LEGAL NOTICE NO. 97

THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (OPERATION OF AIRCRAFT-HELICOPTER) REGULATIONS, 2018

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THE CIVIL AVIATION ACT

(No. 21 *of* 2013*)*

IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development makes the following Regulations—

THE CIVIL AVIATION (OPERATION OF AIRCRAFT-HELICOPTER) REGULATIONS, 2018

PART I—PRELIMINARY PROVISIONS

Citation.

1. These Regulations may be cited as the Civil Aviation (Operation of Aircraft -Helicopter) Regulations 2018.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

"Act" means the Civil Aviation Act, 2013;

"Aerial work" means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc;

"Aerodrome" means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"Aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

"Aircraft operating manual" means a manual, acceptable to the Authority, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft;

"Air Operator Certificate (AOC)" means a certificate authorizing an operator to carry out specified commercial air transport operations;

"Air Traffic Service (ATS)" is a generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service);

"Airworthy" means the status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation;

"Alternate heliport" means a heliport to which a helicopter may proceed when it becomes either impossible or inadvisable to proceed to or to land at the heliport of intended landing where the necessary services and facilities are available, where aircraft performance requirements can be met and which is operational at the expected time of use. Alternate heliports include the following—

(a) "*Take-off alternate*" means an alternate heliport at which a helicopter would be able to land should this become necessary shortly after take-off and it is not possible to use the heliport of departure;

(b) *En-route alternate*. An alternate heliport at which a helicopter would be able to land in the event that a diversion becomes necessary while en route;

(c) *Destination alternate*. An alternate heliport at which a helicopter would be able to land should it become either impossible or inadvisable to land at the heliport of intended landing;

"Approach and landing phase — helicopters" means that part of the flight from 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or from the commencement of the descent in the other cases, to landing or to the balked landing point;

"Area Navigation (RNAV)" means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground- or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these;

"Cabin crew member" means crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who shall not act as a flight crew member;

"Certificate of release to service" means a document which contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner, either in accordance with the approved data and the procedures described in the maintenance organization's procedures manual or under an equivalent system;

"Combined Vision System (CVS)" means a system to display images from a combination of an enhanced vision system (EVS) and a synthetic vision system (SVS);

"Commercial air transport operation" means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

"Configuration Deviation List (CDL)" means a list established by the organization responsible for the type design with the approval of the State of Design which identifies any external parts of an aircraft type which may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

"Congested area" means in relation to a city, town or settlement, any area which is substantially used for residential, commercial or recreational purposes;

"Congested hostile environment" means a hostile environment within a congested area;

"Continuing airworthiness" means the set of processes by which an aircraft, engine, rotor or part complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life;

"Continuous Descent Final Approach (CDFA)" means a technique, consistent with stabilized approach procedures, for flying the final approach segment of a non-precision instrument approach procedure as a continuous descent, without level-off, from an altitude or height at or above the final approach fix altitude or height to a point approximately 15 m (50 ft) above the landing runway threshold or the point where the flare manoeuvre should begin for the type of aircraft flown;

"Contracting State" means all States that are parties to the Convention on International Civil Aviation (Chicago Convention);

"Crew member" means a person assigned by an operator to duty on an aircraft during a flight duty period;

"Dangerous goods" means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those instructions;

"Decision Altitude (DA) or Decision Height (DH)" means a specified altitude or height in a three-dimensional (3D) instrument approach operation at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

"Defined Point After Take-Off (DPATO)" means the point, within the take-off and initial climb phase, before which the helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"Defined Point Before Landing (DPBL)" means the point, within the approach and landing phase, after which the helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"Electronic Flight Bag (EFB)" means an electronic information system, comprised of equipment and applications for flight crew, which allows for the storing, updating, displaying and processing of EFB functions to support flight operations or duties;

"Elevated heliport" means a heliport located on a raised structure on land;

"Emergency Locator Transmitter (ELT)" means a generic term describing equipment which broadcast distinctive signals on designated frequencies and, depending on application, may be activated automatically on impact or be manually and an ELT may be any of the following—

(a) *Automatic Fixed ELT (ELT(AF))*. An automatically activated ELT which is permanently attached to an aircraft;

(b) *Automatic Portable ELT (ELT(AP))*. An automatically activated ELT which is rigidly attached to an aircraft but readily removable from the aircraft;

(c) *Automatic Deployable ELT (ELT(AD))*. An ELT which is rigidly attached to an aircraft and which is automatically deployed and activated by impact, and, in some cases, also by hydrostatic sensors. Manual deployment is also provided;

(d) *Survival ELT (ELT(S))*. An ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors;

"Engine" means a unit used or intended to be used for aircraft propulsion. It consists of at least those components and equipment necessary for functioning and control, but excludes the propeller/rotors (if applicable);

"Enhanced Vision System (EVS)" means a system to display electronic real-time images of the external scene achieved through the use of image sensors;

"en-route phase" means that part of the flight from the end of the take-off and initial climb phase to the commencement of the approach and landing phase;

Note: Where adequate obstacle clearance cannot be guaranteed visually, flights must be planned to ensure that obstacles can be cleared by an appropriate margin. In the event of failure of the critical engine, operators may need to adopt alternative procedures;

"Final Approach and Take-Off area (FATO)" means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced and where the FATO is to be used by helicopters operating in performance Class 1, the defined area includes the rejected take-off area available;

"Final Approach Segment (FAS)" means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;

"Flight crew member" means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

"Flight duty period" means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

"Flight manual" means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

"Flight operations officer/flight dispatcher" means a person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified in accordance with the Civil Aviation (Personnel) Licensing Regulations, who supports, briefs or assists the pilot-in-command in the safe conduct of the flight;

"Flight plan" means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

"Flight recorder" means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation;

"Flight safety documents system" means a set of interrelated documentation established by the operator, compiling and organizing information necessary for flight and ground operations, and comprising, as a minimum, the operations manual and the operator's maintenance control manual;

"Flight simulation training device" means any one of the following three types of apparatus in which flight conditions are simulated on the ground—

(a) *A flight simulator*, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc. aircraft systems control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;

(b) *A flight procedures trainer*, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class;

(c) *A basic instrument flight trainer,* which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions

"Flight time — helicopters" means the total time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;

"General aviation operation" means an aircraft operation other than a commercial air transport operation or an aerial work operation;

"Ground handling" means services necessary for an aircraft's arrival at, and departure from, an airport, other than air traffic services;

"Head-Up Display (HUD)" means a display system that presents flight information into the pilot's forward external field of view;

"Helicopter" means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

"Helideck" means a heliport located on a floating or fixed offshore structure;

"Heliport" means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

"Heliport operating minima" means the limits of usability of a heliport for—

(a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;

(b) landing in 2D instrument approach operations, expressed in terms of visibility or runway visual range, Minimum Descent Altitude/Height (MDA/H) and, if necessary, cloud conditions; and

(c) landing in 3D instrument approach operations, expressed in terms of visibility or runway visual range and Decision Altitude/Height (DA/H) as appropriate to the type or category of the operation;

"Hostile environment" means an environment in which—

(a) a safe forced landing cannot be accomplished because the surface and surrounding environment are inadequate;

(b) the helicopter occupants cannot be adequately protected from the elements;

(c) search and rescue response or capability is not provided consistent with anticipated exposure; or

(d) there is an unacceptable risk of endangering persons or property on the ground;

"Human Factors principles" means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

"Human Performance" means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;

"instrument approach operations" means an approach and landing using instruments for navigation guidance based on an instrument approach procedure. There are two methods for executing instrument approach operations—

(a) a two- dimensional (2D) instrument approach operation, using lateral navigation guidance only; and

(b) a three-dimensional (3D) instrument approach operation, using both lateral and vertical navigation guidance;

"Instrument Approach Procedure (IAP)" means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply. Instrument approach procedures are classified as follows—

(a) Non-Precision Approach (NPA) procedure An instrument approach procedure designed for 2D instrument approach operations Type A;

(b) Approach Procedure with Vertical guidance (APV). A Performance -Based Navigation (PBN) instrument approach procedure designed for 3D instrument approach operations Type A;

(c) Precision Approach (PA) procedure. An instrument approach procedure based on navigation systems (ILS, MLS, GLS and SBAS CAT I) designed for 3D instrument approach operations Type A or B;

"Instrument Meteorological Conditions (IMC)" means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

"Integrated survival suit" means a survival suit which meets the combined requirements of the survival suit and life jacket;

"Landing Decision Point (LDP)" means the point used in determining landing performance from which, an engine failure occurring at this point, the landing may be safely continued or a balked landing initiated;

"maintenance" means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification and the embodiment of a modification or repair;

"Maintenance organization's procedures manual" means a document endorsed by the head of the maintenance organization which details the maintenance organization's structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems;

"Maintenance programme" means a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;

"Master Minimum Equipment List (MMEL)" means a list established for a particular aircraft type by the organization responsible for the type design with the approval of the State of Design containing items, one or more of which is permitted to be unserviceable at the commencement of a flight. The MMEL may be associated with special operating conditions, limitations or procedures;

"Maximum mass" means maximum certificated take-off mass;

"Minimum Descent Altitude (MDA) or minimum descent height (MDH)" means a specified altitude or height in a 2D instrument approach operation or circling approach operation below which descent must not be made without the required visual reference;

"Minimum Equipment List (MEL)" means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type;

"Navigation specification" means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace. There are two kinds of navigation specifications—

(a) "Required Navigation Performance (RNP) specification" means a navigation specification based on area navigation that includes the requirement for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH;

(b) "Area navigation (RNAV) specification" means a navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1;

"night" means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

"Non-congested hostile environment" means a hostile environment outside a congested area;

"Non-hostile environment" means an environment in which—

(a) a safe forced landing can be accomplished because the surface and surrounding environment are adequate;

(b) the helicopter occupants can be adequately protected from the elements;

(a) search and rescue response or capability is provided consistent with anticipated exposure; and

(b) the assessed risk of endangering persons or property on the ground is acceptable;

"Obstacle Clearance Altitude (OCA) or Obstacle Clearance Height (OCH)" means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria;

"Offshore operations" means operations which routinely have a substantial proportion of the flight conducted over sea areas to or from offshore locations. Such operations include, but are not limited to, support of offshore oil, gas and mineral exploitation and sea-pilot transfer;

"Operation" means an activity or group of activities which are subject to the same or similar hazards and which require a set of equipment to be specified, or the achievement and maintenance of a set of pilot competencies, to eliminate or mitigate the risk of such hazards;

"Operational control" means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

"Operational flight plan" means the operator's plan for the safe conduct of the flight based on considerations of helicopter performance, other operating limitations and relevant expected conditions on the route to be followed and at the heliports concerned;

"Operations in performance Class 1" means operations with performance such that, in the event of a critical engine failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, unless the failure occurs prior to reaching the Take-off Decision Point (TDP) or after passing the Landing Decision Point (LDP), in which cases the helicopter must be able to land within the rejected take-off or landing area;

"Operations in performance Class 2" means operations with performance such that, in the event of critical engine failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which cases a forced landing may be required;

"Operations in performance Class 3" means operations with performance such that, in the event of an engine failure at any time during the flight, a forced landing will be required;

"Operations manual" means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

"Operations specifications" means the authorizations, conditions and limitations associated with the air operator certificate and subject to the conditions in the operations manual;

"Operator" means the person, organization or enterprise engaged in or offering to engage in an aircraft operation;

"Operator's maintenance control manual" means a document which describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner;

"Performance-Based Communication (PBC)" means communication based on performance specifications applied to the provision of air traffic services;

"Performance-Based Navigation (PBN)" means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

"Performance-Based Surveillance (PBS)" means surveillance based on performance specifications applied to the provision of air traffic services;

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

"Point of no return" means the last possible geographic point at which an aircraft can proceed to the destination aerodrome as well as to an available en-route alternate aerodrome for a given flight;

"prescribed" means prescribed by the Authority;

"Psychoactive substances" means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded;

"repair" means the restoration of an aeronautical product to an airworthy condition to ensure that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of the type certificate for the respective aircraft type, after it has been damaged or subjected to wear;

"Required Communication Performance (RCP) specification" means a set of requirements for air traffic service provision and associated ground equipment, aircraft capability, and operations needed to support performance-based communication;

"Required Surveillance Performance (RSP) specification" means a set of requirements for air traffic service provision and associated ground equipment, aircraft capability, and operations needed to support performance-based surveillance;

"Runway Visual Range (RVR)" means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

"Safe forced landing" means unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

"Safety Management System (SMS)" means a systematic approach to managing safety, including the necessary organizational structures, accountability, responsibilities, policies and procedures;

"Series of flights" means series of flights or consecutive flights that—

(a) begin and end within a period of 24 hours; and

(b) are all conducted by the same pilot-in-command;

"State of Registry" means the State on whose register the aircraft is entered;

"State of the Aerodrome" means the State in whose territory the aerodrome is located;

"Synthetic Vision System (SVS)" means a system to display data-derived synthetic images of the external scene from the perspective of the flight deck;

"Take-off and initial climb phase" means that part of the flight from the start of take-off to 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or to the end of the climb in the other cases;

"Take-off Decision Point (TDP)" means the point used in determining take-off performance from which, an engine failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;

"Tribunal" means the National Civil Aviation Administrative Review Tribunal established under section 66 of the Act;

"Visual Meteorological Conditions (VMC)" means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima; and

"Vertical Take-off Safety Speed (V_{TOSS})" means the minimum speed at which climb shall be achieved with the critical engine inoperative, the remaining engines operating within approved operating limits.

PART II—GENERAL OPERATIONS REQUIREMENTS

Compliance with laws, regulations and procedures.

3. (1) The operator of a Kenyan registered helicopter shall—

(a) comply with the Kenyan laws, regulations and procedures;

(b) comply with the laws, regulations and procedures of any other State in which operations are conducted.

(2) The operator shall ensure that all pilots are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the heliports to be used and the air navigation facilities relating thereto.

(3) The operator shall ensure that other members of the flight crew are familiar with such of these regulations and procedures as are pertinent to the performance of their respective duties in the operation of the helicopter.

(4) The operator or a designated representative shall have responsibility for operational control.

(5) Responsibility for operational control shall be delegated only to the pilot-in-command and to a flight operations officer/flight dispatcher if the operator's approved method control and supervision of flight operations requires the use of flight operations officer/flight dispatcher personnel.

(6) If an emergency situation which endangers the safety of the helicopter or persons becomes known first to the flight operations officer/flight dispatcher, action by that person, where necessary, shall notify the appropriate authorities of the nature of the situation without delay, and requests for assistance if required.

(7) If an emergency situation which endangers the safety of the helicopter or persons necessitates the taking of action which involves a violation of local regulations or procedures, the pilot-in-command shall notify the appropriate local authority without delay. If required by the State in which the incident occurs, the pilot-in-command shall submit a report on any such violation to the appropriate authority of such State; in that event, the pilot-in-command shall also submit a copy of it to the Authority. Such reports shall be submitted as soon as possible and normally within ten days.

(8) The operator shall ensure the pilot-in-command has available on board the helicopter all the essential information concerning the search and rescue services in the area over which the helicopter will be flown.

(9) The operator shall ensure that flight crew members demonstrate the ability to speak and understand the language used for radiotelephony communications as specified in Civil Aviation (Personnel Licensing)Regulations.

Compliance by a foreign operator with laws, regulations and procedures of a state.

4. (1) When the Authority identifies a case of non-compliance or suspected non-compliance by a foreign operator with the laws, regulations and procedures applicable within Kenya, or a similar serious safety issue with that operator, the Authority shall immediately notify the operator and, if the issue warrants it, the State of the operator.

(2) Where the State of Operator and the State of Registry are different, such notification referred to under sub regulation (1) shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.

(3) In the case of notification to States as specified in sub regulation (1), if the issue and its resolution warrant it, the Authority shall engage in consultations with the State of operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

Safety management.

5. (1) An o perator shall not operate a helicopter of a certified take-off mass in excess of 7 000 kg or having a passenger seating configuration of more than 9 and fitted with a flight data recorder unless that person has established and maintained a flight data analysis programme, acceptable to the authority as part of its safety management system.

(2) The operator may, with the approval of the Authority, contract the operation of a flight data analysis programme to another party while retaining overall responsibility for the maintenance of such a programme.

(3) A flight data analysis programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

(4) The operator shall establish a flight safety documents system, acceptable to the Authority, for the use and guidance of operational personnel, as part of its safety management system.

(5) No person shall carry dangerous goods on board a helicopter unless the dangerous goods are carried in compliance with the provisions for carriage of dangerous goods contained in Civil Aviation (Air Operator Certification & Administration) Regulations.

Dangerous goods.

6. A person shall not carry dangerous goods on board a helicopter unless the dangerous goods are carried in compliance with the provisions for carriage of dangerous goods contained in Civil Aviation (Air Operator Certification & Administration) Regulations.

Use of Psychoactive substances.

7. (1) A flight crew member shall not perform any function specified in the privileges applicable to his or her licence if he or she is under the influence of any psychoactive substance which may render him or her unable to perform such functions in a safe and proper manner.

(2) A safety-sensitive personnel shall not undertake any of their function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

PART III-FLIGHT OPERATIONS

Operating facilities.

