

**S.I. 2011 No. 6**

**Civil Aviation Act  
(Act 2004-18)**

**CIVIL AVIATION (AIRCRAFT OPERATIONS)  
(AMENDMENT) REGULATIONS, 2011**

The Minister, in exercise of the powers conferred on him by section 88 of the *Civil Aviation Act*, makes the following Regulations:

1. These Regulations may be cited as the *Civil Aviation (Aircraft Operations) (Amendment) Regulations, 2011*.

2. Regulation 2 of the *Civil Aviation (Aircraft Operations) Regulations, 2007*, in these regulations referred to as the principal Regulations is amended by inserting the following definitions in the appropriate alphabetical order:

S.I. 2007  
No. 174.

"Aircraft Operations Standards" means the standards made by the Director pursuant to section 7(2)(k) of the Act and regulation 306 of these Regulations;

"airspace of Barbados" means the airspace specified and delineated as such in the Aeronautical Information Publication of Barbados;

"captive balloon" means an unpowered lighter-than-air aircraft or object attached to the ground by flexible restraints that limit movement;

"directed bright light source"

(a) means any directed light source, whether coherent or non-coherent, that may create a hazard to aviation safety or cause damage to an aircraft or injury to persons on board the aircraft; and

(b) includes lasers;

"ETOPS" means extended range operations by turbined-engined aeroplanes;

"PANS-OPS" means procedures for air navigation services-aircraft operations (ICAO Doc 8168 Vols. I and II);

"Psychoactive substance"

(a) means alcohol, opioids, cannabinoids, sedatives, hypnotics, cocaine and other psychostimulants, hallucinogens and volatile solvents;

(b) does not include coffee and tobacco;

"State of Registry" means the Contracting State on whose Register an aircraft is registered;

"UTC" means co-ordinated universal time;

"VOR" means very high frequency omni-directional radio range;".

3. The principal Regulations are amended by deleting the heading to Part II and substituting the following:

*"General Aviation Administration Practices"*

4. (1) The principal Regulations are amended by inserting the following as regulations 5A, 5B and 5C:

"Restrictions on balloons, airships and kites.

5A. (1) No person shall, unless permission is obtained in writing from the Director,

- (a) fly a captive balloon at a height of 60 or more metres; or
- (b) fly a captive balloon within 10 kilometres of an airport;
- (c) fly a kite within 5 kilometres of an airport perimeter or in any other area that may be specified by the Director;
- (d) fly in controlled airspace, a balloon which
  - (i) exceeds 2 metres in any linear dimension at any stage of its flight; or
  - (ii) is attached to any basket or other equipment; or
- (e) moor an airship.

(2) A person who is in charge of a captive balloon, when it is in flight, shall ensure

- (a) that it is securely moored; and
- (b) that it is not left unattended unless it is fitted with a device that ensures its automatic deflation if it breaks free from its moorings.

(3) A person who is in charge of an unmanned free balloon shall ensure that it is operated in such a manner as to minimize any hazard to persons, property or other aircraft.

(4) Any person who contravenes this regulation is guilty of an offence.

Restriction  
on the  
projection  
of directed  
bright light  
source at  
an aircraft.

**5B.** (1) Subject to paragraph (2), no person shall project or cause any person to project a directed bright light source into the airspace of Barbados in such a manner as to create a hazard to aviation safety or cause damage to an aircraft or injury to persons on board the aircraft.

(2) Any person who intends to project a directed bright light source into the airspace of Barbados with sufficient power, that could create a hazard to aviation safety within the meaning of the Aircraft Operations Standards, shall apply in writing for permission from the Director before taking the intended action.

(3) On receipt of an application under paragraph (2), the Director may issue an authorization if, in the opinion of the Director, the projection of the directed bright light source is not likely to create a hazard to aviation safety.

(4) Any person who contravenes paragraph (1) is guilty of an offence.

Operation  
of aircraft  
where there  
is directed  
bright light  
source.

