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STATUTORY INSTRUMENTS

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**2013 No. 2870**

**The Air Navigation (Overseas Territories) Order 2013**

**PART 5**

**PROTECTION OF CREW**

**Application and interpretation of Part 5**

**61.**—(1) Subject to paragraph (2), articles 62 and 63 apply to an aircraft registered in the Territory that is either—

- (a) flying on a commercial air transport flight;
- (b) operated by an air transport undertaking; or
- (c) operated by a person or organisation to which article 132 applies.

(2) Articles 62 and 63 do not apply to an aircraft in flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school.

(3) In this Part—

- (a) “flight time”, in relation to any person, means all time spent by that person in—
  - (i) a civil aircraft whether or not registered in the Territory (other than an aircraft of which the maximum total weight authorised does not exceed 1600kg and which is not flying for the purpose of commercial air transport or aerial work); or
  - (ii) a military aircraft;while it is in flight and the person is carried as a member of the crew; and
- (b) a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

**Fatigue of crew - operator’s responsibilities**

**62.**—(1) The operator of an aircraft to which this article applies must not cause or permit that aircraft to make a flight unless the operator has established a fatigue management scheme for the regulation of flight times, flight duty periods, duty periods and rest period limitations for every person flying in that aircraft as a member of its crew.

(2) Subject to paragraph (7), the scheme established under paragraph (1) must be approved by the Governor.

(3) The scheme established under paragraph (1) must—

- (a) be incorporated in the operations manual required by either article 96 or article 134; or
- (b) in any case where an operations manual is not required by either of those articles, be incorporated in a document a copy of which has been made available to every person flying in that aircraft as a member of its crew.

(4) The operator must take all steps reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(5) The operator of an aircraft to which this article applies must not cause or permit any person to fly as a member of its crew if the operator knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue whilst so flying as may endanger the safety of the aircraft or of its occupants.

(6) The operator of an aircraft to which this article applies must not cause or permit any person to fly as a member of its flight crew unless the operator possesses an accurate and up to date record in respect of that person, and in respect of the 28 days immediately preceding the flight, showing—

- (a) all the person's flight times, and
- (b) brief particulars of the nature of the functions performed by the person in the course of the flight times.

(7) Paragraph (2) does not apply to the operator of an aircraft registered in the Territory of any class, or which is used in any of the cases, identified in article 132(2).

#### **Fatigue of crew - responsibilities of crew**

**63.**—(1) Persons must not act as members of the crew of an aircraft to which this article applies if they know or suspect that they are suffering from, or, having regard to the circumstances of the flight to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person must not act as a member of the flight crew of an aircraft to which this article applies without first ensuring that the operator of the aircraft is aware of that person's flight times during the period of 28 days preceding the flight.

#### **Flight times - responsibilities of flight crew**

**64.**—(1) Subject to paragraph (2), a person must not act as a member of the flight crew of an aircraft registered in the Territory if at the beginning of the flight the aggregate of all that person's previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article does not apply to a flight that is a private flight in an aircraft of which the maximum total weight does not exceed 1600kg.

(3) This article does not apply to a private or aerial work flight, which is not operated by an air transport undertaking if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since last being medically examined and found fit by a person approved by the Governor for the purpose of article 54(2) is not more than 25 hours.

#### **Protection of aircrew from cosmic radiation**

**65.**—(1) A relevant undertaking must take appropriate measures to—

- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses experienced by highly exposed air crew; and

(c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking must ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in paragraph (2) requires the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.

(4) The definition in article 3 of “crew” does not apply for the purposes of this article.

(5) In this article and in article 66—

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

(b) “undertaking” includes a natural or legal person and “relevant undertaking” means an undertaking established in the Territory which operates aircraft;

(c) “year” means any period of twelve months.

#### **Keeping and production of records of exposure to cosmic radiation**

**66.**—(1) A relevant undertaking must keep a record for the period and in the manner specified by the Governor of the exposure to cosmic radiation of air crew assessed under article 65 and the names of the air crew concerned.

(2) A relevant undertaking must, within a reasonable period after being requested to do so by an authorised person, produce to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking must, within a reasonable period after being requested to do so by a person, in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.