8. (1) The operator shall ensure that a flight shall not be commenced unless it has been ascertained by every reasonable means available that the ground or water facilities available and directly required on such flight, for the safe operation of the helicopter and the protection of the passengers, are adequate for the type of operation under which the flight is to be conducted and are adequately operated for this purpose.

(2) The operator shall ensure that any inadequacy of facilities observed in the course of operations is reported to the authority responsible for them, without undue delay.

Operational Certification and supervision

The air operator certificate.

9. (1) The operator shall not engage in commercial air transport operations unless in possession of a valid Air Service License and a valid Air Operator Certificate issued by the Authority.

(2) The Air Operator Certificate shall authorize the operator to conduct commercial air transport operations in accordance with the operations specifications.

(3) The issue of an Air Operator Certificate by the Authority shall be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme as well as ground handling and maintenance arrangements consistent with the nature and extent of the operations specified.

(4) The continued validity of an Air Operator Certificate shall depend upon the operator maintaining the requirements of sub-regulation (3) under the supervision of the Authority.

(5) The Air Operator Certificate shall contain at least the following information in accordance with the Civil Aviation (Air Operator Certificate and Administration) Regulations—

(a) the State of the Operator and the issuing authority;

(b) the Air Operator Certificate number and its expiration date;

(c) the operator name, trading name (if different) and address of the principal place of business;

(d) the date of issue, name, signature and title of the authority representative; and

(e) the location, in a controlled document carried on board, where the contact details of operational management can be found.

(6) The operations specifications associated with the air operator certificate shall contain at least the information listed in accordance with the Civil Aviation (Air Operator Certificate and Administration) Regulations.

(7) Air Operator Certificate and the associated Operations Specifications shall follow the layout in accordance with the Civil Aviation (Air Operator Certificate and Administration) Regulations.

(8) The Authority shall establish a system for both certification and surveillance of operators in accordance with the Civil Aviation (Air Operator Certificate and Administration) Regulations and Civil Aviation (Safety Management) Regulations to ensure that the required standards of operations established are maintained.

Surveillance of operations by a foreign operator.

10. (1) The Authority shall recognize as valid an Air Operator Certificate issued by another Contracting State provided that the requirements under which the certificate was issued are at least equal to the applicable standards.

(2) The Authority shall establish a programme with procedures for the surveillance of operations in Kenya by foreign operators and for taking appropriate action when necessary to preserve safety.

(3) The operator shall meet and maintain the requirements established by the Authority.

Operations manual.

11. (1) The operator shall provide for the use and guidance of operations personnel concerned, an operations manual as prescribed and developed in accordance with the Civil Aviation (Air Operator Certificate and Administration) Regulations. The Operations Manual shall be amended or revised as is necessary to ensure that the information contained therein is kept up to date. All such amendments or revisions shall be notified to all personnel that are required to use this manual.

(2) The Authority shall establish a requirement for the operator to provide a copy of the operations manual together with all amendments or revisions, for review and acceptance and, where required, approval.

The operator shall incorporate in the operations manual such mandatory material as the Authority may require

Operating instructions — general.

12. (1) The operator shall ensure that all operations personnel are properly instructed in their particular duties, responsibilities and the relationship of such duties to the operation as a whole.

(2) A helicopter rotor shall not be turned under power, for the purpose of flight, without a qualified pilot at the controls. The operator shall provide appropriately specific training and procedures to be followed for all personnel, other than qualified pilots, who are likely to carry out the turning of a rotor under power for purposes other than flight.

(3) The operator shall issue operating instructions and provide information on helicopter climb performance with all engines operating to enable the pilot-in-command to determine the climb gradient that can be achieved during the take-off and initial climb phase for the existing take-off conditions and intended take-off technique. This information shall be based on the helicopter manufacturer's or other data, acceptable to the Authority, and should be included in the operations manual.

In-flight simulation of emergency situations.

13. The operator shall ensure that when passengers or cargo are being carried, no emergency or abnormal situations shall be simulated.

Checklists.

14. The checklists provided in accordance with these Regulations shall be used by flight crews prior to, during and after all phases of operations, and in emergency, to ensure compliance with the operating procedures contained in the helicopter operating manual, the helicopter flight manual or other documents associated with the certificate of airworthiness and otherwise in the operations manual. The design and utilization of checklists shall observe Human Factors principles.

Minimum flight altitudes (operations under IFR).

15. (1) The operator shall be permitted to establish minimum flight altitudes for those routes flown for which minimum flight altitudes have been established by the State flown over or the responsible State, provided that they shall not be less than those established by that State, unless specifically approved.

(2) The minimum flight altitudes determined in accordance with the above method shall not be lower than specified in Civil Aviation (Rules of the air) Regulations.

(3) The operator shall specify the method by which the operator intends to determine minimum flight altitudes for operations conducted over routes for which minimum flight altitudes have not been established by the State flown over, or the responsible State, and shall include this method in the operations manual.

(4) The method for establishing the minimum flight altitudes shall be approved by the Authority.

(5) The Authority shall approve the operator's method for establishing the minimum flight altitudes only after careful consideration of the probable effects of the following factors on the safety of the operation in question—

(a) the accuracy and reliability with which the position of the helicopter can be determined;

(b) inaccuracies in the indications of the altimeters used;

(c) the characteristics of the terrain (e.g. sudden changes in the elevation);

(d) the probability of encountering unfavourable meteorological conditions (e.g. severe turbulence and descending air currents);

(e) possible inaccuracies in aeronautical charts; and airspace restrictions.

Heliport or landing location operating minima.

16. (1) The operator shall establish operating minima for each heliport or landing location to be used in operations and the method of determination of such minima shall be approved by the Authority and such minima shall not be lower than any that may be established for such heliports or landing locations by the Authority, except when specifically approved.

(2) The Authority may approve operational credit(s) for operations with helicopters equipped with automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS. Such approvals shall not affect the classification of the instrument approach procedure. Operational credit includes—

(a) for the purposes of an approach ban; a minima below the heliport or landing location operating minima;

(b) reducing or satisfying the visibility requirements; or

(c) requiring fewer ground facilities as compensated for by airborne capabilities.

(3) The Authority shall require that in establishing the operating minima for each heliport or landing location which will apply to any particular operation, full account shall be taken of—

(a) the type, performance and handling characteristics of the helicopter;

(b) the composition of the flight crew, their competence and experience;

(c) the physical characteristics of the heliport, and direction of approach;

(d) the adequacy and performance of the available visual) and non-visual ground aids;

(e) the equipment available on the helicopter for the purpose of navigation, acquisition of visual references and/or control of the flight path during the approach, landing and missed approach;

(f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;

(g) means used to determine and report meteorological conditions; and

(h) the obstacles in the climb-out areas and necessary clearance margins.

(4) Instrument approach operations shall be classified based on the designed lowest operating minima below which an approach operation shall only be continued with the required visual reference as follows—

(a) Type A: a minimum descent height or decision height at or above 75 m (250 ft); and

(b) Type B: a decision height below 75 m (250 ft). Type B instrument approach operations are categorized as—

(i) Category I (CAT I): a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;

(ii) Category II (CAT II): a decision height lower than 60 m (200 ft), but not lower than 30 m (100 ft) and a runway visual range not less than 300 m;

(iii) Category IIIA (CAT IIIA): a decision height lower than 30 m (100 ft) or no decision height and a runway visual range not less than 175 m;

(iv) Category IIIB (CAT IIIB): a decision height lower than 15 m (50 ft), or no decision height and a runway visual range less than 175 m but not less than 50 m; and

(v) Category IIIC (CAT IIIC): no decision height and no runway visual range limitations.

(5) Category II and Category III instrument approach operations shall not be authorized unless RVR information is provided.

(6) The operating minima for 2D instrument approach operations using instrument approach procedures shall be determined by establishing a minimum descent altitude (MDA) or minimum descent height (MDH), minimum visibility and, if necessary, cloud conditions.

(7) The operating minima for 3D instrument approach operations using instrument approach procedures shall be determined by establishing a decision altitude (DA) or decision height (DH) and the minimum visibility or RVR.

Fuel and oil records.

17. (1) The operator shall maintain fuel and oil records to enable the Authority to ascertain that, for each flight, the requirements of Regulation 25 have been complied with.

(2) Fuel and oil records shall be retained by the operator for a period of three months.

Crew.

18. (1) For each flight, the operator shall designate one pilot to act as pilot-in-command.

(2) The operator shall formulate rules to limit flight time and flight duty periods and for the provision of adequate rest periods for all its crew members. These rules shall be in accordance with the regulations established by the Authority, and included in the operations manual.

(3) The operator shall maintain current records of the flight time, flight duty periods and rest periods of all its crew members.

Passengers

19. (1) The pilot in command shall ensure that passengers are made familiar with the location and use of—

(a) seat belts or harnesses;

(b) emergency exits;

(c) life jackets, if the carriage of life jackets is prescribed;

(d) other emergency equipment provided for individual use, including passenger emergency briefing cards

(2) The operator shall ensure that the passengers are informed of the location and general manner of use of the principal emergency equipment carried for collective use.

(3) The operator shall ensure that in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(4) The operator shall ensure that, during take-off and landing and whenever considered necessary by reason of turbulence or any emergency occurring during flight, all passengers on board a helicopter shall be secured in their seats by means of the seat belts or harnesses provided.

Over-water flights.

20. A person shall not operate a helicopter on flights over water in a hostile environment in accordance with these regulation unless the helicopter is certificated for ditching. Sea state shall be an integral part of ditching information.

Flight preparation.

21. (1) The pilot in command shall not commence a flight, or series of flights, until flight preparation forms have been completed certifying that the pilot-in-command is satisfied that—

(a) the helicopter is airworthy;

(b) the instruments and equipment prescribed in Civil Aviation (Instrument and Equipment) Regulations, for the particular type of operation to be undertaken, are installed and are sufficient for the flight;

(c) a certificate of release to service has been issued in respect of the helicopter;

(d) the mass of the helicopter and centre of gravity location are such that the flight can be conducted safely, taking into account the flight conditions expected;

(e) any load carried is properly distributed and safely secured;

(f) a check has been completed indicating that the operating limitations of Part III can be complied with for the flight to be undertaken; and

(g) the Standards of these regulations relating to operational flight planning have been complied with.

(2) Completed flight preparation forms shall be kept by the operator for a period of three months.

Operational flight planning.

22. (1) A person shall not commence a flight in a helicopter unless there is a an operational flight plan completed for every intended flight or series of flights, and approved by the pilot-in-command, and shall be lodged with the appropriate authority. The operator shall determine the most efficient means of lodging the operational flight plan.

(2) The operations manual shall describe the content and use of the operational flight plan.

Alternate heliports.

23. (1) A person shall not commence a flight unless a take-off alternate heliport is selected and specified in the operational flight plan if the weather conditions at the heliport of departure are at or below the applicable heliport operating minima.

(2) A person shall not commence a flight unless the information available for the heliport to be selected as a take-off alternate indicates that, at the estimated time of use, the conditions will be at or above the heliport operating minima for that operation.

(3) For a flight to be conducted in accordance with IFR, at least one destination alternate shall be specified in the operational flight plan and the flight plan, unless—

(a) the duration of the flight and the meteorological conditions prevailing are such that there is reasonable certainty that, at the estimated time of arrival at the heliport of intended landing, and for a reasonable period before and after such time, the approach and landing may be made under visual meteorological conditions as prescribed by the Authority; or

(b) the heliport of intended landing is isolated and no alternate is available. A point of no return (PNR) shall be determined.

(4) For a heliport to be selected as a destination alternate, the available information shall indicate that, at the estimated time of use, the conditions will be at or above the heliport operating minima for that operation.

(5) For a flight departing to a destination which is forecast to be below the heliport operating minima, two destination alternates should be selected and the first destination alternate should be at or above the heliport operating minima for destination and the second at or above the heliport operating minima for alternate.

(6) When an offshore alternate heliport is specified, it shall be specified subject to the following—

(a) the offshore alternate heliport shall be used only after a PNR. Prior to a PNR, onshore alternate heliports shall be used;

(b) mechanical reliability of critical control systems and critical components shall be considered and taken into account when determining the suitability of the alternate heliport(s);

(c) one engine inoperative performance capability shall be attainable prior to arrival at the alternate heliport;

(d) to the extent possible, deck availability shall be guaranteed; and

(e) weather information must be reliable and accurate.

(7) Offshore alternate heliports shall not be used when it is possible to carry enough fuel to have an onshore alternate and offshore alternate heliports shall not be used in a hostile environment.

Meteorological conditions.

24. (1) A person shall not commence a VFR flight unless current meteorological reports or a combination of current reports and forecasts indicate that the meteorological conditions along the route or that part of the route to be flown or in the intended area of operations under VFR will, at the appropriate time, be such as to enable compliance with these rules.

(2) A person shall not commence an IFR flight unless information is available which indicates that conditions at the destination heliport or landing location or, when an alternate is required, at least one alternate heliport will, at the estimated time of arrival, be at or above the heliport operating minima.

(3) To ensure that an adequate margin of safety is observed in determining whether or not an approach and landing can be safely carried out at each alternate heliport or landing location, the operator shall specify appropriate incremental values for height of cloud base and visibility, acceptable to the Authority, to be added to the operator's established heliport or landing location operating minima.

(4) A person shall not commence a flight to be operated in known or expected icing conditions unless the helicopter is certificated and equipped to cope with such conditions.

(5) A person shall not commence a flight expected to operate in suspected or known ground icing conditions unless the helicopter has been inspected for icing and, if necessary, has been given appropriate de-icing or anti-icing treatment. Accumulation of ice or other naturally occurring contaminants shall be removed so that the helicopter is kept in an airworthy condition prior to take-off.

Fuel and oil requirements.

25. (1) A person shall not commence a helicopter flight unless, taking into account both the meteorological conditions and any delays that are expected in flight, the helicopter carries sufficient fuel and oil to ensure that it can safely complete the flight. In addition, a reserve shall be carried to provide for contingencies.

(2) The fuel and oil carried in order to comply with sub-regulation (1) shall, in the case of VFR operations, be at least the amount to allow the helicopter to—

(a) fly to the landing site to which the flight is planned;

(b) have final reserve fuel to fly thereafter for a period of 20 minutes at best-range speed; and

(3) The fuel and oil carried in order to comply with sub-regulation (1) shall, in the case of IFR operations, be at least the amount to allow the helicopter—

(a) when an alternate is not required, in terms of sub-regulation (2)(a), to fly to and execute an approach at the heliport or landing location to which the flight is planned, and thereafter to have—

(i) final reserve fuel to fly 30 minutes at holding speed at 450 m (1 500 ft) above the destination heliport or landing location under standard temperature conditions and approach and land; and

(ii) an additional amount of fuel to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority.

(b) when an alternate is required, to fly to and execute an approach, and a missed approach, at the heliport or landing location to which the flight is planned, and thereafter—

(i) fly to and execute an approach at the alternate specified in the flight plan; and then

(ii) have final reserve fuel to fly for 30 minutes at holding speed at 450 m (1 500 ft) above the alternate under standard temperature conditions, and approach and land; and

(iii) have an additional amount of fuel to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator to the satisfaction of the Authority.

(c) when no alternate heliport or landing location is available, in terms of these regulations (e.g. the destination is isolated), sufficient fuel shall be carried to enable the helicopter to fly to the destination to which the flight is planned and thereafter for a period that will, based on geographic and environmental considerations, enable a safe landing to be made.

(4) In computing the fuel and oil required in these Regulations, at least the following shall be considered—

(a) meteorological conditions forecast;

(b) expected air traffic control routings and traffic delays;

(c) for IFR flight, one instrument approach at the destination heliport, including a missed approach;

(d) the procedures prescribed in the operations manual for loss of pressurization, where applicable, or failure of one engine while en route; and

(e) any other conditions that may delay the landing of the helicopter or increase fuel or oil consumption.

(5) The use of fuel after flight commencement for purposes other than originally intended during pre-flight planning shall require a re-analysis and, if applicable, adjustment of the planned operation

Refuelling with passengers on board or rotors turning.

26. (1) A person shall not fuel a helicopter when passengers are embarking, on board, disembarking or when the rotor is turning unless the operator is granted specific authorization by the Authority setting forth the conditions under which such fuelling may be carried out.

(2) Additional precautions are required when refueling with fuels other than aviation kerosene or when refueling results in a mixture of aviation kerosene with other aviation turbine fuels, or when an open line is used.

Oxygen supply.

27. (1) Approximate altitudes in the Standard Atmosphere corresponding to the values of absolute pressure used in the text are as follows—

Absolute pressure	Metres	Feet
700 hPa	3 000	10 000
620 hPa	4 000	13 000
376 hpa	7600	25 000

(2) A person shall not commence a flight to be operated at flight altitudes at which the atmospheric pressure in personnel compartments will be less than 700 hPa unless sufficient stored breathing oxygen is carried to supply—

(a) all crew members and 10 per cent of the passengers for any period in excess of 30 minutes that the pressure in compartments occupied by them will be between 700 hPa and 620 hPa; and

(b) the crew and passengers for any period that the atmospheric pressure in compartments occupied by them will be less than 620 hPa.