**5C.** (1) Subject to paragraph (2), no pilot in command shall intentionally operate an aircraft

(a) into a beam from a directed bright light source; or

(b) into an area where a directed bright light source is projected,

unless the aircraft is operated in accordance with an authorization issued by the Director.

(2) The Director may issue an authorization under paragraph (1), if in the opinion of the Director, the operation of the aircraft is not likely to create a hazard to aviation safety."

5. Regulation 9 of the principal Regulations is amended in paragraph (1)(a) by adding at the end thereof, the words "that includes changes made by the State of Registry".

6. Regulation 10 of the principal Regulations is amended in paragraph (1) by inserting the following as paragraph (f):

"(f) a VOR check within the preceding 30 days."

7. Regulation 11 of the principal Regulations is amended in paragraph (1) by inserting the following as sub-paragraph (v):

"(v) a certified copy of the air operator's certificate and the corresponding operations specifications."

8. Regulation 34 of the principal Regulations is amended in paragraph (1) by inserting immediately after sub-paragraph (h) the following as sub-paragraph (i):

"(i) The flight crew of an aircraft includes at least one member who holds a flight navigator licence in all operations for purposes where the Director determines that navigation necessary for the safe conduct of the flight cannot be adequately accomplished by the pilots from the pilot station."

9. Regulation 35 of the principal Regulations is amended by inserting the following as paragraph (4):

S.I. 2007  
No. 172.      "(4) An operator shall ensure that members of the flight crew demonstrate the ability to speak and understand the language used for radiotelephony communications as specified in the *Civil Aviation (General Application and Personnel Licensing) Regulations, 2007*."

10. Regulation 41 of the principal Regulations is amended by inserting the following as paragraph (6):

"(6) When a pilot in command or a co-pilot is required to fly several variants of the same type of aircraft or different types of aircraft with similar characteristics, in terms of operating procedures, systems and handling, the Director shall decide under which conditions the requirements of paragraph (1) for each variant or each type of aircraft can be combined."

11. The principal Regulations are amended by inserting the following as regulation 41A:

"Recent  
experience  
for cruise  
relief pilot.

41A. (1) An operator shall not assign a pilot to act in the capacity of cruise relief pilot in a type or variant of a type of aircraft unless, within the preceding 90 days, that pilot has either

- (a) operated as a pilot in command, co-pilot or cruise relief pilot on the same type of aircraft; or
- (b) carried out refresher training in flying skills including normal, abnormal and emergency procedures specific to cruise flight,
  - (i) on the same type of aircraft; or

- (ii) in a flight simulator approved for the purpose,

and has practised approach and landing procedures where the approach and landing procedures may be performed as the pilot who is not flying the aircraft.

(2) When a cruise relief pilot is required to fly several variants of the same type of aircraft or different types of aircraft with similar characteristics in terms of operating procedures, systems and handling, the Director shall decide under which conditions the requirements specified in paragraph (1) for each variant or each type of aircraft can be combined."

12. The principal Regulations are amended in regulation 46 by

- (a) inserting in paragraph (6), the following as sub-paragraph (n);

"(n) have final authority as to the disposition of the aircraft while in command;" and

- (b) deleting paragraph (7) and substituting the following:

"(7) The pilot in command or the pilot to whom conduct of the flight has been delegated, whether manipulating the controls or not,

- (a) shall be responsible for the operation of the aircraft in accordance with the rules of the air; and

- (b) may take any action he considers necessary under circumstances of emergency and in such cases the pilot may deviate from rules, operational procedures and methods in the interest of safety."

13. Regulation 50 of the principal Regulations is amended by inserting the following as paragraph (3):

"(3) No person whose function is critical to the safety of aviation that is to say, safety-sensitive personnel, shall undertake that function

- (a) while under the influence of any psychoactive substance which is likely to impair human performance; or
- (b) if that person is taking or has taken any substance, including medication which may cause the impairment of judgment."

14. The principal Regulations are amended by deleting regulation 74 and substituting the following:

"Procedures  
for  
reporting  
potentially  
hazardous  
conditions.

