quickly to a horizontal forward position; repeated several times.	Straight back.		

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(*n*) The left arm pointed down and the right arm brought from the overhead vertical position to the horizontal forward position; repeated several times.	Turn while backing—tail to starboard.	
(*o*) The right arm pointed down, and the left arm brought from the overhead vertical position to the horizontal forward position; repeated several times.	Turn while backing—tail to port.	

Description of Signal	Meaning of Signal	In Daylight	By Night
(*p*) Arms placed above the head in a vertical position.	This bay.		
(*q*) The right arm raised at the elbow, with the arm facing forward.	All clear: Marshalling finished.		

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 imminent danger and requests immediate assistance:—

(*a*) by radiotelephony:—

the spoken word "MAYDAY";

(*b*) by visual signalling:—

(i) the signal SOS (· · · – – – · · ·);

(ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light;

(iii) the two flag signal corresponding to the letters NC of the international code of signals;

(iv) the distant signal, consisting of a square flag having either above or below it a ball or anything resembling a ball;

(*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 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;

(*c*) 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 the aircraft or of any person or property:—

(*a*) by radiotelephony:—

the spoken word "PAN";

(*b*) by visual signalling:—

(i) the signal XXX (– · · – – · · – – · · –);

(ii) a succession of green pyrotechnic lights;

(iii) a succession of green flashes;

(*c*) by sound signalling other than radiotelephony:—

the signal XXX (– · · – – · · – – · · –);

(4) The following signals, given either together or separately, indicate that the commander of the aircraft has a message to transmit concerning the safety of navigation or giving meteorological warnings:—

(*a*) by radiotelephony:—

the spoken word "SÉCURITÉ";

(*b*) by visual or sound signalling other than radiotelephony:—

the signal TTT (– – –).

Warning Signals to Aircraft in Flight

46. In the Colony, the following signals shall respectively have the following meanings:—

(*a*) (i) by day—a series of projectiles discharged at intervals of ten seconds, each showing on bursting black or white smoke, or

(ii) by night—a series of projectiles discharged at intervals of ten seconds, each showing on bursting white lights or stars, or an intermittent white luminous beam directed at the aircraft,

indicates that the aircraft to which the signal is directed is in the vicinity of such an area as is referred to in sub-paragraph (*c*) of paragraph (1) of Article 57 of this Order and is required to change its course;

(*b*) by day or by night, a series of projectiles discharged at intervals of ten seconds, each showing on bursting green lights or stars,

indicates that the aircraft is required to land at the nearest aerodrome in accordance with the provisions of Article 57 of this Order.

SECTION IX

GROUND LIGHTING

Minimum ground lighting

47.—(1) The person in charge of any area to which this Rule applies shall cause the lighting specified in Rules 48 to 53, inclusive, of these Rules to be in operation whenever a flying machine or glider, flying for the purpose of the public transport of passengers, is taking off or landing at that area by night and during such period before or after the take-off or landing as may be necessary to ensure the safety of the aircraft:

Provided that, if the area is intended for use only by helicopters, there may be in operation in lieu of the lighting specified in Rules 48, 49, 52 and 53 of these Rules, such other lighting as will enable the pilot of a helicopter in flight—

(i) to identify the area;

(ii) to determine the landing direction; and

(iii) to make a safe approach and landing.

(2) The requirements of paragraph (1) of this Rule shall be deemed not to have been contravened if neither the person in charge of the area nor any person acting under his instructions knew or ought reasonably to have known that the aircraft was about to take off or land.

(3) This Rule shall apply to any place, whether or not an aerodrome, intended to be used for the taking off, landing of aircraft or the manoeuvring of aircraft on the ground, but shall not apply to any Government aerodrome or to any aerodrome licensed for use by night.

Approach Lighting

48. The lighting required by Rule 47 of these Rules shall include lighting to give approach guidance to the runway or landing area intended to be used, which lighting shall consist of either:—

(*a*) a line of identical lights each having an intensity of not less than 100 candles of red or white light in the direction of approach, equally spaced at intervals not exceeding 200 feet along the extended centre line of the runway for a distance of not less than 600 feet from the threshold in the direction of approach; or

(*b*) angle of approach lights so arranged as to indicate a sloping path between 2½° and 4½° above the horizontal which will provide, for any aircraft approaching to land, safe clearance above all obstacles within three nautical miles of the threshold of the runway and will give a warning by means of red beams of light if the aircraft is below the path. The lights shall indicate the path throughout an angle in azimuth of not less than 12° symmetrically about a line parallel to the direction of landing:

Provided that if the lights specified in paragraph (1) (*b*) of Rule 49 are in operation, the lights specified in sub-paragraph (*b*) of this paragraph shall also be in operation, and not the lights specified in sub-paragraph (*a*) of this paragraph.