(3) A flight to be operated with a pressurized helicopter shall not be commenced unless a sufficient quantity of stored breathing oxygen is carried to supply all the crew members and passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurization, for any period that the atmospheric

pressure in any compartment occupied by them would be less than 700 hPa. and in addition, when the helicopter is operated at flight altitudes at which the atmospheric pressure is more than 376 hPa and cannot descend safely to a flight altitude at which the atmospheric pressure is equal to 620 hPa within four minutes, there shall be no less than a 10-minute supply for the occupants of the passenger compartment.

In-Flight Procedures

Heliport operating minima.

28. (1) A flight shall not be continued towards the heliport of intended landing, unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that heliport, or at least one destination alternate heliport, in compliance with the operating minima established in accordance with regulation 16.

(2) An instrument approach shall not be continued below 300 m (1 000 ft) above the heliport elevation or into the final approach segment unless the reported visibility or controlling RVR is at or above the heliport operating minima.

(3) If, after entering the final approach segment or after descending below 300 m (1 000 ft) above the heliport elevation, the reported visibility or controlling RVR falls below the specified minimum, the approach may be continued to DA/H or MDA/H and in any case, a helicopter shall not continue its approach-to-land at any heliport beyond a point at which the limits of the operating minima specified for that heliport would be infringed.

Meteorological observations.

29. The procedures for making meteorological observations on board helicopter in flight and for recording and reporting them as provided in the Civil Aviation (Meteorology Services For Air Navigation) Regulations.

Hazardous flight conditions.

30. Hazardous flight conditions encountered, other than those associated with meteorological conditions, shall be reported to the appropriate aeronautical station as soon as possible. The reports so rendered shall give such details as may be pertinent to the safety of other helicopter.

Flight crew members at duty stations.

31. (1) *Take-off and landing*. All flight crew members required to be on flight deck duty shall be at their stations.

(2) *En route*. All flight crew members required to be on flight deck duty shall remain at their stations except when their absence is necessary for the performance of duties in connection with the operation of the helicopter or for physiological needs.

(3) *Seat belts*. All flight crew members shall keep their seat belt fastened when at their stations.

(4) *Safety harness*. Any flight crew member occupying a pilot's seat shall keep the safety harness fastened during the take-off and landing phases and all other flight crew members shall keep their safety harness fastened during the take-off and landing phases unless the shoulder straps interfere with the performance of their duties, in which case the shoulder straps may be unfastened but the seat belt must remain fastened.

(5) Safety harness includes shoulder straps and a seat belt which may be used independently.

Use of oxygen.

32. All flight crew members, when engaged in performing duties essential to the safe operation of a helicopter in flight, shall use breathing oxygen continuously whenever the circumstances prevail for which its supply has been required in these Regulations.

Safeguarding of cabin crew and passengers in pressurized helicopter in the event of loss of pressurization.

33. (1) Cabin crew shall be safeguarded so as to ensure reasonable probability of their retaining consciousness during any emergency descent which may be necessary in the event of loss of pressurization and, in addition, they shall have such means of protection as will enable them to administer first aid to passengers during stabilized flight following the emergency and passengers shall be safeguarded by such devices or operational procedures as will ensure reasonable probability of their surviving the effects of hypoxia in the event of loss of pressurization.

(2) It is not envisaged that cabin crew will always be able to provide assistance to passengers during emergency descent procedures which may be required in the event of loss of pressurization.

Instrument flight procedures.

34. (1) One or more instrument approach procedures to serve each final approach and take-off area or heliport utilized for instrument flight operations shall be approved and promulgated by the Authority in which the heliport is located, or by the State which is responsible for the heliport when located outside the territory of Kenya.

(2) All helicopters operated in accordance with IFR shall comply with the instrument approach procedures approved by the Authority in which the heliport is located, or by the State which is responsible for the heliport when located outside the territory of Kenya.

Helicopter operating procedures for noise abatement.

35. The operator should ensure that take-off and landing procedures take into account the need to minimize the effect of helicopter noise.

In-flight fuel management.

36. (1) The operator shall establish policies and procedures, approved by the Authority, to ensure that in-flight fuel checks and fuel management are performed.

(2) The pilot-in-command shall monitor the amount of usable fuel remaining on board to ensure it is not less than the fuel required to proceed to a landing site where a safe landing can be made with the planned final reserve fuel remaining.

(3) The pilot-in-command shall advise ATC of a minimum fuel state by declaring MINIMUM FUEL when, having committed to land at a specific landing site, the pilot calculates that any change to the existing clearance to that landing site, or other air traffic delays, may result in landing with less than the planned final reserve fuel.

(4) The pilot-in-command shall declare a situation of fuel emergency by broadcasting MAYDAY MAYDAYMAYDAY FUEL, when the usable fuel estimated to be available upon landing at the nearest landing site where a safe landing can be made is less than the required final reserve fuel in compliance with these Regulations.

Duties of pilot-in-command.

37. (1) The pilot-in-command shall be responsible for the operation and safety of the helicopter and for the safety of all crew members, passengers and cargo on board, from the moment the engine(s) are started until the helicopter finally comes to rest at the end of the flight, with the engine(s) shut down and the rotor blades stopped.

(2) The pilot-in-command shall ensure that the checklists specified in these Regulations are complied with in detail.

(3) The pilot-in-command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the helicopter, resulting in serious injury or death of any person or substantial damage to the helicopter or property.

(4) The pilot-in-command shall be responsible for reporting all known or suspected defects in the helicopter, to the operator, at the termination of the flight.

(5) The pilot-in-command shall be responsible for the journey log book or the general declaration and

Duties of flight operations officer/flight dispatcher.

38. (1) A flight operations officer or flight dispatcher in conjunction with a method of control and supervision of flight operations in accordance with regulation 9(3) shall—

(a) assist the pilot-in-command in flight preparation and provide the relevant information;

(b) assist the pilot-in-command in preparing the operational and ATS flight plans, sign when applicable and file the ATS flight plan with the appropriate ATS unit; and

(c) furnish the pilot-in-command while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight.

(2) In the event of an emergency, a flight operations officer or flight dispatcher shall—

(a) initiate such procedures as outlined in the operations manual while avoiding taking any action that would conflict with ATC procedures; and

(b) convey safety-related information to the pilot-in-command that may be necessary for the safe conduct of the flight, including information related to any amendments to the flight plan that become necessary in the course of the flight.

Carry-on baggage.

39. The operator shall ensure that all baggage carried onto a helicopter and taken into the passenger cabin is adequately and securely stowed.

PART IV-HELICOPTER PERFORMANCE OPERATING LIMITATIONS

General provisions.

40. (1) Helicopters shall be operated in accordance with a code of performance established by the Authority, in compliance with the applicable Standards of this Part.

(2) The code of performance reflects, for the conduct of operations, both the various phases of flight and the operational environment and the First Schedule provides guidance in establishing a code of performance.

(3) In conditions where the safe continuation of flight is not ensured in the event of a critical engine failure, helicopter operations shall be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.

(4) Where the Authority permits IMC operations in performance Class 3, such operations shall be conducted in accordance with the provisions of regulations 44.

(5) Where helicopters are operated to or from heliports in a congested hostile environment, the competent authority of the State in which the heliport is situated shall specify the requirements to enable these operations to be conducted in a manner that gives appropriate consideration for the risk associated with an engine failure.

Applicable to helicopters certificated in accordance with Civil Aviation (Airworthiness) Regulations.

41. (1) The Standards contained in these regulation inclusive are as per the type certificate of the helicopter.

(2) The level of performance defined by the appropriate parts of the code of performance referred to in these Regulations for the helicopters shall be consistent with the overall level embodied in the Standards of this Part.

(3) A helicopter shall be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.

(4) The Authority shall take such precautions as are reasonably possible to ensure that the general level of safety contemplated by these provisions is maintained under all expected operating conditions, including those not covered specifically by the provisions of this Part.

(5) A flight shall not be commenced unless the performance information provided in the flight manual indicates that the Standards of the State of design can be complied with for the flight to be undertaken.

(6) In applying the Standards of this Part, account shall be taken of all factors that significantly affect the performance of the helicopter (such as: mass, operating procedures, the pressure-altitude appropriate to the elevation of the operating site, temperature, wind and condition of the surface) and such factors shall be taken into account directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data or in the code of performance in accordance with which the helicopter is being operated.

Mass limitations.

42. (1) The mass of the helicopter at the start of take-off shall not exceed the mass at which the code of performance referred to in these Regulations is complied with, allowing for expected reductions in

mass as the flight proceeds and for such fuel jettisoning as is appropriate.

(2) In no case shall the mass at the start of take-off exceed the maximum take-off mass specified in the helicopter flight manual taking into account the factors specified in Regulation 41 sub-regulation (5).

(3) In no case shall the estimated mass for the expected time of landing at the destination and at any alternate exceed the maximum landing mass specified in the helicopter flight manual taking into account the factors specified in Regulation 41 sub-regulation (5).

(4) In no case shall the mass at the start of take-off, or at the expected time of landing at the destination and at any alternate, exceed the relevant maximum mass at which compliance has been demonstrated with the applicable noise certification regulations in Civil Aviation (Environment Protection) Regulations unless otherwise authorized in exceptional circumstances for a certain operating site where there is no noise disturbance problem, by the competent authority of the State in which the operating site is situated.

(5) In developing a code of performance, the Authority shall apply a risk assessment methodology in accordance with the guidance in the First Schedule or the standards of sub regulation (6) shall apply.

(6) Take-off and initial climb phase—

(a) *operations in performance Class 1*. The helicopter shall be able, in the event of the failure of the critical engine being recognized at or before the take-off decision point, to discontinue the take-off and stop within the rejected take-off area available or, in the event of the failure of the critical engine being recognized at or after the take-off decision point, to continue the take-off, clearing all obstacles along the flight path by an adequate margin until the helicopter is in a position to comply with provisions of sub regulation (7)(a);

(b) *operations in performance Class 2*. The helicopter shall be able, in the event of the failure of the critical engine at any time after reaching DPATO, to continue the take-off, clearing all obstacles along the flight path by an adequate margin until the helicopter is in a position to comply with Before the DPATO, failure of the critical engine may cause the helicopter to force-land; therefore the conditions stated in Regulation 47(2) shall apply; and

(c) *operations in performance Class 3*. At any point of the flight path, failure of an engine will cause the helicopter to force-land; therefore the conditions stated in regulation 47 (3) shall apply.

(7) En-route phase—

(a) *operations in performance Classes 1 and 2*. The helicopter shall be able, in the event of the failure of the critical engine at any point in the en-route phase, to continue the flight to a

site at which the conditions of sub regulation (7)(b) for operations in performance Class 1, or the conditions of sub regulation (8)(b) for operations in performance Class 2 can be met, without flying below the appropriate minimum flight altitude at any point;

(b) *operations in performance Class 3*. The helicopter shall be able, with all engines operating, to continue along its intended route or planned diversions without flying at any point below the appropriate minimum flight altitude and at any point of the flight path, failure of an engine will cause the helicopter to force-land; therefore the conditions stated in regulation 40(3) shall apply.

(8) Approach and landing phase—

(a) *operations in performance Class 1*. In the event of the failure of the critical engine being recognized at any point during the approach and landing phase, before the landing decision point, the helicopter shall, at the destination and at any alternate, after clearing all obstacles in the approach path, be able to land and stop within the landing distance available or to perform a balked landing and clear all obstacles in the flight path by an adequate margin equivalent to that specified in sub regulation (6)(a) and in case of the failure occurring after the landing decision point, the helicopter shall be able to land and stop within the landing distance available;

(b) *operations in performance Class 2*. In the event of the failure of the critical engine before the DPBL, the helicopter shall, at the destination and at any alternate, after clearing all obstacles in the approach path, be able either to land and stop within the landing distance available or to perform a balked landing and clear all obstacles in the flight path by an adequate margin equivalent to that specified in sub regulation (6)(b) and after the DPBL, failure of an engine may cause the helicopter to force-land; therefore the conditions stated in regulation 47(2) shall apply;

(c) *operations in performance Class 3*. At any point of the flight path, failure of an engine will cause the helicopter to force-land; therefore the conditions stated in regulation 47(3) shall apply.

Obstacle data.

43. The operator shall use available obstacle data to develop procedures to comply with the take-off, initial climb, approach and landing phases detailed in the code of performance in the Second Schedule.

Additional requirements for operations of helicopters in performance class 3 in IMC, except special VFR flights.

44. (1) Operations in performance Class 3 in IMC shall be conducted only over a surface environment acceptable to the competent authority of the State over which the operations are performed.

(2) In approving operations by helicopters operating in performance Class 3 in IMC, the Authority shall ensure that the helicopter is certificated for flight under IFR and that the overall level of safety intended by the provisions of Civil Aviation (Operation of Aircraft) and Civil Aviation (Airworthiness) Regulations is provided by—

(a) the reliability of the engines;

(b) the operator's maintenance procedures, operating practices and crew training programmes; and

(c) equipment and other requirements provided in accordance with the Second Schedule.

(3) Operators of helicopters operating in performance Class 3 in IMC shall have a programme for engine trend monitoring and shall utilize the engine and helicopter manufacturers' recommended instruments, systems and operational or maintenance procedures to monitor the engines.

(4) In order to minimize the occurrence of mechanical failures, helicopters operating in IMC in performance Class 3 should utilize vibration health monitoring for the tail-rotor drive system.

PART V-HELICOPTER INSTRUMENTS, EQUIPMENT AND FLIGHT DOCUMENTS

General.

45. (1) In addition to the minimum equipment necessary for the issuance of a certificate of airworthiness, the instruments, equipment and flight documents prescribed in the Civil Aviation (Instrument and Equipment) Regulations and the Civil Aviation (Air Operator Certificate and Administration) Regulations shall be installed or carried, as appropriate, in helicopters according to the helicopter used and to the circumstances under which the flight is to be conducted. The prescribed instruments and equipment, including their installation, shall be approved or accepted by the Authority.

(2) A helicopter shall carry a certified true copy of the air operator certificate specified in these regulations, and a copy of the operations specifications relevant to the helicopter type, issued in conjunction with the certificate. When the certificate and the associated operations specifications are issued by the Authority in a language other than English, an English translation shall be included.

(3) The operator shall include in the operations manual a minimum equipment list (MEL) approved by the Authority, which will enable the pilot-in-command to determine whether a flight may be commenced or continued from any intermediate stop should any instrument, equipment or systems become inoperative and where the Authority is not the State of Registry, the Authority shall ensure that the MEL does not affect the helicopter's compliance with the airworthiness requirements applicable in the State of Registry.

(4) The operator shall make available to operations staff and crew members a helicopter operating manual, for each helicopter type operated, containing the normal, abnormal and emergency procedures

relating to the operation of the helicopter and the manual shall include details of the helicopter systems and of the checklists to be used. The design of the manual shall observe Human Factors principles. The manual shall be easily accessible to the flight crew during all flight operations.

All helicopters on all flights.

46. (1) A helicopter shall be equipped with instruments that will enable the flight crew to control the flight path of the helicopter, carry out any required procedural manoeuvres and observe the operating limitations of the helicopter in the expected operating conditions.

(2) A helicopter shall carry—

(a) the operations manual prescribed in the Civil Aviation (Air Operator Certificate and Administration) Regulations or those parts of it that pertain to flight operations;

(b) the helicopter flight manual for the helicopter, or other documents containing performance data required for the application of Part III and any other information necessary for the operation of the helicopter within the terms of its certificate of airworthiness, unless these data are available in the operations manual; and

(c) current and suitable charts to cover the route of the proposed flight and any route along which it is reasonable to expect that the flight may be diverted.

All helicopters on flights over water: Means of floatation

47. (1) All helicopters intended to be flown over water shall be fitted with a permanent or rapidly deployable means of flotation so as to ensure a safe ditching of the helicopter when—

(a) engaged in offshore operations, or other overwater operations as prescribed by the State of the Operator;

(b) flying over water in a hostile environment at a distance from land corresponding to more than 10 minutes at normal cruise speed when operating in performance Class 1 or 2; or

(c) flying over water in a non-hostile environment at a distance from land specified by the appropriate authority of the responsible State when operating in performance Class 1.

Emergency equipment.

(2) Flying over water beyond auto rotational or safe forced landing distance from land when operating in performance Class 3 Helicopters operating in performance Class 1 or 2 and operating in accordance with the provisions of sub-regulation (1) shall be equipped with—

(a) one life jacket or equivalent individual flotation device, for each person on board, stowed in a position easily accessible from the seat or berth of the person for whose use it is provided and for offshore operations the life jacket shall be worn constantly unless the occupant is wearing an integrated survival suit that includes the functionality of the life jacket;

(b) life-saving rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in emergency, provided with such life-saving equipment

including means of sustaining life as is appropriate to the flight to be undertaken; and

(c) equipment for making the pyrotechnical distress signals described in the Civil Aviation (Rules of the Air) Regulations.

(3) When two life rafts are fitted, each shall be able to carry all occupants in the overload state.

(4) Helicopters operating in performance Class 3 when operating beyond auto rotational distance from land but within a distance from land specified by the appropriate authority of the responsible State shall be equipped with one life jacket or equivalent individual flotation device, for each person on board, stowed in a position easily accessible from the seat or berth of the person for whose use it is provided.

