

Subsidiary Legislation made under s. 33.

**CIVIL AVIATION (AIR NAVIGATION) REGULATIONS
2009****(LN. 2009/008)***Commencement* **29.1.2009**

Amending enactments	Relevant current provisions	Commencement date
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Transposing:

Directive 2006/23/EC

EU Legislation/International Agreements involved:

Regulation (EC) No 1702/2003	Regulation (EC) No 1108/2009
Regulation (EC) No 2042/2003	Regulation (EU) No 255/2010
Regulation (EC) No 730/2006	Regulation (EU) No 996/2010
Regulation (EC) No 1033/2006	Regulation (EU) No 1035/2011
Regulation (EC) No 1794/2006	Regulation (EU) No 805/2011
Regulation (EC) No 1265/2007	Regulation (EU) No 965/2012
Regulation (EC) No 216/2008	Regulation (EU) No 139/2014
Regulation (EC) No 216/2008	Regulation (EU) No 376/2014

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Civil Aviation

2009-05

CIVIL AVIATION (AIR NAVIGATION) REGULATIONS 2009

This version is out of date

**Subsidiary
2009/008**

In exercise of the powers conferred on him by section 33 of the Civil Aviation Act 2009 and of all other enabling powers, the Minister has made the following Regulations.

Title and commencement.

1. These Regulations may be cited as the Civil Aviation (Air Navigation) Regulations 2009 and come into operation on the 29 January 2009.

Interpretation.

2.(1) In these Regulations—

“2009 Order” means the United Kingdom’s Air Navigation Order 2009 as amended from time to time;

“Act” means the Civil Aviation Act 2009;

“aerial work” means any purpose other than commercial air transport or public transport, for which an aircraft is flown if valuable consideration is given or promised for the flight or the purpose of the flight;

“aerial work aircraft” means an aircraft (other than a commercial air transport aeroplane or a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and, unless the context otherwise requires, includes the Gibraltar Airport;

“aerodrome control service” means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface or any aircraft transferred from approach control in accordance with procedures approved by the Director;

“aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range

for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“aerodrome traffic zone” has the meaning assigned to it by regulation 110;

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

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

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

“air control” means an aerodrome control service excluding that part of the aerodrome control service provided by ground movement control;

“air/ground communications service” means a service provided from an aerodrome to give information to pilots of aircraft flying in the vicinity of the aerodrome by means of radio signals and ‘air/ground communications service unit’ shall be construed accordingly;

“air traffic control service” means a service provided for the purpose of preventing collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of traffic;

“air traffic control unit” means a person appointed by a person maintaining an aerodrome or place to provide an air traffic control service;

“air traffic service equipment” means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under these Regulations but excluding—

- (a) any public electronic communications network; and

- (b) any equipment in respect of which the Director has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of regulations 80 and 81;

“air transport undertaking” means an undertaking whose business includes the undertaking of flights for the purpose of the commercial air transport or public transport;

“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;

“airfield” means that part of the Gibraltar Airport designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“airfield operator” means the RAF Station Commander at RAF Gibraltar;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

“approach control service” means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

“approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;

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

“appropriate air traffic control unit” means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the context requires;

“apron” means the part of the Civil Airport provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

“area control centre” means an air traffic control service for an aircraft flying in a control area;

“area control service” means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone;

“area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

“authorised person” means—

- (a) any police officer; and
- (b) any person authorised by the Director (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

“automated reservation system” means, in relation to an operator of an aircraft, the central reservation system of the operator which holds data relating to a flight booked by or on behalf of a passenger;

“Basic EASA Regulation” means Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;

“CAA” means the Civil Aviation Authority of the United Kingdom;

“cabin crew” in relation to an aircraft means those persons on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

“captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“captive flight” means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

“cargo” includes mail and (for the avoidance of doubt) animals;

“certificate of airworthiness” includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“certificate of validation” means a certificate issued by the Director rendering valid for the purposes of these Regulations a certificate of airworthiness or a permit to fly issued in respect of an aircraft wherever registered or a licence or approval granted under the law of a country other than Gibraltar;