Landing Area Lights

49.—(1) Where a runway is not provided, the lighting required by Rule 47 of these Rules shall include either:—

(*a*) two lines of white lights parallel to the direction of take-off or landing visible from all directions above the horizontal delineating the landing area intended for use by night, the lights in each line being equally spaced at intervals not exceeding 300 feet. The lines of lights shall not be less than 100 feet nor more than 200 feet apart, and shall be so placed that a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the direction of use of the landing area; or

(*b*) white lights visible as aforesaid and arranged in the form of a T with the shaft of the T parallel to the direction of use and on the left edge of the area intended for landing when seen from the direction of approach and extending for the whole length of that edge, the lights in the shaft being equally spaced at intervals not exceeding 300 feet, and the cross arm of the T consisting of single lights placed 300 feet on either side of the light in the shaft of the T furthest from the approach end.

(2) Where a runway is provided the lighting required by Rule 47 of these Rules shall include two lines of white lights visible from the direction of approach, placed on the edge of the runway and each extending the whole of the length intended for use, the distance between successive lights in each line being not more than 300 feet, so that, so far as is practicable, a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the axis of the runway.

(3) The lights required by this Rule shall have an intensity of not less than 50 candles.

Guidance Lights on the Manoeuvring Area

50. The lighting required by Rule 47 of these Rules shall include either:—

(*a*) the delineation of every taxiway intended for use by night by means of lights along its edges, either blue lights on one side and yellow lights on the other or blue lights on both sides. The lights on each side shall have a brightness sufficient to give adequate guidance to a taxying aircraft when the lights are spaced not more than 160 feet apart on straight stretches. On curves the lights shall be at reduced spacing to mark the taxiway edge clearly. If the taxiway is unpaved the lines of lights shall be not less than 50 nor more than 100 feet apart; or

(*b*) where aircraft manoeuvring on the ground are not confined to taxiways, white lights visible from all directions above the horizontal and of an intensity of not less than 10 candles at 5° above the horizontal, spaced at intervals not exceeding 300 feet along the boundary of that part of the manoeuvring area intended for use by night.

Areas Unfit for Use

51. The lighting required by Rule 47 of these Rules shall include red lights visible from all directions above the horizontal, sufficient to mark adequately any area unfit for the movement of aircraft at night.

Landing Direction Indicator

52. Where neither the lighting specified in paragraph (1) (*a*) of Rule 48 of these Rules nor that specified in paragraph (1) (*b*) of Rule 49 of these Rules is provided the lighting required by Rule 47 of these Rules shall include—

(*a*) adequate illumination of a landing T as specified in paragraph (2) of Rule 39 of these Rules; or

(*b*) a landing T of the dimensions so specified, consisting of white lights, visible from all directions above the horizontal, of an intensity of not less than 5 nor more than 20 candles placed either in the signals area or between 50 and 100 feet to the left as seen from the direction of approach of the runway at the approach end thereof.

Obstruction Lights

53.—(1) The lighting required by Rule 47 of these Rules shall include the lighting of all obstructions within the area in accordance with the provisions of this Rule.

(2) The lights on an obstruction shall be arranged so as to show not less than 10 candles of red light in all directions in azimuth between 20° below and 60° above the horizontal.

(3) The lights shall be placed at the highest point of the obstruction except that, where the top of a chimney or other obstruction may be obscured by smoke, the lights may be placed instead not more than 10 feet below the top of the obstruction.

(4) If the height of an obstruction is more than 150 feet above ground level lights shall be placed on the obstruction between the top and the ground at vertical intervals not exceeding 150 feet.

(5) On any obstruction of more than 150 feet in horizontal extent lights as specified in paragraph (3) of this Rule shall be placed on the highest point of each length of 150 feet of the obstruction, measuring from one end of the obstruction.