(5) For offshore operations, when operating beyond auto rotational distance from land, the life jacket shall be worn unless the occupant is wearing an integrated survival suit that includes the functionality of the life jacket.

(6) Helicopters operating in performance Class 3 when operating beyond the distance specified in sub-regulation (4) shall be equipped as in sub-regulation (2).

(7) In the case of helicopters operating in performance Class 2 or 3, when taking off or landing at a heliport where, in the opinion of the State of the Operator, the take-off or approach path is so disposed over water that in the event of a mishap there would be likelihood of a ditching, at least the equipment required in sub-regulation (2) shall be carried.

(8) Each life jacket and equivalent individual flotation device, when carried in accordance with regulation 48, shall be equipped with a means of electric illumination for the purpose of facilitating the location of persons.

All helicopters on flights over designated sea areas.

48. Helicopters, when operating over sea areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult, shall be equipped with life-saving equipment (including means of sustaining life) as may be appropriate to the area overflown.

All helicopters on high altitude flights.

49. (1) Approximate altitude in the Standard Atmosphere corresponding to the value of absolute pressure used in this text shall be as follows—

Absolute pressure	*Metres*	*Feet*
700 hPa	3 000	10 000
620 hPa	4 000	13 000
376 hPa	7 600	25 000

(2) A helicopter intended to be operated at flight altitudes at which the atmospheric pressure is less than 700 hPa in personnel

compartments shall be equipped with oxygen storage and dispensing apparatus capable of storing and dispensing the oxygen supplies required in these regulations.

(3) A helicopter intended to be operated at flight altitudes at which the atmospheric pressure is less than 700 hPa but which is provided with means of maintaining pressures greater than 700 hPa in personnel compartments shall be provided with oxygen storage and dispensing apparatus capable of storing and dispensing the oxygen supplies required in these Regulations.

(4) A helicopter intended to be operated at flight altitudes at which the atmospheric pressure is less than 376 hPa, or which, if operated at flight altitudes at which the atmospheric pressure is more than 376 hPa which cannot descend safely within four minutes to a flight altitude at which the atmospheric pressure is equal to 620 hPa, and for which the individual certificate of airworthiness was issued on or after the 9th November, 1998, shall be provided with automatically deployable oxygen equipment to satisfy the requirements of these Regulations and the total number of oxygen dispensing units shall exceed the number of passenger and cabin crew seats by at least 10 per cent.

All helicopters in icing conditions.

50. All helicopters shall be equipped with suitable anti-icing or de-icing devices when operated in circumstances in which icing conditions are reported to exist or are expected to be encountered.

Noise Certification.

51. (1) All helicopters required to comply with the noise certification Standards of Airworthiness, shall carry a document attesting noise certification.

(2) When the document, or a suitable statement attesting noise certification as contained in another document approved by the Authority is issued in a language other than English, it shall include an English translation.

Helicopters carrying passengers — cabin crew seats.

52. (1) All helicopters shall be equipped with a forward or rearward facing (within 15 degrees of the longitudinal axis of the helicopter) seat, fitted with a safety harness for the use of each cabin crew member required to satisfy the intent of regulation 77 in respect of emergency evacuation.

(2) Cabin crew seats shall be located near floor level and other emergency exits as required by the Authority for emergency evacuation.

Microphones.

53. All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones.

Helicopters equipped with automatic landing systems, a head-up display (HUD) or equivalent displays, enhanced vision systems (EVS),

54. (1) Where helicopters are equipped with automatic landing systems, HUD or equivalent displays, EVS, SVS or CVS, or any combination of those systems into a hybrid system, the use of such systems for the safe operation of a helicopter shall be approved by the Authority.

synthetic vision systems (SVS) or combined vision systems (CVS).

(2) In approving the operational use of automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS, the Authority shall ensure that—

(a) the equipment meets the appropriate airworthiness certification requirements;

(b) the operator has carried out a safety risk assessment of the operations supported by the automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS; and

(c) the operator has established and documented the procedures for the use of, and training requirements for, automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS.

Electronic Flight Bag (EFB) equipment.

55. Where portable EFBs are used on board a helicopter, the operator shall ensure that they do not affect the performance of the helicopter systems, equipment or the ability to operate the helicopter.

EFB functions.

56. Where EFBs are used on board a helicopter the operator shall—

(a) assess the safety risk(s) associated with each EFB function;

(b) establish and document the procedures for the use of, and training requirements for, the device and each EFB function; and

(c) ensure that, in the event of an EFB failure, sufficient information is readily available to the flight crew for the flight to be conducted safely.

EFB operational approval.

57. In approving the operational use of EFBs, the Authority shall ensure that—

(a) the EFB equipment and its associated installation hardware, including interaction with helicopter systems if applicable, meet the appropriate airworthiness certification requirements;

(b) the operator has assessed the safety risks associated with the operations supported by the EFB function(s);

(c) the operator has established requirements for redundancy of the information (if appropriate) contained and displayed by the EFB function(s);

(d) the operator has established and documented procedures for the management of the EFB function(s) including any databases it may use; and

(e) the operator has established and documented the procedures for the use of, and training requirements for the EFB function(s).

PART VI- HELICOPTER COMMUNICATION, NAVIGATION AND SURVEILLANCE EQUIPMENT

Communication equipment.

58. (1) For operations where communication equipment is required to meet an RCP specification for performance-based communication (PBC), a helicopter shall, in addition to the requirements specified in Instrument & Equipment Regulations—

(a) be provided with communication equipment which will enable it to operate in accordance with the prescribed RCP specification(s);

(b) have information relevant to the helicopter RCP specification capabilities listed in the flight manual or other helicopter documentation approved by the Authority; and

(c) have information relevant to the helicopter RCP specification capabilities included in the MEL.

(2) The Authority shall, for operations where an RCP specification for PBC has been prescribed, ensure that the operator has established and documented—

(a) normal and abnormal procedures, including contingency procedures;

(b) flight crew qualification and proficiency requirements, in accordance with appropriate RCP specifications;

(c) a training programme for relevant personnel consistent with the intended operations; and

(d) appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate RCP specifications.

(3) The Authority shall ensure that, in respect of those helicopters mentioned in sub-regulation (1), adequate provisions exist for—

(a) receiving the reports of observed communication performance issued by monitoring programmes established in accordance with Civil Aviation (Air Traffic Services) Regulations; and

(b) taking immediate corrective action for individual helicopters, helicopter types or operators, identified in such reports as not complying with the RCP specification(s).

Navigation equipment.

59. (1) A helicopter shall be provided with navigation equipment which will enable it to proceed—

(a) in accordance with its operational flight plan; and

(b) in accordance with the requirements of air traffic services, except when, if not so precluded by the appropriate authority, navigation for flights under VFR is accomplished by visual reference to landmarks.

(2) For operations where a navigation specification for performance-based navigation (PBN) has been prescribed, a helicopter shall, in addition to the requirements specified in sub-regulation (1)—

(a) be provided with navigation equipment which will enable it to operate in accordance with the prescribed navigation specification(s);

(b) have information relevant to the helicopter navigation specification capabilities listed in the flight manual or other helicopter documentation approved by the State of Design or the Authority; and

(c) have information relevant to the helicopter navigation specification capabilities included in the MEL.

(3) The Authority shall, for operations where a navigation specification for PBN has been prescribed, ensure that the operator has established and documented—

(a) normal and abnormal procedures, including contingency procedures;

(b) flight crew qualification and proficiency requirements, in accordance with the appropriate navigation specifications;

(c) a training programme for relevant personnel consistent with the intended operations; and

(d) appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate navigation specifications.

(4) The Authority shall issue a specific approval for operations based on PBN authorization required (AR) navigation specifications.

(5) The helicopter shall be sufficiently provided with navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment will enable the helicopter to navigate in accordance with sub-regulation (1) and, where applicable, sub-regulation (2).

(6) On flights in which it is intended to land in instrument meteorological conditions, a helicopter shall be provided with appropriate navigation equipment providing guidance to a point from which a visual landing can be effected. This equipment shall be capable of providing such guidance at each heliport at which it is intended to land in instrument meteorological conditions and at any designated alternate heliports.

Surveillance equipment.

60. (1) A helicopter shall be provided with surveillance equipment which will enable it to operate in accordance with the requirements of air traffic services.

(2) For operations where surveillance equipment is required to meet an RSP specification for Performance-Based Surveillance (PBS), a helicopter shall, in addition to the requirements specified in sub-regulation—

(a) be provided with surveillance equipment which will enable it to operate in accordance with the prescribed RSP specification(s);

(b) have information relevant to the helicopter RSP specification capabilities listed in the flight manual or other helicopter documentation approved by the State of Design or State of Registry; and

(c) have information relevant to the helicopter RSP specification capabilities included in the MEL.

(3) The Authority shall, for operations where an RSP specification for PBS has been prescribed, ensure that the operator has established and documented—

(a) normal and abnormal procedures, including contingency procedures;

(b) flight crew qualification and proficiency requirements, in accordance with appropriate RSP specifications;

(c) a training programme for relevant personnel consistent with the intended operations; and

(d) appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate RSP specifications.

(3) The Authority shall ensure that, in respect of those helicopters mentioned in sub-regulation (2), adequate provisions exist for—

(a) receiving the reports of observed surveillance performance issued by monitoring programmes established in accordance with Civil Aviation (Air Traffic Services) Regulations; and

(b) taking immediate corrective action for individual helicopter, helicopter types or operators, identified in such reports as not complying with the RSP specification(s).

Electronic navigation data management.

61. (1) The operator shall not employ electronic navigation data products that have been processed for application in the air and on the ground, unless the Authority has approved the operator's procedures for ensuring that the process applied and the products delivered have met acceptable standards of integrity and that the products are compatible with the intended function of the existing equipment and the Authority shall ensure that the operator continues to monitor both the process and products.

(2) The operator shall implement procedures that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all necessary helicopter.

PART VII-HELICOPTER FLIGHT CREW

Composition of the flight crew.

62. (1) The number and composition of the flight crew shall not be less than that specified in the operations manual and the flight crews shall include flight crew members in addition to the minimum numbers specified in the flight manual or other documents associated with the certificate of airworthiness, when necessitated by considerations related to the type of helicopter used, the type of operation involved and the duration of flight between points where flight crews are changed.

(2) The flight crew shall include at least one member authorized by the Authority to operate the type of radio transmitting equipment to be used.

Flight Crew Member Emergency Duties.

63. The operator shall, for each type of helicopter, assign to all flight crew members the necessary functions they are to perform in an emergency or in a situation requiring emergency evacuation and annual training in accomplishing these functions shall be contained in the operator's training programme and shall include instruction in the use of all emergency and life-saving equipment required to be carried, and drills in the emergency evacuation of the helicopter.

Flight Crew member Training Programmes.

64. (1) The operator shall establish and maintain a ground and flight training programme, approved by the Authority, which ensures that all flight crew members are adequately trained to perform their assigned duties and the training programme shall—

(a) include ground and flight training facilities and properly qualified instructors as determined by the Authority;

(b) consist of ground and flight training for the type(s) of helicopter on which the flight crew member serves;

(c) include proper flight crew coordination and training for all types of emergency and abnormal situations or procedures caused by engine, transmission, rotor, airframe or systems malfunctions, fire or other abnormalities;

(d) include training in knowledge and skills related to the visual and instrument flight procedures for the intended area of operation, human performance and threat error and management, the transport of dangerous goods and, where applicable, procedures specific to the environment in which the helicopter is to be operated;

(e) ensure that all flight crew members know the functions for which they are responsible and the relation of these functions to the functions of other crew members, particularly in regard to abnormal or emergency procedures;

(f) include training in knowledge and skills related to the operational use of head-up display or enhanced vision systems for those helicopters so equipped;

(g) include company indoctrination training, crew resource management, and security training; and

(h) be given on a recurrent basis, as determined by the Authority and shall include an assessment of competence.

(2) The requirement for recurrent flight training in a particular type of helicopter shall be considered fulfilled by—

(a) the use, to the extent deemed feasible by the Authority, of flight simulation training devices approved by the Authority for that purpose; or

(b) the completion within the appropriate period of the proficiency check required by these regulations in that type of helicopter.

PART VIII-QUALIFICATIONS

Recent experience — pilot-in-command and co-pilot.

65. (1) The operator shall not assign a pilot-in-command or a co-pilot to operate at the flight controls of a type or variant of a type of a helicopter during take-off and landing unless that pilot has operated the flight controls during at least three take-offs and landings within the preceding 90 days on the same type of helicopter or in a flight simulator approved for the purpose.

(2) When a pilot-in-command or a co-pilot is flying several variants of the same type of helicopter or different types of helicopter with similar characteristics in terms of operating procedures, systems and handling, the Authority shall decide under which conditions the requirements of sub-regulation (1) for each variant or each type of helicopter can be combined.

Pilot in Command operational Qualifications.

66. (1) The operator shall not utilize a pilot as pilot-in-command of a helicopter on an operation for which that pilot is not currently qualified until such pilot has complied with sub-regulation (2) and (3).

(2) Each such pilot shall demonstrate to the operator an adequate knowledge of—

(a) the operation to be flown and this shall include knowledge of—

(i) the terrain and minimum safe altitudes;

(ii) the seasonal meteorological conditions;

(iii) the meteorological, communication and air traffic facilities, services and procedures;

(iv) the search and rescue procedures; and

(v) the navigation facilities and procedures associated with the route or area in which the flight is to take place; and

(b) procedures applicable to flight paths over heavily populated areas and areas of high air traffic density, obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures, and applicable operating minima.

(3) pilot-in-command shall have made a flight, representative of the operation with which the pilot is to be engaged which must include a landing at a representative heliport, as a member of the flight crew and accompanied by a pilot who is qualified for the operation.

(4) The operator shall maintain a record, sufficient to satisfy the Authority of the qualification of the pilot and of the manner in which such qualification has been achieved.

(5) The operator shall not continue to utilize a pilot as a pilot-in-command on an operation in an area specified by the operator and approved by the Authority unless, within the preceding 12 months, the pilot has made at least one representative flight as a pilot member of the flight crew, or as a check pilot, or as an observer on the flight deck. In

the event that more than 12 months elapse in which a pilot has not made such a representative flight, prior to again serving as a pilot-in-command on that operation, that pilot must re-qualify in accordance with these Regulations.

Pilot Proficiency Checks.

67. (1) The operator shall ensure that piloting technique and the ability to execute emergency procedures is checked in such a way as to demonstrate the pilot's competence on each type or variant of a type of helicopter and where the operation may be conducted under IFR, the operator shall ensure that the pilot's competence to comply with such rules is demonstrated to either a check pilot of the operator or to a representative of the Authority and such checks shall be performed twice within any period of one year and any two such checks which are similar and which occur within a period of four consecutive months shall not alone satisfy this requirement.

(2) A person shall not serve nor shall any Operator use a person as a pilot flight crew member unless, since the beginning of the sixth calendar month before that service, that person has passed the proficiency check prescribed by the Authority in the make and model of helicopter on which their services are required.

(3) A person shall not serve nor shall any Operator use a person as a flight crew member in instrument flight rules operations unless, since the beginning of the sixth calendar month before that service, that pilot has passed the instrument competency check prescribed by the Authority.

(4) At least one of the two annual proficiency checks shall be conducted by an examiner.

(5) The other proficiency check may be conducted by a check pilot or the Authority.

(6) When the operator schedules flight crew on several variants of the same type of helicopter or different types of helicopters with similar characteristics in terms of operating procedures, systems and handling, the Authority shall decide under which conditions the requirements of sub-regulation (1) for each variant or each type of helicopter can be combined.

Flight crew equipment.

68. Flight crew member assessed as fit to exercise the privileges of a license, subject to the use of suitable correcting lenses, shall have a spare set of the correcting lenses readily available when exercising those privileges.

Flight time, flight duty periods and rest periods.

69. The Authority shall establish regulations specifying the limitations applicable to the flight time and flight duty periods for flight crew members and these Regulations shall also make provision for adequate rest periods and shall be such as to ensure that fatigue occurring either in a flight or successive flights or accumulated over a period of time due to these and other tasks does not endanger the safety of a flight as specified in the Fourth Schedule.

PART IX-FLIGHT OPERATIONS OFFICER OR FLIGHT DISPATCHER

Qualifications and Training.

70. (1) When the Authority requires that a flight operations officer or flight dispatcher, employed in conjunction with an approved

method of control and supervision of flight operations be licensed, that flight operations officer or flight dispatcher shall be licensed in accordance with the provisions of Personnel Licensing regulations.

(2) In accepting proof of qualifications other than the option of holding of a flight operations officer or flight dispatcher license, the Authority, in accordance with the approved method of control and supervision of flight operations, shall require that, as a minimum, such persons meet the requirements specified in Personnel Licensing Regulations for the flight operations officer or flight dispatcher license.