74. (1) An operator shall establish procedures to ensure that flight crew

- (a) record and report on routine meteorological observations during climb out and enroute phases of flight; and
- (b) notify the appropriate air traffic control facility as soon as practicable whenever a potentially hazardous condition is encountered in any phase of flight, such as an irregularity in a ground navigational facility, a meteorological phenomenon or volcanic ash cloud.

(2) Notwithstanding paragraph (1), a pilot in command shall notify the appropriate air traffic control facility as soon as practicable whenever a potentially hazardous condition is encountered during flight such as an irregularity in a ground or navigational facility, a meteorological phenomenon or a volcanic ash cloud."



15. Regulation 78 of the principal Regulations is amended by inserting the following as paragraph (5):

"(5) Where the relevant air traffic services authority so requires, a pilot in command shall submit a flight plan for any flight into designated areas or along designated routes to facilitate

- (a) the provision of flight information, alerting search and rescue services; and
- (b) coordination with the relevant military units or with air traffic services facilities in adjacent states in order to avoid the need for interception for the purpose of identification;"

16. Regulation 83 of the principal Regulations is amended by

- (a) renumbering paragraph (6) as paragraph (7); and
- (b) inserting the following paragraph as paragraph (6):

"(6) A person who is in charge of a controlled flight shall, except when the aircraft is landing at a controlled airport, advise the relevant air traffic service facility as soon as the flight ceases to be subject to air traffic control service."

17. Regulation 85 of the principal Regulations is amended by adding the following as paragraph (3):

"(3) The responsible crew member of an air operator shall ensure that any inadequacy observed in the facilities referred to in paragraph (1) during the course of operations is reported without undue delay to the relevant authority."

18. Regulation 92 of the principal Regulations is amended by deleting paragraph (2) and substituting the following:

"(2) A national air operator shall ensure that each take-off alternate airport for the following types of aeroplane is located within the following distance from the airport of departure:

- (a) in the case of aeroplanes having two power-units, a distance not exceeding the distance equivalent to a flight time of one hour at the single-engine cruise speed; and
- (b) in the case of aeroplanes having three or more power-units, a distance not exceeding the distance equivalent to a flight time of two hours at the one-engine inoperative cruise speed."

19. Regulation 94 of the principal Regulations is amended by inserting the following as paragraph (4):

"(4) A national air operator shall,

- (a) demonstrate to the Director, the ability to maintain the level of reliability required for extended range operations with two engined aeroplanes; and
- (b) develop an ETOPS manual which shall include as a minimum, the requirements of regulation 93."

20. Regulation 95 of the principal Regulations is amended by deleting paragraph (2) and substituting the following:

"(2) A pilot in command shall ensure that the required en route alternate airports for extended range operations are selected and specified in the operational and air traffic services flight plans in accordance with the extended range operations diversion time approved by the Director."

21. Regulation 96 of the principal Regulations is amended by inserting the following as paragraphs (9) and (10):

"(9) An operator shall ensure that fuel and oil records are maintained to enable the Director to ascertain that for each flight the operator complies with the requirements

- (a) for sufficient fuel and oil to be carried to ensure that the flight can be safely completed; and
- (b) that a reserve is carried to provide for any contingencies.

(10) An operator shall ensure that fuel and oil records are retained for a period of three months."

22. The principal Regulations are amended by deleting regulation 97 and substituting the following:

"Fuel and oil requirements for piston-engined aeroplanes where alternate airport required.

97. (1) Where an alternate airport is required, the pilot in command shall not operate a piston-engined aeroplane unless he ensures that the aeroplane carries sufficient fuel and oil to allow the aeroplane to fly to the airport to which the flight is planned.

(2) In addition to complying with the fuel and oil requirements of paragraph (1), the pilot in command must ensure that the aeroplane carries sufficient fuel and oil

- (a) to allow the aeroplane to fly, in terms of fuel consumption, to the most critical alternate airport, which is specified in the operational and air traffic services flight plans; and

- (b) to allow the aeroplane to fly for a further period of 45 minutes.