(6) For the purposes of this Rule any object, whether permanent or temporary, shall be deemed to be an obstruction if it is likely to endanger aircraft and if it is situated—

(*a*) on that part of the manoeuvring area which is intended for use at night; or

(*b*) within an area extending 200 feet on either side of the centre line of the area intended for landing or take-off at night; or

(*c*) within 200 feet of the area so intended, if the height of the object is more than one quarter of the distance of the object from that area; or

(*d*) within 50 feet of a lighted taxiway; or

(*e*) within an area of the dimensions illustrated in this sub-paragraph,

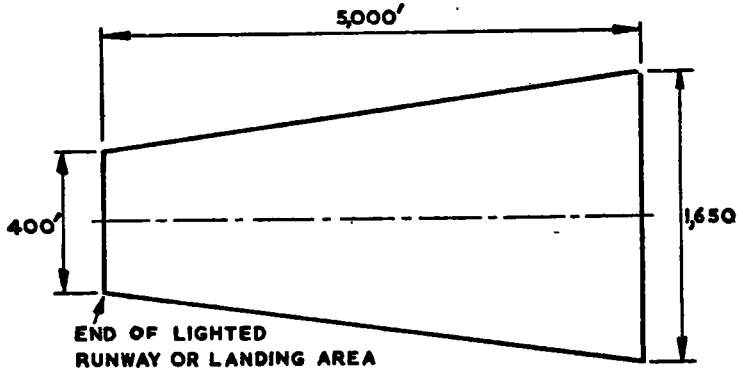


Fig. 20.

being an area at either end of a lighted runway or lighted landing area and if the height of the object, measured above the level of the nearer end of the runway or landing area, is more than one thirtieth of the distance from the object to the nearest end of the runway or landing area:

Provided that a frangible object not more than 3 feet in height above ground shall not be deemed to be an obstruction by reason of this sub-paragraph.

(*f*) within one nautical mile of the centre of the area intended for use at night for the taking off, landing or manoeuvring of aircraft on the ground and more than 300 feet above the highest point of the ground within that area.

(7) Nothing in this Rule shall be taken to require the lighting of—

(*a*) any aircraft displaying navigation lights in accordance with Section III of these Rules;

(*b*) in an area set aside for the parking of aircraft, any vehicle which is displaying the lights which are obligatory when it is being driven on a public highway;

(*c*) any obstruction or part of an obstruction which, by reason of the lighting of other obstructions, is not likely to endanger aircraft in flight.

SECTION X

FLIGHT OVER AN AREA IN WHICH SEARCH AND RESCUE OPERATIONS WOULD BE DIFFICULT

54.—(1) The following provisions of this paragraph shall have effect in relation to public transport aircraft:—

(*a*) before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, the person in command of an aircraft shall submit or cause to be submitted to the appropriate air traffic control unit a flight notification containing such particulars as may be required by that air traffic control unit;

(*b*) when a flight notification has been submitted in accordance with sub-paragraph (*a*) of this paragraph the person in command of an aircraft which is able to communicate by radio with an appropriate radio station shall, if he finds it necessary to deviate in respect of any particular from the said flight notification, report by radio the nature of the proposed deviation to the appropriate air traffic control unit as soon as practicable.

(2) Before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, a person in command of an aircraft, other than a public transport aircraft, may submit or cause to be submitted to the appropriate air traffic control unit a flight notification containing such particulars as may be required by that air traffic control unit. If a flight notification is so submitted, the person in command of such aircraft shall comply with the requirements specified in sub-paragraph (*b*) of paragraph (1) of this Rule as if the aircraft were a public transport aircraft.

THIRTEENTH SCHEDULE

Article 73

FEES

Certificate of Registration (*Article* 2 (8))

1. The fee to be paid for the issue of a certificate of registration of an aircraft pursuant to Article 2 (8) of this Order shall be £1 10s. 0d.

Permit for an aircraft to fly without a Certificate of Airworthiness (*Article* 4 (1))

2. The fees to be paid in respect of an application for a permit to fly in pursuance of proviso (*e*) to Article 4 (1) of this Order shall be as follows:—

For any investigations required by the Governor in connection with the application, a fee of an amount equivalent to the cost of making such investigations but not exceeding £75.

For the permit, a fee of 10s.