(3) A flight operations officer or flight dispatcher shall not be assigned to duty unless that person has—

(a) satisfactorily completed the operator-specific training course that addresses all the specific components of its approved method of control and supervision of flight operations specified in these Regulations;

(b) made, within the preceding 12 months, at least a one-way qualification flight in a helicopter over any area for which that person is authorized to exercise flight supervision and the flight shall include landings at as many heliports as practicable;

(c) demonstrated to the operator a knowledge of—

(i) the contents of the operations manual described in the Civil Aviation (Air Operator Certificate and Administration) Regulations;

(ii) the radio equipment in the helicopters used; and

(iii) the navigation equipment in the helicopters used;

(d) demonstrated to the operator a knowledge of the following details concerning operations for which the officer is responsible and areas in which that individual is authorized to exercise flight supervision—

(i) the seasonal meteorological conditions and the sources of meteorological information;

(ii) the effects of meteorological conditions on radio reception in the helicopters used;

(iii) the peculiarities and limitations of each navigation system which is used by the operation; and

(iv) the helicopter loading instructions;

(e) satisfied the operator as to knowledge and skills related to human performance as they apply to dispatch duties; and

(f) demonstrated to the operator the ability to perform the duties specified in regulation 38.

PART X- MANUALS, LOGS AND RECORDS

Flight manual.

71. The flight manual shall be updated by implementing changes made mandatory by the Authority.

Operator's maintenance control manual.

72. The operator shall maintain a maintenance control manual as required in the Civil Aviation (Air Operator Certificate and Administration) Regulations.

Maintenance programme.

73. A maintenance programme for each helicopter shall contain the information contained in the Civil Aviation (Air Operator Certificate and Administration) Regulations.

Records of emergency and survival equipment carried.

74. Operators shall at all times have available for immediate communication to rescue coordination centres, lists containing information on the emergency and survival equipment carried on board any of their helicopters engaged in international air navigation. The information shall include, as applicable, the number, colour and type of life rafts and pyrotechnics, details of emergency medical supplies, water supplies and the type and frequencies of the emergency portable radio equipment.

Flight recorder records.

75. The operator shall ensure, to the extent possible, in the event the helicopter becomes involved in an accident or incident, the preservation of all related flight recorder records, and if necessary the associated flight recorders, and their retention in safe custody pending their disposition as determined in accordance with the Civil Aviation (Air Accident Investigation) Regulations.

PART XI-CABIN CREW

Assignment of emergency duties.

76. The operator shall establish, to the satisfaction of the Authority, the minimum number of cabin crew required for each type of helicopter, based on seating capacity or the number of passengers carried, which shall not be less than the minimum number established during certification, in order to effect a safe and expeditious evacuation of the helicopter, and the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The operator shall assign these functions for each type of helicopter.

Protection of cabin crew during flight.

77. Each cabin crew member shall be seated with seat belt or, when provided, safety harness fastened during take-off and landing and whenever the pilot-in-command so directs.

Training.

78. The operator shall establish and maintain a training programme, approved by the Authority, to be completed by all persons before being assigned as a cabin crew member and cabin crew members shall complete a recurrent training programme annually and these training programmes shall ensure that each person is—

(a) competent to execute those safety duties and functions that the cabin attendant is assigned to perform in the event of an emergency or in a situation requiring emergency evacuation;

(b) drilled and capable in the use of emergency and life-saving equipment required to be carried, such as life jackets, life rafts, evacuation slides, emergency exits, portable fire extinguishers, oxygen equipment, first-aid and universal precaution kits, and automated external defibrillators;

(c) when serving on helicopters operated above 3 000 m (10 000 ft), knowledgeable as regards the effect of lack of oxygen and, in the case of pressurized helicopters, as regards

physiological phenomena accompanying a loss of pressurization.

(d) aware of other crew members' assignments and functions in the event of an emergency so far as is necessary for the fulfilment of the cabin crew member's own duties;

(e) aware of the types of dangerous goods which may, and may not, be carried in a passenger cabin; and

(f) knowledgeable about human performance as related to passenger cabin safety duties including flight crew-cabin crew coordination.

Flight time, flight duty periods and rest periods.

79. The Authority shall establish regulations specifying the limits applicable to flight time, flight duty periods and rest periods for cabin crew as specified in the Fourth Schedule.

PART XII-INSTRUCTOR AND CHECK PERSONNEL QUALIFICATIONS AND TRAINING

Instructor qualifications – flight crew, cabin crew, flight operations officer.

80. (1) An Operator shall not use a person as a flight instructor in an established flight training programme unless, with respect to the aircraft type involved, that person—

(a) holds the personnel licenses and ratings required to serve as a PIC or a flight engineer, as applicable;

(b) has satisfactorily completed the appropriate training phases for the helicopter, including recurrent training and differences training, that are required to serve as a PIC or flight engineer, as applicable;

(c) has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a PIC or flight engineer, as applicable;

(d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check; and

(e) holds the appropriate medical certificate for service as a required crew member.

(2) A person shall not serve as a flight instructor in a flight simulation training device, unless, since the beginning of the 12th calendar month before that service, that person has—

(a) flown at least five flights as a required crew member for the type of helicopter involved; or

(b) observed, on the flight deck, the conduct of two complete flights in the helicopter type to which the person is assigned.

(3) An operator shall not use a person as an instructor in an established cabin crew training programme unless, with respect to the aircraft type or position involved, that person—

(a) holds or has held the qualification required to serve as a cabin crew member;

(b) satisfactorily completed the appropriate training phases for the helicopter and position involved, including recurrent training and differences training, that are required to serve as a cabin crew member;

(c) has satisfactorily completed the appropriate competency and recency of experience checks that are required to service as a cabin crew member; and

(d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority observed competency check.

(4) An operator shall not use a person as an instructor in an established flight operations officer training programme unless, with respect to the helicopter type and position involved, that person—

(a) holds the license required to serve as a flight operations officer;

(b) has satisfactorily completed the appropriate training phases for the helicopter or position involved, including recurrent training and differences training, that are required to serve as a flight operations officer;

(c) has satisfactorily completed the appropriate competency and recency of experience checks that are required to serve as a flight operations officer; and

(d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority observed competency check.

Instructor training.

81. (1) A person shall not serve as an instructor for flight crew, cabin crew or flight operations officers, unless the person has completed the curricula approved by the Authority for those functions for which they are to serve.

(2) The training programme requirements for flight crew instructors shall be as contained in the Third Schedule.

Personnel approved to conduct checks.

82. (1) The Authority may approve the following operator personnel to conduct checks when such personnel meet the requirements for the authorised responsibilities, and may be approved for either helicopter or simulator, or both, as applicable—

(a) check pilot;

(b) check cabin crew member; and

(c) check flight operations officer.

(2) The authorised duties of check personnel are to—

(a) conduct initial and recurrent proficiency checks for flight crew and competency checks for cabin crew and flight operations officers;

(b) certify as satisfactory, the knowledge and proficiency of the flight crew, and the knowledge and competency of the cabin crew and flight operations officers; and

(c) for all check personnel, supervise Operating Experience (OE).

(3) A person shall not serve as a check personnel under the operator's crew member checking and training programme unless that person—

(a) has been identified by name and function and approved in writing by the Authority; and

(b) has successfully completed the operator's curricula approved by the Authority for those functions for which he or she is to serve.

(4) Once approved, no person may serve nor may any operator use a person as a check personnel for any flight crew, cabin crew or flight operations officer checks unless that person has demonstrated, initially and at least bi-annually to an Authority inspector, the ability to conduct a check for which he or she is approved.

Check personnel qualifications-flight crew training.

83. An operator shall not use a person as a check personnel in an established flight crew training programme unless, with respect to the aircraft type involved, that person—

(a) holds the personnel licenses and ratings required to serve as a PIC or a flight engineer, as applicable;

(b) has satisfactorily completed the appropriate training phases for the helicopter, including recurrent training and differences training, that are required to serve as a PIC or flight engineer, as applicable;

(c) has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a PIC or flight engineer, as applicable;

(d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check for check personnel duties;

(e) holds the appropriate medical certificate if serving as a required flight crew member; and

(f) has been approved by the Authority for the check personnel duties involved.

Check personnel qualifications-simulator additional requirements.

84. A person shall not serve as a check personnel in a flight simulation training device, unless, since the beginning of the 12th calendar month before that service, that person has—

(a) flown at least five flights as a required crew member for the type of aircraft involved; or

(b) observed, on the flight deck, the conduct of two complete flights in the aircraft type to which the person is assigned.

Check personnel for cabin crew.

85. An Operator shall not use a person as a check cabin crew member in an established cabin crew training programme unless, with respect to the aircraft type or position involved, that person—

(a) holds or has held the cabin crew member certificate;

(b) has satisfactorily completed the appropriate training phases for the helicopter and or position, including recurrent training and differences training, that are required to serve as a cabin crew member;

(c) has satisfactorily completed the appropriate competency and recency of experience checks that are required to serve as a cabin crew member;

(d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed competency check for the check personnel duties; and

(e) has been approved by the Authority for the check cabin crew member duties involved.

Check personnel for flight operations officers.

86. An operator shall not allow a person to serve as a check flight operations officer in an established flight operations officer training programme unless, with respect to the aircraft type or position involved, that person—

(a) holds the license required to serve as a flight operations officer;

(b) has satisfactorily completed the appropriate training phases for the helicopter or position, including recurrent training and differences training, that are required to serve as a flight operations officer;

(c) has satisfactorily completed the appropriate competency and recency of experience checks that are required to serve as a flight operations officer;

(d) has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed competency check for the check flight operations officer duties;

(e) has been approved by the Authority for the check flight operations officer duties involved.

Check personnel training.

87. (1) An operator shall not use a person for checks unless that person has completed the curricula approved by the Authority for those functions for which they are to serve.

(2) Specific training programme requirements for check personnel shall be as specified in the Third Schedule.

Monitoring of training and checking activities.

88. (1) To enable adequate supervision of its training and checking activities, the operator shall forward to the Authority at least twenty one (21) days before the scheduled activity the dates, report times and report location of all—

(a) training for which a curriculum is approved in the Operator's training programme; and

(b) proficiency, competency and line checks.

(2) Failure to provide the information required under sub-regulation (1) may invalidate the training or check and the Authority may require that it be repeated for observation purposes.

Termination of a proficiency, competency or line check.

89. If it is necessary to terminate a check for any reason, the Operator may not use the crew member or flight operations officer in commercial air transport operations until the completion of a satisfactory recheck.

PART XIII- HELICOPTER MAINTENANCE- COMMERCIAL

Operators maintenance control manual.

90. (1) The operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual, acceptable to the Authority and the design of the manual shall observe Human Factors principles.

(2) The operator shall ensure that the maintenance control manual is amended as necessary to keep the information contained therein up to date.

(3) Copies of all amendments to the operator's maintenance control manual shall be furnished promptly to all organizations or persons to whom the manual has been issued.

(4) The operator shall provide the State of the Operator and the State of Registry with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and shall incorporate in it such mandatory material as the State of the Operator or the State of Registry may require.

Maintenance programme.

91. (1) An operator shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance programme, approved by the Authority and the design and application of the operator's maintenance programme shall observe Human Factors principles.

(2) Copies of all amendments to the maintenance programme shall be furnished promptly to all organizations or persons to whom the maintenance programme has been issued.

Maintenance of records.

92. (1) An operator shall ensure that the following records are kept—

(a) the total time in service (hours, calendar time and cycles, as appropriate) of the helicopter and all life-limited components;

(b) the current status of compliance with all mandatory continuing airworthiness information;

(c) appropriate details of modifications and repairs to the helicopter and its major components;

(d) the time in service (hours, calendar time and cycles, as appropriate) since last overhaul of the helicopter or its components subject to a mandatory overhaul life;

(e) the current status of the helicopter's compliance with the maintenance programme; and

(f) the detailed maintenance records to show that all requirements for a maintenance release have been met.

(2) Records in sub regulation(1)(a) to (e) shall be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service, and the records in sub regulation (1)(f) for a minimum period of one year after the signing of the maintenance release.

(3) In the event of a temporary change of operator, the records shall be made available to the new operator and in the event of any permanent change of operator, the records shall be transferred to the new operator.

PART XIV—HELICOPTER GENERAL AVIATION

General

Compliance with laws, regulations and procedures.

93. (1) The pilot-in-command shall comply with the relevant laws, regulations and procedures of the States in which the helicopter is operated.

(2) The pilot-in-command shall be responsible for the operation and safety of the helicopter and for the safety of all crew members, passengers and cargo on board, from the moment the engine(s) are started until the helicopter finally comes to rest at the end of the flight, with the engine(s) shut down and the rotor blades stopped.

(3) If an emergency situation which endangers the safety of the helicopter or persons necessitates the taking of action which involves a violation of local regulations or procedures, the pilot-in-command shall notify the appropriate local authority without delay and if required by the State in which the incident occurs, the pilot-in-command shall submit a report on any such violation to the appropriate authority of such State, in that event, the pilot-in-command shall also submit a copy of it to the Authority and such reports shall be submitted as soon as possible and normally within ten days.

(4) The pilot-in-command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the helicopter, resulting in serious injury or death of any person or substantial damage to the helicopter or property.

(5) The pilot-in-command shall have available on board the helicopter essential information concerning the search and rescue services in the areas over which it is intended the helicopter will be flown.

Dangerous goods.

94. Carriage of dangerous goods shall be as prescribed in the Civil Aviation (Air Operator Certification and Administration) Regulations.

Use of psychoactive substances.

95. Provisions against the use of psychoactive substances shall be as prescribed in the Civil Aviation (Personnel Licensing) Regulations.

Specific approvals.

96. The pilot- in-command shall not conduct operations for which a specific approval is required unless such approval has been issued by the Authority and specific approvals shall follow the layout and contain at least the information listed in Fifth Schedule.

Flight Operations

Adequacy of operating facilities.

97. The pilot-in-command shall not commence a flight, unless it has been ascertained by every reasonable means available that the ground or water facilities available and directly required for such flight and for the safe operation of the helicopter are adequate, including communication facilities and navigation aids.

Heliport or landing location operating minima.

98. (1) The pilot-in-command shall establish operating minima in accordance with criteria specified by the Authority for each heliport or landing location to be used in operations and such minima shall not be lower than any that may be established by the State of the Aerodrome, except when specifically approved by that State.

(2) The Authority may approve operational credit(s) for operations with helicopters equipped with automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS and such approvals shall not affect the classification of the instrument approach procedure.

Briefing.

99. (1) The pilot-in-command shall ensure that crew members and passengers are made familiar, by means of an oral briefing or by other means, with the location and the use of seat belts or harnesses and as appropriate—

(a) emergency exits;

(b) life jackets;

(c) oxygen dispensing equipment; and

(d) other emergency equipment provided for individual use, including passenger emergency briefing cards.

(2) The pilot-in-command shall ensure that all persons on board are aware of the location and general manner of use of the principal emergency equipment carried for collective use.

Helicopter airworthiness and safety precaution.

100. A flight shall not be commenced until the pilot-in-command is satisfied that—

(a) the helicopter is airworthy, duly registered and that appropriate certificates with respect thereto are aboard the helicopter;

(b) the instruments and equipment installed in the helicopter are appropriate, taking into account the expected flight conditions;

(c) any necessary maintenance has been performed in accordance with Part VI of these Regulations;

(d) the mass of the helicopter and centre of gravity location are such that the flight can be conducted safely, taking into account the flight conditions expected;

(e) any load carried is properly distributed and safely secured; and

(f) the helicopter operating limitations contained in the flight manual, or its equivalent, is not be exceeded.

Weather reports and forecasts.

101.Before commencing a flight, the pilot-in-command shall be familiar with all available meteorological information appropriate to the intended flight and preparation for a flight away from the vicinity of the place of departure, and for every flight under IFR, shall include—

(a) a study of available current weather reports and forecasts; and

(b) the planning of an alternative course of action to provide for the eventuality that the flight cannot be completed as planned, because of weather conditions.

Limitations imposed by weather conditions VFR, IFR.

102. (1) A flight, except one of purely local character in visual meteorological conditions, to be conducted in accordance with VFR shall not be commenced unless current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, shall, at the appropriate time, be such as to enable compliance with these rules.

(2) Flight in accordance with IFR—

(a) when an alternate is required, shall not be commenced unless the available information indicates that conditions, at the heliport of intended landing and at least one alternate heliport shall, at the estimated time of arrival, be at or above the heliport operating minima;

(b) when no alternate is required to a heliport, shall not be commenced unless available current meteorological information indicates that the following meteorological conditions shall exist from two hours before to two hours after the estimated time of arrival, or from the actual time of departure to two hours after the estimated time of arrival, whichever is the shorter period—

(i) a cloud base of at least 120 m (400 ft) above the minimum associated with the instrument approach procedure; and

(ii) visibility of at least 1.5 km more than the minimum associated with the procedure.

(3) In case of Heliport operating minima—

(a) a flight shall not be continued towards the heliport of intended landing unless the latest available meteorological information indicates that conditions at that heliport, or at least one alternate heliport, shall, at the estimated time of arrival, be at or above the specified heliport operating minima;

(b) an instrument approach shall not be continued below 300 m (1 000 ft) above the heliport elevation or into the final approach segment unless the reported visibility or controlling RVR is at or above the heliport operating minima;

(c) if, after entering the final approach segment or after descending below 300 m (1 000 ft) above the heliport elevation, the reported visibility or controlling RVR falls below the specified minimum, the approach may be continued to DA/H or MDA/H and in any case, a helicopter shall not continue its approach-to-land beyond a point at which the limits of the heliport operating minima would be infringed.