“certificate of validity” means a certificate issued for the purpose of maintaining the validity of a permit to fly;

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” mean airspace respectively notified as such;

“class rating” in respect of aeroplanes has the meaning specified in paragraph 1.215 of Section 1 of JAR-FCL 1;

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

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

“the Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 in the United Kingdom and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and ‘Commonwealth citizen’ shall be construed accordingly;

“commercial air transport flight” means a flight which is required to be operated in accordance with EU-OPS and an aircraft flies for the

purpose of commercial air transport if the flight is a commercial air transport flight;

“competent authority” means, subject to regulation 114, in relation to Gibraltar, the Director and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“congested area” means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State which is party to the Chicago Convention;

“controllable balloon” means a balloon, not being a small balloon, which is capable of free controlled flight;

“controlled airspace” means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

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

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

“country” includes a territory;

“crew” means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew in accordance with the law of the country in which the aircraft is registered or the State of the operator or a member of the cabin crew;

“Danger Area” means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

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

“departure control system” means, in relation to an operator of an aircraft, the system used by the operator to check passengers onto a flight;

“designated required navigation performance airspace” means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

“Director” means the person appointed to the office of Director of Civil Aviation pursuant to section 6 of the Act or any person appointed to act as Director on a temporary basis pursuant to section 7 of the Act;

“disidentification” means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;

“EASA” means the European Aviation Safety Agency;

“EASA Air Traffic Controller Regulation” means Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers’ licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended from time to time;

“EASA aircraft” means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the European Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

“EASA certificate of airworthiness” means a certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart P of Part 21;

“EASA Continuing Airworthiness Regulation” means Commission Regulation (EC) No. 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as amended from time to time;

“EASA permit to fly” means a permit to fly issued in respect of an EASA aircraft under and in accordance with subpart P of Part 21;

“EASA restricted certificate of airworthiness” means a restricted certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

“European Aviation Safety Agency” means the Agency established under the Basic EASA Regulation;

“EU-OPS” means Annex III to the Technical Harmonisation Regulation;

“EU-OPS aeroplane” means an aeroplane operated by an EU-OPS operator;

“EU-OPS air operator certificate” means an air operator certificate granted under EU-OPS;

“EU-OPS operator” means an operator who holds an EU-OPS air operator certificate;

“flight” and “to fly” have the meanings respectively assigned to them by sub-regulation (2);

“flight check” means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

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

“flight information service” means—

- (a) in the case of an aerodrome—
 - (i) the giving of information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
 - (ii) the grant or refusal of a permission under Rule 35 or 36(2) of the Rules of the Air 2009;

(b) in the case of an area control centre, the giving of information by means of radio signals to aircraft;

and “aerodrome flight information service” shall be construed accordingly;

“flight information service unit” means a person appointed by the Director or by any other person maintaining an aerodrome to provide a flight information service and “aerodrome flight information service unit” shall be construed accordingly;

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

“flight manual” means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

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

“flying display” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

“flying machine” means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

“free balloon” means a balloon which when in flight is not attached by any form of restraining device to the surface;

“free controlled flight” means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

“glider” means—

- (a) a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

“ground movement control” means that part of an aerodrome control service provided to an aircraft while it is on the manoeuvring area or apron of an aerodrome;

“holding” means, in respect of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

“ICAO” means the International Civil Aviation Organisation;

“ICAO licence” means a flight crew licence granted by a Contracting State;

“instructor’s rating” means a flying instructor’s rating, an assistant flying instructor’s rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

“instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point 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 other obstacle clearance criteria apply;

“Instrument Flight Rules” means Instrument Flight Rules prescribed by Section VI of the Rules of the Air 2009;

“instrument Landing System” means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position relative to a defined approach path whilst carrying out an approach to land;

“instrument Meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules;