Certificate of Airworthiness (*Article* 5 (1))

3. Where an application is made for a certificate of airworthiness in respect of an aircraft there shall be paid for the investigations required by the Governor

in pursuance of Article 5 (1) of this Order (not including the investigation of any aircraft engine) a fee of an amount equal to the cost of making the investigations but not exceeding 6s. 0d. per lb. of the maximum total weight of the aircraft for any year, or part of a year, of the period required for carrying out the investigation:

Provided that—

(1) in the case of an aircraft which in the opinion of the Governor conforms to a prototype aircraft or to a modification of a prototype aircraft, the fee to be paid shall be—

	£	s.	d.
(*a*) in the case of a glider of which the maximum total weight does not exceed 2,000 lb.	2	0	0
(*b*) in the case of a glider of which the maximum total weight exceeds 2,000 lb.	5	0	0
(*c*) in any other case, a fee in accordance with the following table:—			
(i) when the maximum total weight does not exceed 5,000 lb.	5	0	0
(ii) when the maximum total weight exceeds 5,000 lb. but does not exceed 7,500 lb.	10	0	0
(iii) when the maximum total weight exceeds 7,500 lb. but does not exceed 10,000 lb.	15	0	0
(iv) when the maximum total weight exceeds 10,000 lb.:—			
In respect of the first 10,000 lb.	15	0	0
In respect of each additional 1,000 lb. or part thereof	3	0	0;

(2) in the case of an aircraft which in the opinion of the Governor is a modification of a prototype aircraft the fee shall not be less than that which would have been payable if paragraph (1) of this proviso had applied.

For the purposes of this paragraph "maximum total weight" means the maximum total weight specified in the application for the certificate.

Approval of Engine (*Article* 5 (1))

4. The fees to be paid in respect of an application for the approval of an engine for the purposes of Article 5 (1) of this Order (including any investigations required for the purpose) shall be in accordance with the following scale:—

	£	s.	d.
(*a*) When the power output of the engine as determined by the Governor:—			
(i) does not exceed 200 B.H.P. or 500 lb. thrust	2	0	0
(ii) exceeds 200 B.H.P. or 500 lb. thrust but does not exceed 500 B.H.P. or 1,250 lb. thrust	4	0	0
(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	6	0	0
(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	8	0	0
(*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	8	0	0
and in respect of each additional 100 B.H.P. or 250 lb. thrust		10	0

Renewal of Certificate of Airworthiness (Article 5 (6))

5. When an application is made for the renewal of a certificate of airworthiness in pursuance of Article 5 (6) of this Order the fee to be paid in respect thereof (including any investigations required in connection with the application) shall be £3 0s. 0d. in the case of a glider where the maximum total weight authorised for the glider does not exceed 2,000 lb., and in any other case shall be in accordance with the following sub-paragraphs:—

	£	s.	d.
(*a*) When the maximum total weight authorised for the aircraft does not exceed 2,000 lb.	5	0	0
(*b*) When the maximum total weight authorised for the aircraft exceeds 2,000 lb.:—			
In respect of the first 2,000 lb.	5	0	0
In respect of each additional 500 lb. or part thereof ...	3	0	0

Provided that, in respect of an aircraft in the category "any purpose other than public transport or aerial work" the maximum total weight authorised of which exceeds 2,000 lb., but does not exceed 3,500 lb., the fee to be paid shall be £5 0s. 0d.

Validation of Certificate of Airworthiness (Article 5 (5) and (6))

6. The fee to be paid in respect of an application for—

(1) the issue of a certificate of validation of a certificate of airworthiness in respect of any aircraft in pursuance of Article 5 (5) of this Order (including any investigation required in connection with the application) shall be the same as the fee which would be paid under paragraph 3 of this Schedule in respect of an application for the issue of a certificate of airworthiness in respect of that aircraft, assuming it to be an aircraft which in the opinion of the Governor was a modification of a prototype aircraft;

(2) the renewal of such a certificate of validation in pursuance of Article 5 (6) of this Order shall be the same as the fee which would be paid under paragraph 5 of this Schedule in respect of the renewal of a certificate of airworthiness in respect of that aircraft.

Approval of persons (Articles 5 (8) and 7 (4) (c))

7. The fee to be paid by a person for the making of inspections of his organisation for the purposes of Articles 5 (8) and 7 (4) (*c*) of this Order shall be £20 0s. 0d. 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) (Articles 5 (7), 7 (3), 9 (2))

8. The fee to be paid in respect of an application for approval pursuant to any requirement of Articles 5 (7), 7 (3), or 9 (2) of this Order shall be an amount equivalent to the cost of making the investigations which the Governor deems necessary for the purpose but not exceeding £1,000 in respect of any one application.

Approval of type, etc. of radio apparatus (Article 10 (5))

9. The fee to be paid in respect of an application for the approval by the Governor 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 Article 10 (5) of this Order shall be an amount equivalent to the cost of making the investigations which the Governor deems necessary for the purpose but not exceeding £500 in respect of any one application.