(4) A flight to be operated in known or expected icing conditions shall not be commenced unless the helicopter is certificated and equipped to cope with such conditions.

Alternate heliports.

103. (1) For a flight to be conducted in accordance with IFR, at least one alternate heliport or landing location shall be specified in the operational flight plan and the flight plan, unless—

(a) the weather conditions in these Regulations prevail;

(b) heliport or landing location of intended landing is isolated and no alternate heliport or landing location is available;

(c) an instrument approach procedure is prescribed for the isolated heliport of intended landing; and

(d) a Point of No Return (PNR) is determined in case of an offshore destination.

(2) Suitable offshore alternates may be specified subject to the following—

(a) the offshore alternates shall be used only after passing a PNR and prior to a PNR, onshore alternates shall be used;

(b) mechanical reliability of critical control systems and critical components shall be considered and taken into account when determining the suitability of the alternate;

(c) one engine inoperative performance capability shall be attainable prior to arrival at the alternate;

(d) to the extent possible, deck availability shall be guaranteed; and

(e) weather information must be reliable and accurate.

(3) Offshore alternates shall not be used when it is possible to carry enough fuel to have an onshore alternate and offshore alternates shall not be used in a hostile environment.

Fuel and oil requirements.

104. (1) A flight shall not be commenced unless, taking into account both the meteorological conditions and any delays that are expected in flight, the helicopter carries sufficient fuel and oil to ensure

that it can safely complete the flight and in addition, a reserve shall be carried to provide for contingencies.

(2) The fuel and oil carried in order to comply with these regulations shall, in the case of VFR operations, be at least the amount to allow the helicopter to—

(a) fly to the landing site to which the flight is planned;

(b) have a final reserve fuel to fly thereafter for a period of 20 minutes at best-range speed; and

(c) have an additional amount of fuel to provide for the increased consumption on the occurrence of potential contingencies, as determined by the Authority.

(3) In case of IFR operations, the fuel and oil carried in order to comply with these Regulations shall be at least the amount to allow the helicopter—

(a) when no alternate is required, in terms of these Regulations, to fly to and execute an approach at the heliport or landing location to which the flight is planned, and thereafter to have—

(i) a final reserve fuel to fly 30 minutes at holding speed at 450 m (1 500 ft) above the destination heliport or landing location under standard temperature conditions and approach and land; and

(ii) an additional amount of fuel to provide for the increased consumption on the occurrence of potential contingencies.

(b) when an alternate is required, in terms of these Regulations, to fly to and execute an approach, and a missed approach, at the heliport or landing location to which the flight is planned, and thereafter—

(i) fly to and execute an approach at the alternate specified in the flight plan; and then

(ii) have a final reserve fuel to fly for 30 minutes at holding speed at 450 m (1 500 ft) above the alternate under standard temperature conditions, and approach and land; and

(iii) have an additional amount of fuel to provide for the increased consumption on the occurrence of potential contingencies.

(c) when no alternate heliport or landing location is available (that is, the heliport of intended landing is isolated and no alternate is available), to fly to the heliport to which the flight is planned and thereafter for a period as specified by the Authority.

(4) In computing the fuel and oil required in these Regulations, at least the following shall be considered—

(a) meteorological conditions forecast;

(b) expected air traffic control routings and traffic delays;

(c) for IFR flight, one instrument approach at the destination heliport, including a missed approach;

(d) the procedures for loss of pressurization, where applicable, or failure of one engine while en route; and

(e) any other conditions that may delay the landing of the helicopter or increase fuel or oil consumption.

(5) The use of fuel after flight commencement for purposes other than originally intended during pre-flight planning shall require a re-analysis and, if applicable, adjustment of the planned operation.

In flight fuel management.

105. (1) The pilot-in-command shall monitor the amount of usable fuel remaining on board to ensure it is not less than the fuel required to proceed to a landing site where a safe landing can be made with the planned final reserve fuel remaining.

(2) The pilot-in-command shall advise ATC of a minimum fuel state by declaring MINIMUM FUEL when, having committed to land at a specific landing site, the pilot calculates that any change to the existing clearance to that landing site, or other air traffic delays, may result in landing with less than the planned final reserve fuel.

(3) The pilot-in-command shall declare a situation of fuel emergency by broadcasting MAYDAY MAYDAY MAYDAY FUEL, when the usable fuel estimated to be available upon landing at the nearest landing site where a safe landing can be made is less than the required final reserve fuel in compliance with these Regulations.

Oxygen supply.

106. (1) Approximate altitudes in the Standard Atmosphere corresponding to the values of absolute pressure used in the text are as follows—

Absolute pressure	*Metres*	*Feet*
700 hPa	3 000	10 000
620 hPa	4 000	13 000

(2) A flight to be operated at altitudes at which the atmospheric pressure in personnel compartments is less than 700 hPa shall not be commenced unless sufficient stored breathing oxygen is carried to supply—

(a) all crew members and 10 per cent of the passengers for any period in excess of 30 minutes that the pressure in compartments occupied by them is between 700 hPa and 620 hPa;

(b) the crew and passengers for any period that the atmospheric pressure in compartments occupied by them is less than 620 hPa.

(3) A flight to be operated with a pressurized helicopter shall not be commenced unless a sufficient quantity of stored breathing oxygen is carried to supply all the crew members and a proportion of the passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurization, for any period that the atmospheric pressure in any compartment occupied by them would be less than 700 hPa.

Use of Oxygen.

107.All flight crew members, when engaged in performing duties essential to the safe operation of a helicopter in flight, shall use breathing oxygen continuously whenever the circumstances prevail for which its supply has been required in these Regulations.

In -Flight emergency instruction.

108.In an emergency during flight, the pilot-in-command shall ensure that all persons on board are instructed in such emergency action as may be appropriate to the circumstances.

Weather reporting by pilots.

109.When weather conditions likely to affect the safety of other aircraft are encountered, they shall be reported as soon as possible.

Hazardous flight conditions.

110. Hazardous flight conditions, other than those associated with meteorological conditions, encountered en route should be reported as soon as possible and the reports so rendered shall give such details as may be pertinent to the safety of other aircraft.

Fitness of flight crew members.

111.The pilot-in-command shall be responsible for ensuring that a flight—

(a) is not commenced if any flight crew member is incapacitated from performing duties by any cause such as injury, sickness, fatigue, the effects of alcohol or drugs; and

(b) is not continued beyond the nearest suitable heliport when flight crew members' capacity to perform functions is significantly reduced by impairment of faculties from causes such as fatigue, sickness or lack of oxygen.

Flight crew members at duty stations.

112. (1) All flight crew members required to be on flight deck duty shall be at their stations when taking-off and landing.

(2) All flight crew members required to be on flight deck duty shall remain at their stations except when their absence is necessary for the performance of duties in connection with the operation of the helicopter, or for physiological needs.

(3) All flight crew members shall keep their seat belt fastened when at their stations.

(4) When safety harnesses are provided, any flight crew member occupying a pilot's seat or all other flight crew members shall keep their safety harness fastened during the take-off and landing phases, unless the shoulder straps interfere with the performance of their duties, in which case the shoulder straps may be unfastened but the seat belt shall remain fastened.

Instrument Flight Procedures.

113.(1) One or more instrument approach procedures designed to support instrument approach operations shall be approved and

promulgated by the State in which the heliport is located, or by the State which is responsible for the heliport when located outside the territory of Kenya, to serve each final approach and take-off area or heliport utilized for instrument flight operations.

(2) All helicopters operated in accordance with IFR shall comply with the instrument approach procedures approved by the State in which the heliport is located, or by the State which is responsible for the heliport when located outside the territory of Kenya.

Instructions-General.

114. A helicopter rotor shall not be turned under power for the purpose of flight without a qualified pilot at the controls.

Refuelling with passengers on board or rotors turning.

115.(1) A helicopter should not be refuelled when passengers are embarking, on board or disembarking or when the rotor is turning unless it is attended by the pilot-in-command or other qualified personnel ready to initiate and direct an evacuation of the helicopter by the most practical and expeditious means available.

(2) When refuelling with passengers embarking, on board or disembarking, two-way communications shall be maintained by helicopter inter-communications system or other suitable means between the ground crew supervising the refuelling and the pilot-in-command or other qualified personnel required by sub-regulation (1).

Over- water flights.

116. All helicopters on flights over water in a hostile environment in accordance with these regulations shall be certificated for ditching. Sea state shall be an integral part of ditching information.

Helicopter performance

Operating limitations.

117.(1) A helicopter shall be operated—

(a) in compliance with the terms of its airworthiness certificate or equivalent approved document;

(b) within the operating limitations prescribed by the Authority; and

(c) within the mass limitations imposed by compliance with the applicable noise certification standards in the Civil Aviation (Environmental Protection) Regulations, unless otherwise authorized, in exceptional circumstances for a certain heliport where there is no noise disturbance problem, by the competent authority of the State in which the heliport is situated.

(2) Placards, listings, instrument markings or combinations thereof, containing those operating limitations prescribed by the Authority for visual presentation, shall be displayed in the helicopter.

(3) Where helicopters are operating to or from heliports in a congested hostile environment, the competent authority of the State in which the heliport is situated shall take such precautions as are necessary to control the risk associated with an engine failure.

Helicopter maintenance

Maintenance responsibilities.

118. (1) The owner of a helicopter, or in the case where it is leased, the lessee, shall ensure that—

(a) the helicopter is maintained in an airworthy condition;

(b) the operational and emergency equipment necessary for the intended flight is serviceable;

(c) the certificate of airworthiness of the helicopter remains valid; and

(d) the maintenance of the helicopter is performed in accordance with a maintenance programme acceptable to the Authority.

(2) The helicopter shall not be operated unless it is maintained and released to service under a system acceptable to the Authority.

(3) When the certificate of release to service is not issued by an organization approved in accordance with the Civil Aviation (Airworthiness) Regulations the person signing the certificate of release to service shall be licensed in accordance with the Civil Aviation (Personnel Licensing) Regulations.

Maintenance records.

119. (1) The owner shall ensure that the following records are kept for the periods mentioned in sub-regulation (2) below—

(a) the total time in service hours, calendar time and cycles, as appropriate of the helicopter and all life-limited components;

(b) the current status of compliance with all mandatory continuing airworthiness information;

(c) appropriate details of modifications and repairs to the helicopter;

(d) the time in service (hours, calendar time and cycles, as appropriate) since last overhaul of the helicopter or its components subject to a mandatory overhaul life;

(e) the current status of the helicopter's compliance with the maintenance programme; and

(f) the detailed maintenance records to show that all requirements for signing of a certificate of release to service have been met.

(2) The records in sub-regulation (1) (a) to (e) above shall be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service, and the records in sub-regulation (1) (f) above for a minimum period of one year after the signing of the certificate of release to service.

(3) The lessee of a helicopter shall comply with the requirements of sub-regulation (1)and (2) above, as applicable, while the helicopter is leased.

Continuing airworthiness information.

120. The owner of a helicopter over 3 175 kg maximum certificated take-off mass, or in the case where it is leased, the lessee, shall, as required by the Authority, ensure that the information resulting from maintenance and operational experience with respect to continuing airworthiness is transmitted as required by the Civil Aviation (Airworthiness) Regulations.

Modification and Repairs.

121. All modifications and repairs shall comply with airworthiness requirements acceptable to the Authority and the procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

Certificate of release to service.

122. (1) A certificate of release to service shall be completed and signed, as prescribed by the Authority, to certify that the maintenance work performed has been completed satisfactorily.

(2) A certificate of release to service shall contain a certification including—

(a) basic details of the maintenance carried out;

(b) the date such maintenance was completed;

(c) when applicable, the identity of the approved maintenance organization; and

(d) the identity of the person or persons signing the release.

Helicopter flight crew

Qualifications.

123.The pilot-in-command shall ensure that the licences of each flight crew member have been issued or rendered valid by the Authority, and are properly rated and of current validity, and shall be satisfied that flight crew members have maintained competence.

Composition of flight crew.

124. The number and composition of the flight crew shall not be less than that specified in the flight manual or other documents associated with the certificate of airworthiness.

PART XV-EXEMPTIONS, GENERAL PROVISIONS, OFFENCES AND PENALTIES

Exemptions

Applicability.

125. Regulations contained in this Part shall be applicable to all helicopters engaged in commercial air transport operations or in general aviation operations.

Requirement for application.

126. (1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An applications for exemption shall be submitted at least sixty days in advance of the proposed effective date.

(3) A request for an exemption shall contain—

(a) the applicant's name;

(b) physical address and mailing address;

(c) telephone number;

(d) fax number if available; and

(e) email address if available.

(4) The application shall be accompanied by a fee specified by the Authority, for technical evaluation.

Request for exemption- Review, Publication and Issue or Denial of the Exemption.

127. (1) An application for an exemption shall contain the following—

(a) a citation of the specific requirement from which the applicant seeks exemption;

(b) an explanation of why the exemption is needed;

(c) a description of the type of operations to be conducted under the proposed exemption;

(d) the proposed duration of the exemption;

(e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;

(f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;

(g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and

(h) if the applicant seeks to operate under the proposed exemption outside of the Kenyan airspace, the application shall indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO) as well as the Regulations pertaining to the airspace in which the operation shall occur.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not filed in time, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in a timely fashion.

Initial review by the Authority.

128. (1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 86 and 87.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in the Kenya Gazette, aeronautical information circular or at least one local daily newspaper with a wider circulation for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) Where the filing requirements of Regulations 86 and 87 have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

Evaluation of the request.

129.(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

(a) determination of whether an exemption would be in the public interest;

(b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;

(c) a determination of whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices; and

(d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Kenya, the Authority shall publish the summary in the Aeronautical Information Circular.

General provisions

Possession of the licence.

130. (1) A holder of a licence, certificate or authorisation or other document issued by the Authority, shall have it in his or her physical possession or at the work site when exercising the privileges of that licence, certificate, authorisation or such other document.

(2) A flight crew of a foreign registered aircraft shall hold a valid licence, certificate or authorisation and have it in his or her physical possession or at the work site when exercising the privileges of that licence, certificate or authorisation.

Drug and alcohol testing and reporting.

131.(1) Any person who performs any function related to operation of aircraft under these Regulations may be tested for drug or alcohol usage.

(2) The Authority may prohibit any person from carrying out the functions related to operation of aircraft, who—

(a) tests positive for drug or alcohol usage;

(b) refuses to submit to a test; or

(c) refuses to furnish or to authorise the release of the test results requested by the Authority.

Inspection of licences and certificates.

132. A person who holds a licence, certificate, authorisation or such other document required by these Regulations shall present it for inspection upon a request from the Authority or any person authorized by the Authority.

Change of name.

133.(1) A holder of a licence, certificate, authorisation or other document issued under by the Authority may apply to change the name on a licence, certificate, authorisation or such other document.

(2) The holder shall include with any such request—

(a) a court order, or other legal document verifying the name change;

(b) the current licence, certificate, authorisation or such other document sought to be amended.

(3) The Authority may change the licence, certificate, authorisation or such other document and issue a replacement thereof.

(4) The Authority shall return to the holder the original documents specified in sub-regulation (2)(b) and retain copies thereof and return the replaced licence, certificate or authorisation with the appropriate endorsement.

(5) A licence, certificate, authorisation or such other document issued to a person under these Regulations is not transferable.

Change of address.

134.(1) A holder of a certificate or authorisation issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so in the case of—

(a) physical address, at least fourteen days in advance; and

(b) mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

Replacement of documents.

135.A person may apply to the Authority for replacement of documents issued under these Regulations if the documents are lost or destroyed.

Certificate suspension and revocation.

136.(1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorisation or such other document issued, granted or having effect under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any

certificate, approval, permission, exemption or such other document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.

(4) A holder or any person having the possession or custody of any certificate, approval, permission, exemption or such other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within 14 days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any certificate, approval, permission, exemption or any other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

Use and retention of certificates and records.

137. (1) A person shall not—

(a) use any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled;

(b) forge or alter any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations;

(c) lend any certificate, approval, permission, exemption or such other document issued or required by or under these Regulations to any other person; or

(d) make any false representation for the purpose of procuring for himself or any other person the issue renewal or variation of any such certificate, approval, permission or exemption or such other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

(3) All records required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) A person shall not purport to issue any certificate, document or exemption under these Regulations unless he is authorised to do so by the Authority.

(5) A person shall not issue any certificate of the kind referred to in sub-regulation (4) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

Reports of violations.

138.(1) Any person who knows of a violation of the Act, any amendment thereto, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

(2) The Authority shall determine the nature and type of any additional investigation or enforcement action that need be taken.

Enforcement.

139. (1) The Authority shall take enforcement action on any regulated entity that fails to comply with the provisions of these Regulations.

(2) Inspectors of the Authority holding valid delegations shall take necessary action to preserve safety where an undesirable condition has been detected.

(3) The action(s) referred to in sub-regulation (2) may include—

(a) in the case of a regulated entity, imposition of operating restrictions until such a time that the existing undesirable condition has been resolved;

(b) in the case of a licensed personnel, require that the individual does not exercise the privileges of the license until such a time that the undesirable condition has been resolved.

(4) In carrying out the enforcement actions pursuant to the provisions of sub-regulation (2), the inspectors of the Authority shall invoke the powers with due care and act in good faith in the interest of preserving safety.