(3) As an alternative to complying with the fuel and oil requirements specified in paragraph (2), the pilot in command shall ensure that the aeroplane

- (a) carries sufficient fuel and oil to allow the aeroplane to fly to the alternate airport via any predetermined point; and
- (b) that the aeroplane carries sufficient fuel and oil to allow the aeroplane either
  - (i) to fly for an additional 45 minutes, in which case, an allowance must be made for a period of 15 per cent of the flight time planned to be spent at the cruising level; or
  - (ii) to fly for a further period of two hours,

whichever is less.

Fuel and oil requirements for piston-engined aeroplanes where alternate airport not required.

97A. (1) Where a destination alternate airport is not required, a pilot in command shall not operate a piston-engined aeroplane unless he ensures that the aeroplane carries sufficient fuel and oil to allow the aeroplane to fly to the airport to which the flight is planned.

(2) In addition to complying with the fuel and oil requirements of paragraph (1), the pilot in command shall ensure that the aeroplane carries sufficient fuel and oil

- (a) as required under regulation 89(1)(a), to allow the aeroplane to fly for an additional 45 minutes; or

- (b) as required under regulation 89(1)(b), to allow the aeroplane to fly
  - (i) an additional 45 minutes plus 15 per cent of the flight time planned to be spent at the cruising level; or
  - (ii) two hours,

whichever is less."

23. The principal Regulations are amended by deleting regulation 98 and substituting the following:

"Fuel and oil supply requirements for turbine-engined aeroplanes where alternate airport required.

98. (1) Where a destination alternate airport is required, the pilot in command of a turbine-engined aeroplane shall not operate the aeroplane unless it carries sufficient fuel and oil

- (a) to allow it to fly to the airport to which the flight is planned; and
- (b) to provide for increased consumption to the satisfaction of the Director on the occurrence of any of the potential contingencies specified by the operator.

(2) In addition to complying with the fuel and oil requirements of paragraph (1), the pilot in command must ensure that the aeroplane carries sufficient fuel and oil

- (a) to execute an approach and a missed approach at the airport to which the flight is planned; and
- (b) to fly to the alternate airport specified in the operational and air traffic services flight plans; and

- (c) in addition thereto, to fly for 30 minutes at holding speed at 450 metres (1500 feet) above the alternate airport under standard temperature conditions, and approach and land.

(3) As an alternative to complying with the fuel and oil requirements specified in paragraph (2), the pilot in command shall ensure that the aeroplane carries sufficient fuel and oil,

- (a) to allow the aeroplane to fly to the alternate airport via any predetermined point; and
- (b) to allow the aeroplane to fly for a further period of 30 minutes at 450 metres (1500 feet) above the alternate airport;

but the fuel shall not be less than the amount required to allow the aeroplane to fly to the airport to which the flight is planned, plus a further two hours at normal cruise consumption."

24. Regulation 125 of the principal Regulations is amended in paragraph (1) by deleting the opening words and substituting the following:

"An operator shall ensure that except when necessary for take-off and landing, an aircraft is not operated below the following altitudes:"

25. The principal Regulations are amended by deleting regulation 134 and substituting the following:

"General  
right-of-  
way rules.

134. (1) A pilot of an aircraft in flight shall maintain vigilance so as to see and avoid colliding with other aircraft.

(2) A pilot of an aircraft in flight that has the right-of-way, has the right to proceed on the same heading and at the same speed before any other aircraft.

(3) Notwithstanding the right-of-way referred to in paragraph (2), a pilot shall have the responsibility for taking such action, including collision avoidance manoeuvres based on resolution advisories provided by airborne collision avoidance system equipment, so as to best avoid collision.

(4) A pilot of an aircraft that does not have the right-of-way in flight shall

- (a) give way to an aircraft which has the right of way; and
- (b) avoid passing over, under or in front of the other aircraft, unless
  - (i) it is possible for the pilot to pass well clear of the aircraft; and
  - (ii) the pilot takes into account the effect of aircraft wake turbulence.

(5) A pilot in charge of an aircraft in distress or an aircraft that is compelled to land has the right-of-way over all other air traffic.