Licences for Aircraft Maintenance Engineers and Aircraft Radio Maintenance Engineers (Article 8)

10. The fees to be paid in respect of a licence as an aircraft maintenance engineer or aircraft radio maintenance engineer in pursuance of Article 8 of this Order shall be as follows:—

	£ s. d.
In respect of an application for a licence	3 0 0
In respect of an application for the extension of a rating included in a licence	1 10 0
In respect of an application for the renewal of a licence:—	
If the applicant is not required to pass an examination ...	1 10 0
If the applicant is required to pass an examination	3 0 0:

Provided that the fees specified above shall cover only one examination in respect of the inclusion or extension of a rating in a licence and, if an additional examination is required in respect of such inclusion or extension, the fee to be paid for such additional examination shall be £1 10s. 0d.

Licences for Flight Crew (Article 15) and ratings therein (Article 16 (3) and (4))

11.—(1) Save as otherwise provided in sub-paragraph (2) of this paragraph—

(*a*) The fees to be paid in respect of applications for licences for members of the flight crew of an aircraft or for the renewal of such licences shall be in accordance with the following table:—

Description of Licence	For an official medical examination (if required)	For a technical examination (if required)	For an official flying test (if required)	For a Licence or renewal thereof
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Student Pilot's	1 5 0			10 0
Private pilot's (flying machines) with aircraft rating including Group A or Group B or both Group A and Group B	1 5 0	15 0	1 10 0	10 0
Private pilot's (flying machines) with aircraft rating including Group C	1 5 0	3 0 0	1 10 0	10 0
Commercial pilot's (flying machines)	3 5 0	4 10 0	25 0 0	1 0 0
Senior commercial pilot's (flying machines)	3 5 0	7 10 0	45 0 0	1 0 0
Airline transport pilot's (flying machines)	3 5 0	7 10 0	45 0 0	1 0 0
Private pilot's (balloons and airships)	1 5 0	15 0	1 10 0	10 0
Commercial pilot's (balloons) ...	3 5 0	4 10 0	7 10 0	1 0 0
Commercial pilot's (airships) ...	3 5 0	4 10 0	7 10 0	1 0 0
Commercial pilot's (gliders) ...	3 5 0	15 0	9 10 0	1 0 0
Flight navigator's	1 15 0	7 10 0		1 0 0
Flight engineer's	1 15 0	3 0 0		1 0 0
Flight radiotelephony operator's general	1 15 0	1 10 0		1 0 0
Flight radiotelephony operator's restricted	1 15 0	1 10 0		1 0 0
Flight radiotelegraphy operator's ...	1 15 0	3 0 0		1 0 0
Flight radiotelegraphy operator's temporary	1 15 0	3 0 0		1 0 0

(*b*) Where an application is made for an instrument rating (flying machines) or for the renewal of such a rating the following fees shall be paid:—

	£	s.	d.
For a technical examination (if required)	4	10	0
For an official flying test (if required)	20	0	0
For a practical test using approved flight simulation apparatus (if required)	1	0	0
For a special medical (audiometry) examination (if required)		15	0

(*c*) Where an application is made for a towing rating (flying machines) or for the renewal of such a rating the following fees shall be paid:—

	£	s.	d.
For a technical examination (if required)	4	10	0
For an official flying test (if required)	7	10	0
For the rating test (if required)		10	0

(2) (*a*) In the case of an application for the renewal of a licence—

(i) the fees for an official medical examination (if required) shall be £1 5s. 0d.;

(ii) the fees for a technical examination (if required) shall in the case of a flight engineer's licence be £2 0s. 0d. ;

(iii) the fees for a licence shown as 10s. 0d. shall be reduced to 5s. 0d. and shown as one pound shall be reduced to 7s. 6d.

(*b*) The fees for an official flying test include the use of an aircraft provided by the Governor in the following cases only, that is to say—

Commercial pilot's licence (flying machines)

Senior commercial pilot's licence (flying machines)

Airline transport pilot's licence (flying machines)

Instrument rating (flying machines).

Where in the case of an application for the grant or renewal of such a licence or rating an aircraft provided by the Governor is not used for the official flying test, the fee to be paid for such test shall be reduced by such amount as the Governor thinks proper in the circumstances of the case.

(*c*) Where the Governor is satisfied that the applicant has previously been medically examined in connection with an application for a licence as a member of a flight crew, for which there is required a standard of medical fitness not inferior to that required for the licence for which the application is made, the fee to be paid for an official medical examination (if required) shall be £1 5s. 0d.