Aeronautical user fees.

140.(1) The Authority shall prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or such other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the prescribed fees.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority, shall not refund any payment made.

Application of regulations to Government and visiting forces, etc.

141.(1) These Regulations shall apply to aircraft, not being a military aircraft belonging to or exclusively employed in the service of the Government, and for the purposes of such application, the department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Kenya.

Extra-territorial application of Regulations.

142. Except where the context otherwise requires, the provisions of these Regulations shall—

(a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Kenya, apply to such aircraft wherever they may be;

(b) in so far as they apply, whether by express reference or otherwise, to other aircraft, apply to such aircraft when they are within Kenya;

(c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and

(d) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

Flights over any foreign country.

143. (1) The operator or pilot-in-command of an aircraft registered in Kenya (or, if the operator's principal place of business or permanent residence is in Kenya, any other aircraft) which is being flown over any foreign State shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to that State.

(2) A person does not contravene sub-regulation (1) if that person neither knew nor had reasons to suspect that the aircraft was being or was to be used for a purpose referred to in sub-regulation (1).

(3) The operator or pilot in command of an aircraft registered in Kenya (or, if the operator's principal place of business or permanent residence is in Kenya, any other aircraft) which is being flown over any foreign State shall comply with any directions given by the appropriate aeronautical authorities of that State whenever—

(a) the flight has not been duly authorised;

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or shall be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to that State unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene sub-regulation (3) if he neither knew nor suspected that the directions were being given by the appropriate aeronautical authorities.

(5) The requirement in sub-regulation (3) shall not prejudice the need to comply with other requirements or directions of aeronautical authority.

(6) In this regulation "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign State to issue directions to aircraft flying over that State.

Contravention of Regulations.

144.The Authority may suspend or revoke the licence, certificate, approval, authorisation, exemption or other document of a person who contravenes any provision of these Regulations.

Appeals to the Tribunal.

145. A person who is aggrieved with the decision of the Authority under these Regulations may, within twenty one days, appeal to the Tribunal.

Offences and penalties.

146.(1) A person who contravenes any provision specified as an "A" provision in the Sixth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one million shillings for each offence and or to imprisonment for a term not exceeding one year or to both.

(2) A person who contravenes any provision specified as a "B" provision in the Sixth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings for each offence and or to imprisonment for a term not exceeding three years or to both.

(3) A person who contravenes any provision of these Regulations not being a provision referred to in the Sixth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings, and in the case of a second or subsequent conviction for the like offence to a fine not exceeding four million shillings.

Revocation of L.N 31/2013.

147.The Civil Aviation (Operation of Aircraft) Regulations, 2013 are revoked

Transitional.

148.A licence, certificate, permit or authorization issued or granted by the Authority before the commencement of these Regulations shall remain operational until it expires or is revoked, annulled or replaced.

FIRST SCHEDULE

(Regulations 40(2) and 42(5))

ADDITIONAL REQUIREMENTS FOR OPERATIONS OF HELICOPTERS IN PERFORMANCE CLASS 3 IN INSTRUMENT METEOROLOGICAL CONDITIONS (IMC)

Airworthiness and operations requirements provided in accordance with Sub-part III, shall satisfy the following:

1. ENGINE RELIABILITY

1.1 Attaining and maintaining approval for engines used by helicopters operating in performance Class 3 in IMC:

1.1.1 In order to attain initial approval for existing in-service engine types, reliability shall be shown to have a nominal power loss rate of less than 1 per 100 000 engine hours based on a risk management process.

Note.— Power loss in this context is defined as any significant loss of power, the cause of which may be traced to engine or engine component, design, maintenance or installation, including design or installation of the fuel ancillary or engine control systems.

1.1.2 In order to attain initial approval for new engine types, the State of Design shall assess engine models for acceptance for operations in performance Class 3 in IMC on a case-by-case basis.

1.1.3 In order to maintain approval, the State of Design shall, through the continuing airworthiness process, ensure that engine reliability remains consistent with the intent of the regulations.

1.2 The operator shall be responsible for a programme for ongoing engine trend monitoring.

1.3 To minimize the probability of in-flight engine failure, the engine shall be equipped with:

(a) for turbine engines: a re-ignition system that activates automatically or a manually selectable continuous ignition system unless the engine certification has determined that such a system is not required, taking into consideration the likely environmental conditions in which the engine is to be operated;

(b) a magnetic particle detection or equivalent system that monitors the engine, accessories gearbox, and reduction gearbox, and which includes a flight deck caution indication; and

(c) a means that would permit continuing operation of the engine through a sufficient power range to safely complete the flight in the event of any reasonably probable failure of the fuel control unit.

2. SYSTEMS AND EQUIPMENT

Helicopters operating in performance Class 3 in IMC shall be equipped with the following systems and equipment intended to ensure continued safe flight or to assist in achieving a safe forced landing after an engine failure, under all allowable operating conditions:

(a) either two separate electrical generating systems, each one capable of supplying all probable combinations of continuous in-flight electrical loads for instruments, equipment and systems required in IMC; or a primary electrical source and a standby battery or other alternate source of electric power that is capable of supplying 150 per cent of electrical loads of all required instruments and equipment necessary for safe emergency operations of the helicopter for at least one hour; and

(b) an emergency electrical supply system of sufficient capacity and endurance, following loss of all normally generated power to, as a minimum:

Note.— If a battery is used to satisfy the requirement for a second power source (see 2 a) above), an additional electrical power supply may not be required.

(1) maintain the operation of all essential flight instruments, communication and navigation systems during a descent from the maximum certificated altitude in an auto-rotational configuration to the completion of a landing;

(2) maintain the operation of the stabilization system, if applicable;

(3) lower the landing gear, if applicable;

(4) where required, provide power to one pilot heater, which must serve an airspeed indicator clearly visible to the pilot;

(5) provide for the operation of the landing light;

(6) provide for one engine restart, if applicable; and

(7) provide for the operation of the radio altimeter;

(a) a radio altimeter;

(b) an autopilot if intended as a substitute for a second pilot. In these cases, the Authority shall ensure the operator's approval clearly states any conditions or limitations on its use;

(c) a means to provide for at least one attempt at engine re-start;

(d) an area navigation system approved for use in IFR, capable of being used to locate suitable landing areas in the event of an emergency;

(e) a landing light that is independent of retractable landing gear and is capable of adequately illuminating the touchdown area in a night forced landing; and

(f) an engine fire warning system.

3. MINIMUM SERVICEABILITY REQUIREMENTS — OPERATING EQUIPMENT

The Authority shall specify the minimum serviceability requirements for operating equipment in helicopters operating in performance Class 3 in IMC.

4. OPERATIONS MANUAL INFORMATION

The operations manual shall include limitations, procedures, approval status and other information relevant to operations in performance Class 3 in IMC.

5. EVENT REPORTING

5.1 The operator approved to conduct operations by helicopters in performance Class 3 in IMC shall report all significant failures, malfunctions or defects to the Authority who in turn shall notify the State of Design.

5.2 The Authority shall monitor operations in performance Class 3 in IMC so as to be able to take any actions necessary to ensure that the intended safety level is maintained. The Authority shall notify major events or trends of particular concern to the appropriate type certificate holder and the State of Design.

6. OPERATOR PLANNING

Operator route planning shall take account of all relevant information in the assessment of intended routes or areas of operations, including the following:

(a) the nature of the terrain to be overflown, including the potential for carrying out a safe forced landing in the event of an engine failure or major malfunction;

(b) weather information, including seasonal and other adverse meteorological influences that may affect the flight; and

(c) other criteria and limitations as specified by the Authority.

7. FLIGHT CREW EXPERIENCE, TRAINING AND CHECKING

7.1 The Authority shall prescribe the minimum flight crew experience for helicopters operating in performance Class 3 in IMC.

7.2 The operator's flight crew training and checking programme shall be appropriate to operations in performance Class 3 in IMC, covering normal, abnormal and emergency procedures and, in particular, detection of engine failure including descent to a forced landing in IMC and, for single engine helicopters, entry into a stabilized autorotation.

8. OPERATOR CERTIFICATION OR VALIDATION

The operator shall demonstrate the ability to conduct operations in performance Class 3 in IMC through a certification and approval process specified by the Authority.

SECOND SCHEDULE

(Regulations 43 and 44(2)(c))

ADDITIONAL GUIDANCE FOR OPERATIONS OF HELICOPTERS IN PERFORMANCE CLASS 3 IN INSTRUMENT METEOROLOGICAL CONDITIONS (IMC)

1. PURPOSE AND SCOPE

The purpose of this schedule is to give additional guidance on the airworthiness and operational requirements described in sub-part III and the first schedule, which have been designed to meet the overall level of safety intended for approved operations in performance Class 3 in IMC.

2. ENGINE RELIABILITY

2.1 The power loss rate required in sub-part III and the first schedule, paragraph 1 should be established based on data from commercial air transport operations supplemented by suitable data from other operations in similar theatres of operations. Service experience is needed on which to base the judgement, and this should include a number of hours, acceptable to the State of Design, on the actual helicopter/engine combination unless additional testing has been carried out or experience on sufficiently similar variants of the engine is available.

2.2 In assessing engine reliability, evidence should be derived from a world fleet database covering as large a sample as possible of operations considered to be representative, compiled by the appropriate type certificate holders and reviewed by the States of Design. Since flight hour reporting is not mandatory for many types of operators, appropriate statistical estimates may be used to develop the engine reliability data. Data for individual operators approved for these operations including trend monitoring and event reports should also be monitored and reviewed by the Authority to ensure that there is no indication that the operator's experience is unsatisfactory.

2.2.1 Engine trend monitoring should include the following:

(a) an oil consumption monitoring programme based on the manufacturer's recommendations; and

(b) an engine condition monitoring programme describing the parameters to be monitored, the method of data collection and the corrective action process; this should be based on the manufacturer's recommendations. The monitoring is intended to detect engine deterioration at an early stage to allow for corrective action before safe operation is affected.

2.2.2 A reliability programme should be established covering the engine and associated systems. The engine programme should include engine hours flown in the period and the power loss rate for all causes established on an appropriate statistical basis. The event reporting process should cover all items relevant to the ability to operate safely in IMC. The data should be available for use by the type certificate holder and the State of Design so as to establish that the intended reliability levels are being achieved. Any sustained adverse trend should result in an immediate evaluation by the operator in consultation with the State(s) of Design and type certificate holders with a view to determining actions to restore the intended safety level.

Note.— The actual period selected should reflect the global utilization and the relevance of the experience included (e.g. early data may not be relevant due to

subsequent mandatory modifications which affected the power loss rate). After the introduction of a new engine variant and while global utilization is relatively low, the total available experience may have to be used to try to achieve a statistically meaningful average.

2.3 Power loss rate should be determined as a moving average over an appropriate period. Power loss rate, rather than in-flight shutdown rate, has been used as it is considered to be more appropriate for a helicopter operating in performance Class 3. If a failure occurs on a helicopter operating in performance Class 1 or 2 that causes a major, but not total, loss of power on one engine, it is likely that the engine will be shut down since positive engine-out performance is still available, whereas on a helicopter operating in performance Class 3 it may well be decided to make use of the residual power to stretch the glide distance.

3. OPERATIONS MANUAL

The operations manual should include all necessary information relevant to operations by helicopters operating in performance Class 3 in IMC. This should include all of the additional equipment, procedures and training required for such operations, route or area of operation and likely landing area (including planning and operating minima).

4. OPERATOR CERTIFICATION OR VALIDATION

The operator certification or validation process specified by the Authority should ensure the adequacy of the operator's procedures for normal, abnormal and emergency operations, including actions following engine, systems or equipment failures. In addition to the normal requirements for operator certification or validation, the following items should be addressed in relation to operations by helicopters operating in performance Class 3 in IMC:

(a) confirmation of the achieved engine reliability of the helicopter engine combination;

(b) specific and appropriate training and checking procedures;

(c) a maintenance programme which is extended to address the equipment and systems;

(d) an MEL modified to address the equipment and systems necessary for operations in IMC;

(e) planning and operating minima appropriate to operations in IMC;

(f) departure and arrival procedures and any route/area limitations;

(g) pilot qualifications and experience; and

(h) the operations manual, including limitations, emergency procedures, routes or areas of operation, the MEL and normal procedures related to the equipment referred to in the Civil Aviation (Air Operator Certificate and Administration) Regulations.

5. OPERATIONAL APPROVAL AND MAINTENANCE PROGRAMME REQUIREMENTS

5.1 Approval to undertake operations by helicopters in performance Class 3 in IMC specified in an air operator certificate or equivalent document should include the particular airframe/engine combinations, including the current type design standard for

such operations, the specific helicopters approved, and the areas or routes of such operations.

5.2 The operator's maintenance control manual should include a statement of certification of the additional equipment required, and of the maintenance and reliability programme for such equipment, including the engine.

THIRD SCHEDULE

(Regulations 69 and 79)

FLIGHT TIME, FLIGHT DUTY PERIOD AND DUTY PERIOD LIMITATIONS

PURPOSE AND SCOPE

1.1 Flight time and flight duty period limitations are established for the sole purpose of reducing the probability that fatigue of flight crew members may adversely affect the safety of flight.

1.2 In order to guard against this, two types of fatigue must be taken into account, namely, transient fatigue and cumulative fatigue. Transient fatigue may be described as fatigue which is normally experienced by a healthy individual following a period of work, exertion or excitement, and it is normally dispelled by a single sufficient period of sleep. On the other hand cumulative fatigue may occur after delayed or incomplete recovery from transient fatigue or as the after-effect of more than a normal amount of work, exertion or excitement without sufficient opportunity for recuperation.

1.3 Limitations based on the provisions of these Regulations will provide safeguards against both kinds of fatigue because they will recognize:

1.3.1 The necessity to limit flight time in such a way as to guard against both kinds of fatigue.

1.3.2 The necessity to limit time spent on duty on the ground immediately prior to a flight or at intermediate points during a series of flights in such a way as to guard particularly against transient fatigue.

1.3.3 The necessity to provide flight crew members with adequate opportunity to recover from fatigue.

1.3.4 The necessity of taking into account other related tasks the flight crew member may be required to perform in order to guard particularly against cumulative fatigue.

2 .DEFINITIONS

"Deadheading crew" means a crew member positioned by the operator in flight or by surface transport;

"Duty period" means the time during which a flight crew member carries out any duty at the behest of the flight crew member's employer;

"Flight duty period" means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

"Flight sector" means a flight or one of a series of flights which commences at a parking place of the aircraft and terminates at a parking place of the aircraft. It is composed of:

— flight preparation,

— flight time,

— post-flight period after the flight sector or series of flight sectors;

"Flight time — helicopters" means the total time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;

"Rest period" means any period of time on the ground during which a flight crew member is relieved of all duties by the operator;

"Series of flights" means two or more flight sectors accomplished in between two rest periods;

"Standby" means a defined period during which a crew member may be called for duty with minimum notice; and

"Turnaround time"means the time spent on the ground during a flight duty period between two flight sectors.

DUTY AND REST PERIODS – ALL CREW MEMBERS AND FLIGHT OPERATIONS OFFICERS:

3.0 WITH RESPECT TO DUTY PERIODS.

3.1 Persons are considered to be on duty if they are performing any tasks on behalf of the operator, whether scheduled, requested or self-initiated.

3.2 If an operator requires a flight crew member to engage in deadhead transportation for more than 4 hours, one half of that time shall be treated as duty time, unless they are given 10 hours of rest on the ground before being assigned to flight duty.

An operator shall not schedule:

3.3 A flight crew member for more than 14 hours of duty, except as prescribed by the Authority.

3.4 A cabin crew member for more than 14 consecutive hours of duty, except as prescribed by the Authority.

3.5 A flight operations officer/aircraft dispatcher for more than 10 consecutive hours of duty within a 24 consecutive hour period, unless that person is given an intervening rest period of at least 8 hours at or before the end of the 10 hours duty, except in cases where circumstances or emergency conditions beyond the control of the operator require otherwise.

3.6 Each operator shall establish the daily duty period for a flight operations officer/aircraft dispatcher so that it begins at a time that allows him or her to become thoroughly familiar with existing and anticipated weather conditions along the route before he or she dispatches any aircraft.

3.7 He or she shall remain on duty until each aircraft dispatched by him or her has completed its flight or has gone beyond his or her jurisdiction or until he or she is relieved by another qualified dispatcher.

4.0 WITH RESPECT TO REST PERIODS.

4.1 The minimum rest period is considered to be 8 consecutive hours.

4.2 The minimum rest period for flight crew members shall be 9 consecutive hours, unless otherwise prescribed by the Authority.

4.3 The operator may exercise the option to reduce a crew member's rest period within the limitations prescribed under item 3.0.

4.4 The operator shall relieve the flight crew member, flight operations officer/flight dispatcher, or cabin crew member from all duties for 24 consecutive hours during any 7 consecutive day period.

4.5 Time spent in transportation, not local in character, which is required by the operator to position crew members to or from flights is not considered part of a rest period.

4.6 Time spent in transportation on aircraft (at the insistence of the operator) to or from a crew member's home station is not considered part of a rest period.