(6) Where aircraft of the same category are converging at approximately the same altitude, except head-on or approximately so, the pilot of the aircraft which has the other aircraft to its right shall give way.

(7) Where aircraft of different categories are converging in flight, the following right-of-way rules shall apply:

- (a) a balloon has the right-of-way over any other category of aircraft;
- (b) a glider has the right-of-way over an airship, aeroplane, or rotorcraft; and
- (c) an airship has the right-of-way over an aeroplane or rotorcraft.

(8) An aircraft towing or refuelling another aircraft has the right-of-way over all other engine-driven aircraft, except aircraft in distress.

(9) Where aircraft are approaching each other head-on, or approximately so, the pilot of each aircraft shall alter course to the right.

(10) An aircraft that is being overtaken has the right-of-way and the pilot of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall avoid the other aircraft by altering the aircraft's heading to the right, and no subsequent change in the relative positions of the two aircraft shall relieve the pilot of the overtaking aircraft from this obligation until the aircraft is entirely past and clear.

(11) For the purposes of paragraph (10) an overtaking aircraft is an aircraft that approaches a second aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the second aircraft, in such a position with reference to the overtaking aircraft that at night it is not possible for the pilot of the overtaking aircraft to see the second aircraft's left side or right side navigation lights.



(12) An aircraft, while on final approach to land or while landing, has the right-of-way over other aircraft in flight or operating on the surface.

(13) Where two or more heavier-than-air aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right-of-way; but where the other aircraft is in the final stages of an approach to land, the pilot of the aircraft at the lower altitude shall not cross or overtake the other aircraft.

(14) Notwithstanding paragraph (13), power-driven heavier-than-air aircraft shall give way to gliders for the purpose of landing.

(15) A person in charge of an aircraft taxiing on the manoeuvring area of an airport shall give way to aircraft taking off or about to take-off.

(16) In case of danger of collision between two aircraft taxiing on the movement area of the airport, the following shall apply:

- (a) where two aircraft are approaching head-on or approximately so, the person in charge of each aircraft shall stop or, where practicable, alter its course to the right so as to keep well clear;
- (b) where two aircraft are on a converging course, the person in charge of the one which has the other on its right shall give way;

- (c) where an aircraft is being overtaken by another aircraft, the person operating that aircraft shall have the right of way, and the overtaking aircraft shall be kept well clear of the other aircraft.

(17) The person operating an aircraft that is taxiing on the manoeuvring area shall

- (a) stop and hold at all taxi-holding positions unless otherwise authorised by the airport control tower; and
- (b) stop and hold at lighted stop bars, and may proceed further when the lights are switched off."

26. Regulation 136 of the principal Regulations is amended by

- (a) deleting paragraphs (2) and (3) and substituting the following paragraphs:

"(2) From sunset to sunrise or during any other period that the Director may specify, a person operating an aircraft

- (a) that is moving on the movement area of an airport shall display navigation lights intended to indicate the relative path of the aircraft to an observer and no other lights shall be displayed if they are likely to be mistaken for such navigation lights;
- (b) that is on the movement area of an airport shall display lights intended to indicate the extremities of the structure of the aircraft, unless the aircraft is stationary and it is otherwise adequately illuminated;

- (c) on the movement area of an airport shall display lights intended to attract attention to the aircraft; and
  - (d) on the movement area of an airport whose engines are running shall display lights which indicate that fact.
- (3) Where an aircraft is
- (a) on the movement area of an airport and the aircraft is fitted with the lights referred to in paragraph (2)(c); or
  - (b) on the movement area of an airport and the aircraft is fitted with the lights referred to in paragraph (2)(d),

the person operating the aircraft shall display such lights at all times.";

- (b) renumbering paragraphs (4) and (5) as paragraphs (5) and (6) and inserting immediately after paragraph (3) the following as paragraph (4):

"(4) Subject to paragraph (5), the pilot of an aircraft in flight which is fitted with anti-collision lights shall display anti-collision lights at all times."