(*d*) Where an applicant for a licence or for the renewal of a licence or for the grant or renewal of a rating is not required to pass any part of a technical examination or official flying test by reason of his having passed that part on some previous occasion, or for any other reason, the fee to be paid for the technical examination or official flying test, as the case may be, may be reduced by such amount as the Governor thinks proper in the circumstances of the case.

(*e*) Where an application is made for the grant of a pilot's licence (flying machines) (except a private pilot's licence (flying machines) where the type is not in Group C) or for the grant of a flight engineer's licence, being in either case a licence which includes an aircraft rating for more than one type of aircraft, the fee specified above for a technical examination shall cover only a technical examination in respect of one type of aircraft and the fees to be paid for a technical examination for each additional type of aircraft shall be as follows:—

	£	s.	d.
In respect of a private pilot's licence (flying machines) where the type is in Group C	3	0	0
In respect of a pilot's licence (flying machines) of any other class	3	0	0
In respect of a flight engineer's licence	2	0	0

(*f*) No fees shall be payable in respect of an application for a flight radiotelegraphy operator's licence if the applicant holds a current flight radiotelegraphy operator's temporary licence.

(3) For the purposes of this paragraph—

Group A means single-engined aeroplanes of which the maximum total weight authorised does not exceed 12,500 lb.

Group B means aeroplanes, having two or more engines, of which the maximum total weight authorised does not exceed 12,500 lb.

Group C means aeroplanes of which the maximum total weight authorised exceeds 12,500 lb.

Extension of Ratings (*Article* 15)

12.—(1) (*a*) Where an application is made for the extension of the aircraft rating in a private pilot's licence (flying machines) to cover additional types of flying machines the following fees shall be paid:—

	£	s.	d.
For an additional type not in Group C—			
For technical examination (if required)		15	0
For official flying test (if required)	1	10	0
For an additional type in Group C—			
For technical examination (if required)	3	0	0
For official flying test (if required)	1	10	0

(*b*) Where an application is made for the extension of the aircraft rating in a commercial, senior commercial or airline transport pilot's licence (flying machines) to include an additional type or additional types of flying machines there shall be payable a fee of £3 0s. 0d. in respect of one additional type, and if the application is for an extension to include more than one additional type, a fee of £3 0s. 0d. in respect of each additional type.

(*c*) Where an application is made for the extension of the aircraft rating in a flight engineer's licence to include an additional type or additional types of flying machines there shall be payable a fee of £2 0s 0d. in respect of one additional type and, if the application is for an extension to include more than one additional type, a fee of £2 0s. 0d. in respect of each additional type.

(2) For the purposes of this paragraph, Groups A, B and C have the meanings respectively assigned to them by paragraph 11 (3) of this Schedule.

Aerodrome Licences (*Article* 61)

13. Subject to the provisions of this paragraph, the following fees shall be paid in respect of licences for aerodromes, that is to say—

	£	s.	d.
For the grant or renewal of a licence, including official inspection of the aerodrome	6	10	0
For an official inspection of the aerodrome not followed by the grant or renewal of a licence	4	5	0
For the variation of a licence	4	5	0:

Provided that where any such 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 of 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.

Medical Examination

14. The fee to be paid for an official medical examination for the purposes of this Order or any regulations made thereunder shall unless otherwise provided be £1 5s 0d.

Validation of a Licence (Article 17)

15. Where an application is made for the issue of a certificate of validation of a licence under this Order the following fees shall be paid:—

For an official medical examination (if required) For a technical examination (if required) For an official flying test (if required)	In each case the fees appropriate to the issue of a licence equivalent to that for which validation is sought.
For a certificate	10s. 0d.

Copies of Documents

16. The fee to be paid for the issue of a copy or replacement of a document issued under this Order or under regulations made thereunder shall be 10s. 0d.:

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 £8 0s. 0d.

FOURTEENTH SCHEDULE

Article 74

PENALTIES

PART A—PROVISIONS REFERRED TO IN PARAGRAPH (5) OF ARTICLE 74

Article 1.
Article 3.
Paragraph (5) of Article 7.
Article 11.
Paragraph (3) of Article 12.
Article 18.
Article 20.
Article 21.
Paragraph (5) of Article 23.
Article 29 (except paragraph (2)).
Paragraph (1) of Article 39.
Paragraph (1) of Article 40.
Article 48.
Article 53.
Paragraph (2) of Article 57.
Article 63.
Paragraph (1) of Article 66.
Article 71.