“international headquarters” means an international headquarters designated by Order in Council under section 1 of the United Kingdom’s International Headquarters and Defence Organisations Act 1964;

“international Safety Standards” means the safety standards contained in the Chicago Convention as in force from time to time;

“international Standards” means the Standards and Recommended Practices (SARPS) contained in the Annexes to the Chicago Convention;

“JAA” means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

“JAA Full Member State” means a State which is a full member of the JAA;

“JAA licence” means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State in accordance with a procedure which has been assessed as satisfactory following an inspection by a licensing and a medical standardisation team of the JAA;

“JAR-FCL 1” means, unless otherwise specified, the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;

“JAR-FCL 2” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

“Kg” means kilogramme or kilogrammes as the context requires;

“Km” means kilometre or kilometres as the context requires;

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

“large rocket” means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

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

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

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

“maintenance” means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

“manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

“maximum approved passenger seating configuration” means the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and these Regulations;

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

“medium intensity steady red light” means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

“microlight aeroplane” means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum total weight authorised not exceeding—

- (i) 300 kg for a single seat landplane;
 - (ii) 450 kg for a two seat landplane;
 - (iii) 330 kg for a single seat amphibian or floatplane; or
 - (iv) 495 kg for a two seat amphibian or floatplane; and
- (b) a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

“microwave Landing System” means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position within a defined volume of airspace whilst carrying out an approach to land;

“military aircraft” means the naval, military or air force aircraft of any country and—

- (a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of the 2009 Order as a military aircraft;

“military rocket” means—

- (a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any rocket in respect of which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of the 2009 Order as a military rocket;

“the Minister” means the Minister with responsibility for Civil Aviation;

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

“nautical mile” means the International Nautical Mile, that is to say, a distance of 1,852 metres;

“night” means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

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

“notified” means in such manner as may be prescribed by the Minister and different manners of notification may be prescribed for different purposes;

“occurrence” means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2009;

“offshore”, in relation to oil or gas installations, means within the territorial waters adjacent to Gibraltar;

“offshore service” means an air traffic control service for any aircraft flying to or from offshore oil and gas installations and for other aircraft operating in the vicinity of these aircraft in airspace specified for this purpose in the manual of air traffic services;

“operational position” means a position provided and equipped for the purpose of providing a particular type of air traffic control service;

“operator” has the meaning assigned to it by sub-regulation (3);

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

“Part 21” means the annex so entitled to Commission Regulation (EC) No. 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, as amended from time to time;

“Part 145” means Annex II so entitled to the EASA Continuing Airworthiness Regulation;

“Part M” means Annex I so entitled to the EASA Continuing Airworthiness Regulation;

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

“period of duty” means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;

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

“pre-flight inspection” means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

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

“precision approach radar” means radar equipment designed to enable an air traffic controller to determine accurately an aircraft’s position whilst it is carrying out an approach to land so that the air traffic controller can provide instructions and guidance to the pilot to enable him to manoeuvre the aircraft relative to a defined approach path;

“private aircraft” means an aircraft which is not an aerial work aircraft, a public transport aircraft or a commercial air transport aeroplane;

“private flight” means a flight which is neither for the purpose of aerial work, public transport or commercial air transport flight;

“Public electronic communications network” has the same meaning as in section 2(1) of the Communications Act 2006;

“public transport” has the meaning assigned to it by regulation 2A;

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

“reduced vertical separation minimum airspace” means any airspace between flight level 290 and flight level 410 inclusive which has been notified by the Director as being airspace within which a vertical separation minimum of 1000 feet or 300 meters must be applied;

“record” means (in addition to a record in writing)–

- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (c) a photograph;

“released flight” means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

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

“rocket” means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

“runway visual range” in relation to a runway means the distance in the direction of take off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in–

- (a) the vicinity of the touchdown zone; or
- (b) where this is not reasonably practicable, in the vicinity of the midpoint of the runway,

and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

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

“seaplane” has the same meaning as in section 52 of the Act;

“sector” means part of the airspace controlled from an area control centre or other place;