27. Regulation 139 of the principal Regulations is amended in sub-paragraph (c) by adding the words "other than emergency descents" at the end thereof.

28. Regulation 140 of the principal Regulations is amended in paragraph (1) by inserting the following as sub-paragraph (f):

- "(f) unless there is a clearance indicated by the appropriate air traffic control services facility."

29. Regulation 144 of the principal Regulations is amended by deleting the marginal note and substituting the following:

"Operation on and in the vicinity of an airport."

30. Regulation 149 of the principal Regulations is amended by inserting the following as paragraph (3):

"(3) Where the pilot in command of a Barbadian civil aircraft is intercepted by a military aircraft of another state, the pilot shall comply with the interception orders."

31. Regulation 150 of the principal Regulations is amended by inserting the following as paragraph (5):

"(5) Where prior to departure the pilot in command of an aircraft anticipates that depending on fuel endurance and subject to re-clearance in flight, it is likely that a decision may be taken to proceed to a revised destination airport, the pilot shall notify the relevant air traffic control facility by the insertion in the flight plan of information concerning the revised route where this is known and also the revised destination."

32. Regulation 156 of the principal Regulations is amended by inserting the following as paragraph (4):

"(4) The pilot in command of a controlled flight who is providing position information to an air traffic services facility via data link communications shall only provide voice position reports when requested to do so."

33. Regulation 158 of the principal Regulations is amended by inserting the following as paragraph (3):

"(3) Where an aircraft is subjected to unlawful interference, the pilot in command shall attempt to land as soon as is practicable at the nearest suitable airport or at a dedicated airport assigned by the relevant authority unless considerations aboard the aircraft dictate otherwise."

34. Regulation 159 of the principal Regulations is amended by inserting the following as paragraph (3):

"(3) Wherever time is utilized in the application of data link communications, it shall be accurate to within 1 second of UTC."

35. Regulation 160 of the principal Regulations is amended by inserting the following as paragraphs (6), (7), (8) and (9):

"(6) No person shall guide an aircraft unless that person is trained, qualified and approved by the appropriate authority to carry out the functions of a signalman.

(7) A signalman shall wear a distinctive fluorescent identification vest to allow the flight crew to identify that that person is the person responsible for the marshalling operation.

(8) Where ground staff personnel are involved in signalling operations, those persons shall use

(a) daylight-fluorescent wands, table-tennis bats or gloves during daylight hours; and

(b) illuminated wands at night or in low visibility."

36. Regulation 162 of the principal Regulations is amended

- (a) in paragraph (b) by deleting the word "exists" at the end thereof and substituting the word "exist";
- (b) by renumbering that regulation as paragraph (1) thereof; and
- (c) by inserting the following as paragraph (2):

"(2) A pilot shall ensure that any flight conducted under visual flight rules meets the visibility and distance from cloud minima contained in the Aircraft Operations Standards."

37. The principal Regulations are amended by deleting regulation 163 and substituting the following:

"Visual  
flight  
rules and  
weather  
minima  
for take-  
off and  
landing.

163. (1) No person may land or takeoff an aircraft under visual flight rules from an airport located within a control zone, or enter the airport traffic zone or traffic pattern airspace unless

- (a) a clearance is obtained from the relevant air traffic control facility;
- (b) the reported ceiling is at least 450 metres (1500 feet); and
- (c) the reported ground visibility is at least 5 kilometres.

(2) A pilot shall ensure that any flight conducted under visual flight rules meets the take-off and landing minima standards contained in the Aircraft Operations Standards.

(3) Where permission is given for a special visual flight rules operation, the minimum weather conditions specified in paragraphs (1) and (2) do not apply.

(4) No person shall conduct a VFR flight between the entire period of sunset and sunrise or any part of that period as may be prescribed by the Director, unless the flight is operated in accordance with the conditions specified by the Director."

38. Regulation 165 of the principal Regulations is amended by deleting paragraph (1) and substituting the following:

"(1) Where a pilot is operating a visual flight rules flight in level cruising above 900 metres (3000 feet) from the ground or water, that pilot shall maintain a cruising level appropriate to the track as specified in the tables of cruising levels in the Aircraft Operations Standards."