PART B. PROVISIONS REFERRED TO IN PARAGRAPH (6) OF ARTICLE 74

Article 4.
Paragraph (1) of Article 6.
Article 7 (except paragraph (5)).
Article 9.
Article 10.
Article 12 (except paragraph (3)).
Article 14.
Article 15.
Article 19.
Article 22.
Article 23 (except paragraph (5)).
Articles 24 to 28, inclusive.
Paragraph (2) of Article 29.
Articles 30 to 38, inclusive.
Paragraph (2) of Article 39.
Paragraph (2) of Article 40.
Article 41.
Article 42.
Articles 44 to 47, inclusive.
Article 49.
Article 55 (except paragraph (3)).
Article 56 (except paragraph (4)).
Article 57 (except paragraph (2)).
Article 58.
Article 59.
Paragraph (4) of Article 61.
Article 65.
Article 68.
Article 72.

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FIFTEENTH SCHEDULE

Article 76

TERRITORIES TO WHICH THIS ORDER APPLIES

Aden (Colony and Protectorate).
Bahamas.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
1963/1966 British Guiana. British Antarctic Territory
British Honduras.
British Solomon Islands Protectorate.
British Virgin Islands.
Central and Southern Line Islands.
Cyprus: Sovereign Base Areas of Akrotiri and Dhekelia.
Falkland Islands and Dependencies.
Fiji.
Gambia (Colony and Protectorate).
Gibraltar.
Gilbert and Ellice Islands Colony.
Hong Kong.
Kenya (Colony and Protectorate).
Malta.
Mauritius.
North Borneo.
St. Helena and Ascension.
Sarawak.
Seychelles.
State of Singapore.
Swaziland.
Tanganyika.
Uganda Protectorate.
The West Indies:—
Antigua.
Barbados.
Cayman Islands.
Dominica.
Grenada.
Jamaica.
Montserrat.
St. Christopher and Nevis and Anguilla.
St. Lucia.
St. Vincent.
Trinidad and Tobago.
Turks and Caicos Islands.
Zanzibar Protectorate.

(The Table below is not part of the Order, but is printed for general information.)

A TABLE SHOWING THE COMPARABLE PROVISIONS IN THE COLONIAL AIR NAVIGATION ORDER, 1955, AS AMENDED

Provision in Colonial Air Navigation Order, 1955 (as amended)	Comparable provision in the Colonial Air Navigation Order, 1961
1	1
2	1 (1) Proviso (ii)
3	2 (1), (6), (7), (8) and (16)
4	2 (2) (3)
5	2 (12)
6 7	2 (9), (10), (11)
8	3 (1) and (3) (*a*)
9	3 (2)
10	3 (3) (*b*)
11	4
12	5 (1) to (6)
13	13
14	7, 12 and 5 (7) and (8)
15	8
16	6
17	26, 24 (1), (2) and (4), 23, 30 and 6 (5) and (6)
18	21, 22 and Tenth Schedule
19	25
20	24 (3)
21	15
22	14
23	16
24	17
25	16 and Ninth Schedule and 15 (4)
26	19
27	11, 29 (4), (5) and (6) and 18
28	51
29	6 (4) and (8) and 23 (5)
30	52
31	54
32	55
33	9
34	10, 6 (1), 14 (5), 8 and 29 (1)
34A to 34I	43 to 50
35	68
36	57
37	33
38	34
39	58
40	37
41	39
42	40
43	9 (5)
44	36
45	35
46	16 (2) Proviso (*a*), 16 (3) and (4) and Ninth Schedule (Part B)
47	20 and Ninth Schedule (Part A)
48	56
49	56 (6)

Provision in Colonial Air Navigation Order, 1955 (as amended)	Comparable provision in the Colonial Air Navigation Order, 1961
50	42
51	61
52	62
53	63
54	60
55	59
56	—
57	64
58	65
59	66
60	67
61	—
62	—
63	—
64	69
65	70
66	71
67	73
68	77
69	74
70	76
71	75
72	78
73	—
74	—
75	79
76	80
77	81
78	82
79	83
80	85
81	86
Schedule I	First Schedule (Part B)
Schedule II	Twelfth Schedule
Schedule III	—
Schedule IV	Thirteenth Schedule
Schedule V	First Schedule (Part A)
Schedule VI	Fifteenth Schedule

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes and re-enacts with modifications the Colonial Air Navigation Order, 1955, as amended, and incorporates some new provisions. Schedule III (Customs) to the Colonial Air Navigation Order, 1955, has not been re-enacted by the present Order.