An operator shall not assign, nor may any person shall:

4.7 Perform duties in commercial air transportation unless that person has had at least the minimum rest period applicable to those duties as prescribed by the Authority; or

4.8 Accept an assignment to any duty with the operator during any required rest period.

5.0 DUTY ALOFT – FLIGHT CREW

5.1 The Authority will consider all time spent on an aircraft as an assigned flight crew member or relief flight crew member, whether resting or performing tasks, to be duty aloft.

5.2 The Authority will consider a flight crew member to be on continuous duty aloft unless the flight crew member receives a rest period of 8 consecutive hours on the ground.

5.3 Each operator shall provide adequate sleeping quarters, including a berth on the aircraft whenever a flight crew member is scheduled to be aloft for more than 12 hours during any 24 consecutive hours.

6.0 MAXIMUM NUMBER OF FLIGHT TIME HOURS – FLIGHT CREW

6.1 A person shall not schedule any flight crew member and no flight crew member shall accept an assignment for flight time in commercial air transportation, if that flight crew member's total flight time will exceed 8 hours in any 24 consecutive hours.

6.2 A person shall not schedule any flight crew member and no flight crew member shall accept an assignment as a required crew member for more than 7 flights in commercial air transportation during any period of 18 consecutive hours, whichever comes first.

6.3 A person shall not schedule any flight crew member and no flight crew member shall accept an assignment for flight time in commercial air transportation, if that flight crew member's total flight time will exceed 30 hours in any 7-day period.

6.4 A person shall not schedule any flight crew member and no flight crew member shall accept an assignment for flight time in commercial air transportation, if that flight crew member's total flight time will exceed 100 hours in any 30-day period.

6.5 A person shall not schedule any flight crew member and no flight crew member shall accept an assignment for flight time in commercial air transportation, if that flight crew member's total flight time, total flights or duty aloft in commercial flying will exceed the limitations prescribed by the Authority.

6.6 A person shall not schedule any flight crew member and no flight crew member shall accept an assignment for flight time in commercial air transportation, if that flight crew member's total flight time will exceed 1000 hours in any 12-calendar month period.

7.0 COMPLIANCE WITH SCHEDULING REQUIREMENTS

7.1 The Authority will consider a person in compliance with prescribed standards if that person exceeds flight/duty limitations when:

7.2 The flight is scheduled and normally terminates within the prescribed limitations; but

Due to circumstances beyond the control of the operator (such as adverse weather conditions) are not expected at the time of departure to reach the destination within the scheduled time.

7.3 The Authority will consider a person in compliance with prescribed duty limitations, if that person exceeds applicable limitations during emergency or adverse situations beyond the control of the operator.

8.0 SPECIAL FLIGHT DUTY SCHEMES

8.1 The Authority may approve a special flight duty scheme for an operator.

8.2 An operator may elect to apply the flight crew member flight duty and rest requirements to the cabin crew members.

9.0 FLIGHT TIME, DUTY, AND REST PERIOD RECORDS

9.1 Each operator shall maintain records for each crew member and flight operations officer/flight dispatcher of flight time, flight duty periods, duty periods, and rest periods for a period of 24 months.

FOURTH SCHEDULE

(Regulations 81and 87(2))

INSTRUCTOR AND CHECK PERSONNEL TRAINING

1. PURPOSE AND SCOPE

The purpose of this schedule is to give additional guidance on instructor and check personnel in operational requirements described in sub-part XI .

2. INSTRUCTOR TRAINING

2.0 FLIGHT CREW INSTRUCTOR TRAINING.

1) No operator may use a person, nor may any person serve as flight instructor in a training programme unless:

(a) that person has satisfactorily completed initial or transition flight instructor training; and

(b) within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an inspector from the Authority or an Operator's check personnel.

2) An Operator may accomplish the observation check for a flight instructor, in part or in full, in an aircraft or a flight simulation training device.

3) Each Operator shall ensure that initial ground training for flight instructors includes the following:

(a) flight instructor duties, functions, and responsibilities;

(b) applicable regulations and the Operator's policies and procedures;

(c) appropriate methods, procedures, and techniques for conducting the required checks;

(d) proper evaluation of student performance including the detection of:

(i) improper and insufficient training; and

(ii) personal characteristics of an applicant that could adversely affect safety.

(iii) appropriate corrective action in the case of unsatisfactory checks.

(iv) approved methods, procedures, and limitations for performing the required normal, abnormal, and

(v) emergency procedures in the aircraft.

(e) Except for holders of existing flight instructor licences:

(i) the fundamental principles of the teaching-learning process;

(ii) teaching methods and procedures; and

(iii) the instructor-student relationship.

4) Each Operator shall ensure that the transition ground training for flight instructors includes the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the flight instructor is in transition.

5) Each Operator shall ensure that the initial and transition flight training for flight instructors includes the following:

(a) the safety measures for emergency situations that are likely to develop during instruction;

(b) the potential results of improper, untimely, or non-execution of safety measures during instruction;

(c) for pilot flight instructor (aircraft):

(i) in-flight training and practice in conducting flight instruction from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence as an instructor; and

(ii) the safety measures to be taken from either pilot seat for emergency situations that are likely to develop during instruction.

6) For flight engineer instructors and flight navigator instructors, in-flight training to ensure competence to perform assigned duties.

7) An Operator may accomplish the flight training requirements for flight instructors in full or in part in-flight or in a flight simulation training device, as appropriate.

8) An Operator shall ensure that the initial and transition flight training for flight instructors (flight simulation training device) includes the following:

(a) training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. This training and practice shall be accomplished in full or in part in a flight simulation training device;

(b) training in the operation of flight simulation training devices, to ensure competence to conduct the flight instruction required by this part.

3. CABIN CREW INSTRUCTOR TRAINING.

1) No operator may use a person, nor may any person serve as cabin instructor in a training programme unless:

(a) that person has satisfactorily completed initial or transition cabin instructor training; and

(b) within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an inspector from the Authority or an Operator's check personnel.

2) An Operator may accomplish the observation check for a cabin instructor, in part or in full, in an aircraft or a cabin simulation training device.

3) Each Operator shall ensure that initial ground training for cabin instructors includes the following:

(a) cabin instructor duties, functions, and responsibilities;

(b) applicable regulations and the Operator's policies and procedures;

(c) appropriate methods, procedures, and techniques for conducting the required checks;

(d) proper evaluation of student performance including the detection of:

(i) improper and insufficient training; and

(ii) personal characteristics of an applicant that could adversely affect safety.

(e) appropriate corrective action in the case of unsatisfactory checks.

(f) approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft, as applicable.

(g) except for existing cabin instructors:

(i) the fundamental principles of the teaching-learning process;

(ii) teaching methods and procedures; and

(iii) the instructor-student relationship.

4) Each Operator shall ensure that the transition ground training for cabin instructors includes the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft, as appropriate to which the cabin instructor is in transition.

5) Each Operator shall ensure that the initial and transition flight training for cabin instructors includes the following:

(a) safety measures for emergency situations that are likely to develop during instruction.

(b) the potential results of improper, untimely, or non-execution of safety measures during instruction.

4. FLIGHT OPERATIONS OFFICER INSTRUCTOR TRAINING.

1) No operator may use a person, nor may any person serve as flight operations officer instructor in a training programme unless:

(a) that person has satisfactorily completed initial or transition flight operations officer instructor training; and

(b) within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an inspector from the Authority or an Operator's check flight operations officer.

2) An Operator may accomplish the observation check for a flight operations officer instructor, in part or in full, in a flight operations centre.

3) Each Operator shall ensure that initial ground training for flight operations officer instructors includes the following:

(a) flight operations officer instructor duties, functions, and responsibilities;

(b) applicable regulations and the Operator's policies and procedures;

(c) appropriate methods, procedures, and techniques for conducting the required checks;

(d) proper evaluation of student performance including the detection of:

(i) improper and insufficient training; and

(ii) personal characteristics of an applicant that could adversely affect safety;

(e) appropriate corrective action in the case of unsatisfactory checks;

(f) approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures for the aircraft or position involved.

(g) except for holders of existing flight operations officer instructor licences:

(i) the fundamental principles of the teaching-learning process;

(ii) teaching methods and procedures; and

(iii) the instructor-student relationship.

4) Each Operator shall ensure that the transition ground training for flight operations officer instructors includes the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to

the aircraft or position involved to which the flight operations officer instructor is in transition.

5) Each Operator shall ensure that the initial and transition training for flight operations officer instructors includes the following:

(a) the safety measures for emergency situations that are likely to develop during instruction in a flight operations centre.

(b) the potential results of improper, untimely, or non-execution of safety measures during instruction in a flight operations centre.

6. CHECK PERSONNEL TRAINING

(a) TRAINING FOR CHECK PERSONNEL – GENERAL.

1) No operator may use a person, nor may any person serve as a check person in a training programme unless, with respect to the aircraft type involved, that person has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training and differences training, that are required to serve as PIC, flight engineer, navigator, cabin crew member, or flight operations officer, as applicable.

2) Each Operator shall ensure that initial ground training for check personnel includes:

(a) check personnel duties, functions, and responsibilities;

(b) applicable regulations and the Operator's policies and procedures;

(c) appropriate methods, procedures, and techniques for conducting the required checks;

(d) proper evaluation of student performance including the detection of improper and sufficient training;

(e) personal characteristics of an applicant that could adversely affect safety:

(i) appropriate corrective action in the case of unsatisfactory checks;

(ii) approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft;

(f) transition ground training for all check personnel, shall include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the check person is in transition.

5. TRAINING FOR CHECK PERSONNEL OF FLIGHT CREW.

1) For check pilots, each Operator shall ensure that the initial and transition flight training includes:

(a) training and practice in conducting flight evaluations (from the left and right pilot seats for check pilots) in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks.

(b) the potential results of improper, untimely or non-execution of safety measures during an evaluation.

(c) the safety measures (to be taken from either pilot seat for check pilots) for emergency situations that are likely to develop during an evaluation.

2) For check flight engineers and check flight navigators, each Operator shall ensure training to ensure competence to perform assigned duties to include:

(a) the safety measures for emergency situations that are likely to develop during a check;

(b) the potential results of improper, untimely or non-execution of safety measures during a check.

3) Each Operator shall ensure that the initial and transition flight training for check personnel (simulator) includes:

(a) training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the checks required by this part (this training and practice shall be accomplished in a flight simulation training device).

(b) training in the operation of flight simulation training devices, to ensure competence to conduct the checks required by this part.

4) An Operator may accomplish flight training for check personnel, in full or in part in an aircraft or in a flight simulation training device, as appropriate.

5) The operator shall record the training in each individuals training record maintained by the operator.

6. TRAINING FOR CHECK CABIN CREW MEMBERS.

1) For check cabin crew members, each operator shall ensure that the training includes:

(a) the safety measures for emergency situations that are likely to develop during a check; and

(b) the potential results of improper, untimely or non-execution of safety measures during a check.

7. TRAINING FOR CHECK FLIGHT OPERATIONS OFFICERS.

1) For check flight operations officers, each operator shall ensure that the training includes:

(a) the safety measures for emergency situations that are likely to develop during a check; and

(b) the potential results of improper, untimely or non-execution of safety measures during a check.

(c) the operator shall record the training in each individuals training record maintained by the older operator.

FIFTH SCHEDULE

(regulation 96)

GENERAL AVIATION SPECIFIC APPROVALS

1. PURPOSE AND SCOPE

1.1 Specific approvals shall have a standardized format which contains the minimum information required in the specific approval template.

Note.— When the operations to be conducted require a specific approval, a copy of the document(s) needs to be carried on board

SPECIFIC APPROVAL

ISSUING AUTHORITY and CONTACT DETAILS[1] Issuing Authority[1] _____

Address _____

Signature: _____ Date[2]: _____

Telephone: _____ Fax: _____

Email: _____

OWNER/OPERATOR

Name[3]: _____ Address: _____

Telephone: _____ Fax: _____

Email: _____

Aircraft model[4] and registration marks:

SPECIFIC APPROVAL	YES	NO	DESCRIPTION[5]	REMARKS
Low visibility operations				
Approach &landing	☐	☐	CAT[6]: _____ RVR: _____ m DH: _____ ft	
Take-off	☐	☐	RVR[7]: _____ m	
Operational credit(s)	☐	☐	8	
RVSM	☐	☐		
AR navigation specifications for PBN operations	☐	☐	9	
Other[10]	☐	☐		

Notes.—

1. Civil Aviation Authority name and contact details, including the telephone country code and email if available.

2. Issuance date of the specific approval (dd-mm-yyyy) and signature of the authority representative.

3. Owner or operator's name and address.

4. Insert the helicopter make, model and series, or master series, if a series has been designated The CAST/ICAO taxonomy is available at:http://www.intlaviationstandards.org/.

5. List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).

6. Insert the applicable precision approach category (CAT II, IIIA, IIIB or IIIC). Insert the minimum RVR in metres and decision height in feet. One line is used per listed approach category.

7. Insert the approved minimum take-off RVR in metres. One line per approval may be used if different approvals are granted.

8. List the airborne capabilities (i.e. automatic landing, HUD, EVS, SVS, CVS) and associated operational credit(s) granted.

9. Performance-based navigation (PBN): one line is used for each PBN AR navigation specification approval (e.g. RNP AR APCH), with appropriate limitations listed in the "Description" column.

10. Other specific approvals or data can be entered here, using one line (or one multi-line block) per approval (e.g. specific approach operations approval,MNPS).

SIXTH SCHEDULE (regulation 146)

PENALTIES

1.	Compliance with laws, regulations and procedures	
2.	Compliance by a foreign operator with laws regulations and procedures of a state	
4.	Dangerous goods	B
5.	Use of psychoactive substance	B
6.	Operating facilities	A
7.	The air operator certificate	B
8.	Surveillance of operations by a foreign operator	B
10.	Operating instructions –general	A
11.	In flight simulations of emergency situations	B
12.	Checklists	B
13.	Minimum flight altitudes (operations under IFR)	A
14.	Heliport or landing location operating minima	A
15.	Fuel and oil records	B
16.	Crew	A
17.	Passengers	A
18.	Over water flights	A
19.	Flight preparation	A
20.	Operational flight planning	A
21.	Alternate heliports	A
22.	Meteorological conditions	B
23.	Fuel and oil requirements	B

24.	Refuelling with passengers on board	A
25.	Oxygen supply	A
26.	Heliport operating minima	A
27.	Meteorological observations	A
28.	Hazardous flight conditions	A
29.	Flight crew members at duty stations	A
30.	Use of oxygen	A
31.	Safeguarding of cabin crew and passengers in pressurized aircraft in the event of loss of pressurization	A
32.	Instrument flight procedures	A
33.	Helicopter operating procedures for noise abatement	B
34.	In flight fuel management	A
35.	Duties of pilot-in-command	A
36.	Duties of flight operations officer/flight dispatcher	A
37.	Carry-on baggage	A
38.	General	
39.	Applicable to helicopters certificated in accordance with the Civil Aviation (Airworthiness) Regulations	A
40.	Mass limitation	B
41.	Obstacle data	A
42.	Additional requirements for operations of helicopters in performance class 3 in IMC, except special VFR flights	A
43.	General	
44.	All helicopters on all flights	A
45.	All helicopters on flights over water	A
46.	All helicopters on flights over designated sea areas	A
47.	All helicopters on high altitude flights	A
48.	All helicopters in icing conditions	A
49.	Noise certification	B
50.	Helicopters carrying passengers-cabin crew seats	A
51.	Microphones	B
52.	Helicopters equipped with automatic landing systems, a head-up display (HUD)or equivalent displays, enhanced vision systems (EVS), synthetic vision systems (SVS) or combined vision systems (CVS)	B

53.	Electronic Flight Bag (EFB) equipment	B
54.	EFB functions	B
55.	EFB operational approval	B
56.	Communication equipment	B
57.	Navigation equipment	B
58.	Surveillance equipment	B
59.	Electronic navigation data management	B
60.	Composition of flight crew	A
61.	Flight crew member emergency duties	A
62.	Flight crew member training programs	A
63.	Recent experience pilot in command and co-pilot	A
64.	Pilot-in-command operational qualification	A
65.	Pilot proficiency checks	A
66.	Flight crew equipment	A
67.	Flight time, flight duty periods and rest periods	A
68.	Qualifications and training	A
69.	Flight manual	A
70.	Operator's maintenance control manual	A
71.	Maintenance programme	A
72.	Records of emergency and survival equipment carried	A
73.	Flight recorder records	A
74.	Assignment of emergency duties	B
75.	Protection of cabin crew during flight	B
76.	Training	A
77.	Flight time, flight duty periods and rest periods	A
78.	Instructor qualifications – flight crew, cabin crew, flight operations office	A
79.	Instructor training	A
80.	Personnel approved to conduct checks	A
81.	Check personnel qualifications	A
82.	Check personnel – Simulator additional requirements	A
83.	Check personnel for Cabin crew	B
84.	Check personnel for Flight operations officers	B
85.	Check personnel training	A
86.	Monitoring of training and checking activities	

87.	Termination of proficiency competency or line check	A
88.	Operators maintenance manual	A
89.	Maintenance programme	A
90.	Maintenance records	A

Dated the 24th April, 2018.

JAMES MACHARIA,
Cabinet Secretary for Transport,
Infrastructure, Housing and Urban Development.

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