39. Regulation 166 of the principal Regulations is amended by

(a) renumbering that regulation as paragraph (1) thereof; and

(b) inserting the following as paragraph (2):

"(2) Where a pilot is operating a visual flight rules flight into or within areas or along routes designated by the relevant air traffic service authority, in accordance with regulation 78(5), that pilot shall maintain continuous air-ground voice communication watch on the appropriate communication channel and report the aircraft's position as necessary to the relevant air traffic control services facility providing flight information service."

40. Regulation 167 of the principal Regulations is amended by

- (a) renumbering that regulation as paragraph (1) thereof; and
- (b) inserting the following as paragraph (2):

"(2) Authorization for VFR flights to operate above FL 290 shall not be granted in areas where a vertical separation minimum of 300 metres (1000 feet) is applied above FL 290."

41. Regulation 170 of the principal Regulations is amended by

- (a) renumbering that regulation as paragraph (1) thereof; and
- (b) inserting the following as paragraphs (2) and (3):

"(2) Where a pilot operating under instrument flight rules experiences a radio communication failure and encounters visual flight rules conditions, the pilot, when it is advisable to do so, shall continue to operate under instrument flight rules in accordance with regulation 188.

(3) The pilot in command of an aircraft experiencing radio communication failure, shall comply with the voice communication failure procedures contained in the Aircraft Operations Standards."

42. The principal Regulations are amended by deleting regulation 176 and substituting the following:

"Rules for  
operating  
in con-  
trolled  
air space.

**176.** (1) The pilot of an aircraft operating under instrument flight rules shall comply with the provisions of the relevant air traffic control services when operating the aircraft in controlled airspace.



(2) Where the pilot of an aircraft operating under instrument flight rules is operating the aircraft in cruising flight in controlled airspace, the aircraft shall be flown at a cruising level, but where the pilot is authorized to employ cruise climb techniques, the aircraft shall be flown

(a) between two levels; or

(b) above a level,

(i) selected from the tables of cruising levels in the Aircraft Operations Standards; or

(ii) selected from a modified table of cruising levels, provided under the Aircraft Operations Standards for flight above FL 410.

(3) For the purposes of paragraph (2), the correlation of levels to track shall not apply if otherwise indicated in air traffic control clearances or if specified in Aeronautical Information Publications by the relevant air traffic services."

43. Regulation 182 of the principal Regulations is amended by deleting paragraph (1) and substituting the following:

"(1) The pilot in command or the pilot to whom conduct of a flight has been delegated, may commence an instrument approach regardless of the reported runway visual range or visibility; but such instrument approach shall not be continued

(a) in the case of a precision approach, beyond the outer marker fix; and

- (b) in the case of a non-precision approach, below 300 metres (1000 feet) above the airport,

unless the reported visibility or controlling runway visual range is above the applicable minima."

44. The principal Regulations are amended by deleting regulation 188 and substituting the following:

"Procedure  
where  
2 way radio  
communica-  
tion failure  
exists.

**188. (1) Where**

- (a) a pilot experiences a radio communications failure while operating under instrument meteorological conditions; or
- (b) the pilot of an aircraft who is operating under instrument flight rules considers it advisable to complete the flight in accordance with regulation 170 (2),

the pilot shall comply with the following procedures:

- (i) unless otherwise specified in a regional air navigation agreement, in airspace that radar is not used in the provision of air traffic control, the pilot shall
- (A) maintain the last assigned speed and level, or the minimum flight altitude if it is higher, for a period of 20 minutes following the aircraft's failure to report its position over a compulsory reporting point; and

(B) thereafter, adjust the level and speed of the aircraft in accordance with the filed flight plan;

(ii) in airspace that radar is used in the provision of air traffic control, the pilot shall maintain the last assigned speed and level or the minimum flight altitude, if it is higher, for a period of 7 minutes following

(A) the time the last assigned level or minimum flight altitude is reached; or

(B) the time the transponder is set to Code 7600; or

(C) the pilot's failure to report the aircraft's position over a compulsory reporting point;

whichever is later, and thereafter adjust level and speed in accordance with the filed flight plan.