The principal modifications are as follows:—

(*a*) Gliders, balloons and kites flown solely within the Colony are in general exempted from the requirements of registration (Article 1 (1)) and of a certificate of airworthiness, unless flown for public transport or aerial work. (Article 4 (1).)

(*b*) Power is conferred on the Governor to modify by regulations the aircraft registration provisions of the Order so as to facilitate the temporary interchange of aircraft between Colony operators and other operators. (Article 2.)

(*c*) A body corporate is no longer disqualified from owning an aircraft registered in the Colony by reason of the chairman and two-thirds of the directors not being qualified to do so. An alien residing or having a place of business in the Colony may register an aircraft there, but an aircraft so registered may not fly for public transport or aerial work. An aircraft chartered by demise to a person qualified to own an aircraft registered in the Colony may be so registered notwithstanding that the owner of the aircraft is an unqualified person. (Article 2.)

(*d*) Provision is made for a technical log in which commanders of aircraft must record the flying hours of, and any defects in, the aircraft; and for a certificate of compliance to cover inspections, overhauls, repairs, replacements and modifications. (Articles 5 to 7.)

(*e*) Glider pilots and persons under training are now allowed to operate aircraft radiotelephony installations in certain circumstances without having a flight radiotelephony operator's licence. (Article 15.)

(*f*) A new provision allows the holder of a flight crew licence issued by a State party to the Chicago Convention of 1944 to act, without validation of the licence, as a member of the flight crew of an aircraft registered in the Colony when the aircraft is not flying for public transport or aerial work. (Article 15.)

(*g*) The number of types of flight crew licences has been reduced. (Article 16.)

(*h*) an operations manual is required for all public transport aircraft, without exception, and a copy of the manual is required to be carried on the aircraft. (Article 21.)

(*i*) The particulars required to be included in the load sheet have been modified. (Article 23.)

(*j*) A limit of length is set to the combination of towing aircraft and glider. Signals are required to be arranged beforehand between the glider and the towing aircraft, and the snatch pick-up of gliders is prohibited. (Article 30.)

(*k*) The dropping or projection of articles, animals or persons, save in emergency or for certain specified purposes, is prohibited. The raising or lowering of articles, etc., by helicopters will be lawful if the aircraft's certificate of airworthiness so permits. (Article 32.)

(*l*) The provisions as to flight times, rest periods and duty periods are extended to aircraft operated by transport undertakings whether or not the particular flight is for public transport, but excluding flying clubs and flying schools. (Article 43.)

(*m*) The discretion of a commander of an aircraft to allow a departure from the flight time limitations in case of unavoidable and unforeseen delay to a flight is applied to all aircraft and is no longer confined to public transport aircraft. (Article 50.)

(*n*) The purposes for which the Governor may make regulations prohibiting or restricting flying over a specified area are extended to include the public interest as well as national defence. (Article 57.)

(*o*) The requirement that aircraft engaged in the public transport of passengers may only land and take-off in the Colony at Government or licensed aerodromes is modified—

(i) by a revision of the exception, in particular by restricting it in the case of aeroplanes to those not exceeding 6,000 lb. maximum total weight authorised when not engaged on certain types of flight;

(ii) by extending the requirement to aircraft in use for instruction in flying.

(Article 59.)

(*p*) The maximum penalties for offences against the Order are arranged in the following categories:—

(i) the maximum penalties which may be imposed under s. 8 (4) of the Civil Aviation Act, 1949;

(ii) a middle category for less serious offences;

(iii) a category for minor offences.

(Article 74 and the Fourteenth Schedule.)

(*q*) An aircraft is no longer treated as a military aircraft by reason of its being commanded by a person on duty in Her Majesty's Forces or in a visiting force, but under Article 15 (5) such persons are excepted from the requirement of civil flight crew licences. The Order does not apply to military aircraft except when flown by civilians, in which case only certain Articles apply. (Article 78.)

(*r*) Powers and duties hitherto conferred on the East Africa High Commission are now to be conferred on the East African Common Services Authority, when that body is established. (Articles 80 and 81 (1).)

(*s*) The definition of "military aircraft" is changed so as to include aircraft being constructed for military purposes under a Government contract. (Article 81.)

(*t*) Provision is made to exclude from the application of the Order (except where otherwise provided) toy balloons and kites and model aircraft. (Article 84.)