(2) Where

(a) the aircraft is radar vectored; or

(b) the pilot has been directed by the air traffic control facility to proceed to offset using area navigation without a specified limit,

the pilot shall rejoin the current flight plan route no later than the next significant point, taking into consideration the applicable minimum flight altitude.

(3) The pilot shall proceed according to the current flight plan route to the appropriate designated navigation aid or fix serving the destination airport and, when required to ensure compliance with paragraph (4), hold over this aid or fix until commencement of descent.

(4) The pilot referred to in paragraph (3) shall commence descent from the navigation aid or fix specified in (3),

- (a) at, or as close as possible to the expected approach time last received and acknowledged; or,
- (b) if no expected approach time has been received and acknowledged, at, or as close as possible to the estimated time of arrival resulting from the current flight plan.

(5) The pilot referred to in paragraph (4) shall complete a normal instrument approach procedure as specified for the designated navigation aid or fix; and land, if possible,

- (a) within 30 minutes after the estimated time of arrival specified in paragraph (4)(b); or
- (b) at the last acknowledged expected approach time,

whichever is later.

(6) The pilot of the aircraft referred to in paragraph (1) shall comply with the voice communication failure procedures contained in the Aircraft Operations Standards."

45. Regulation 214 of the principal Regulations is amended in paragraph (1) by

(a) deleting sub-paragraph (d) and substituting the following:

"(d) the location and use of life jackets, if the carriage of life jackets is prescribed;"

(b) deleting sub-paragraph (g) and substituting the following:

"(g) the location and use of other emergency equipment provided for individual use, including passenger emergency briefing cards;" and

(c) inserting the following as sub-paragraph (h):

"(h) the location and general manner of use of the principal emergency equipment carried for collective use."

46. Regulation 292 of the principal Regulations is amended by

(a) renumbering paragraphs (1), (2), (3) and (4) as paras (3), (4) (5) and (6) respectively; and

(b) inserting the following as paragraph (1) and (2):

"(1) A national air operator or a designated representative shall have responsibility for operational control.

(2) A national air operator shall delegate the responsibility for operational control of flights only to

(a) the pilot in command; and

- (b) in the case where the approved method of control and supervision of flight operations requires the use of a flight operations officer, jointly to the pilot in command and the flight operations officer."

47. Regulation 294 of the principal Regulations is amended by

- (a) deleting paragraph (2)(e);
- (b) deleting paragraph (3) and substituting the following:

"(3) Where an emergency situation which endangers the safety of the aircraft or persons first becomes known to the flight operations officer, that person shall take the necessary action including, notifying the appropriate authorities of the nature of the situation without delay and request assistance if required."; and

- (c) inserting the following as paragraph (4) and (5):

"(4) Where an emergency exists, a flight operations officer or flight dispatcher, as the case may be, shall:

- (a) initiate the procedures set out in the operations manual in so far as those procedures do not conflict with air traffic control procedures; and
- (b) convey any 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.

(5) A flight operations officer or a person holding an equivalent qualification performing the operational control duties on the aircraft shall avoid taking any action that would conflict with the procedures established by any of the following authorities of the relevant state:

- (a) air traffic control services;
- (b) the meteorological service;
- (c) the communications service; or
- (d) the national air operator."

48. Regulation 297 of the principal Regulations is amended by inserting the following as paragraph (4):

"(4) A flight operations officer or a person holding an equivalent qualification shall ensure that a pilot in command is provided with all available relevant information, with respect to the routing contained in the following documents as appropriate:

- (a) Aeronautical Information Publications (AIP);
- (b) Aeronautical Information Regulation and Control documents (AIRAC); and
- (c) Aeronautical Information Circulars (AIC)."

Made by the Minister this 14th day of January, 2011.

EDWIN G. HUTSON  
Minister responsible for Civil Aviation.