“self-launching motor glider” means an aircraft with the characteristics of a non-power driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

“self-propelled hang-glider” means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;
 - (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;
- and,
- (c) has a maximum unladen mass, including full fuel, of 70kg;”;

“self-sustaining glider” means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

“small unmanned aircraft” means any unmanned aircraft, other than a balloon or kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of the flight;

“small balloon” means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“small rocket” means a rocket of which the total impulse of the motor or combination of motors does not exceed 10,240 Newton-seconds;

“special tasks service” means an air traffic control service—

- (a) for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems which is not flying in accordance with normal aviation practice; and
- (b) for other aircraft in the vicinity of any such aircraft;

“specified area” means any area of airspace that is notified by the Director;

“Special VFR flight” means a flight which is a special VFR flight for the purposes of the Rules of the Air 2009;

“State aircraft” means an aircraft carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services;

“State of the operator” means the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where—

- (a) that aircraft is registered in a Contracting State;
- (b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of regulation 5(1), airworthiness, in the case of regulation 8(1), aircraft radio equipment, in the case of regulation 11, flight crew licensing or, in the case of regulation 20(1), radio licensing; and
- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and

scope of the agreement have been directly communicated to the Director;

“Technical Harmonisation Regulation” means Council Regulation (EEC) No. 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended from time to time;

“territorial waters” means such part of the sea adjacent to Gibraltar as is subject to the dominion of Her Majesty;

“tethered flight” means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

“third-country aircraft” means any aircraft, other than a State aircraft, which is not used or operated under the control of the competent authority of a Member State;

“type rating” in respect of aeroplanes has the meaning specified in paragraph 1.220 and 2.220 of Section 1 of JAR-FCL 1;

“type rating” in respect of helicopters has the meaning specified in paragraph 2.215 of Section 1 of JAR-FCL 2;

“uncontrollable balloon” means a balloon, not being a small balloon, which is not capable of free controlled flight;

“valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

“visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the United Kingdom’s Visiting Forces Act 1952–

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) which from time to time apply to that country by virtue of paragraph (b) of the said section 1(1) and of any Order in Council made or hereafter to be made under the said section 1 designating that country for the purposes of all the provisions of that Act following section 1(2) of that Act;

“visual Flight Rules” means Visual Flight Rules prescribed by Section V of the Rules of the Air 2009;

“visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.

- (2) An aircraft shall be deemed to be in flight—
- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;
 - (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
 - (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
 - (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and
 - (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expressions “a flight” and “to fly” shall be construed accordingly.

(3) Subject to sub-regulation (4), references in these Regulations to the operator of an aircraft are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(4) For the purposes of the application of any provision in Part 2 of these Regulations, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than the holder of a national air operator’s certificate granted by the CAA or equivalent document issued by the

competent authority of the country in which the aircraft is registered which applies standards which are substantially equivalent to those required for the issue of a national air operator's certificate or the holder of an EU-OPS air operator certificate or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, sub-regulation (3) shall have effect as if that agreement had not been entered into.

(5) References in these Regulations to—

- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;
- (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, self-launching motor glider, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples unless otherwise stated.

(6) The expressions appearing in the 'Classification of Aircraft' in Schedule 1 shall have the same meanings thereby assigned to them.

(7) Other terms used in these Regulations which are also used in the Act shall have the same meaning in these Regulations as they have in the Act.

Public transport.

2A.(1) For the purposes of these Regulations an aircraft in flight is flying on a public transport flight if the conditions specified in sub-regulation 2 are met.

(2) The conditions referred to in sub-regulation (1) are—

- (a) the aircraft is not flying on a commercial air transport flight; and
- (b) that—
 - (i) valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
 - (ii) the flight is operated by the holder of a national air operator's certificate granted by the CAA or an EU-OPS air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons

specified in sub-regulation (3) or cargo specified in sub-regulation (4).

(3) The persons referred to in sub-regulation (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the Director either making any inspection or witnessing any training, practice or test for the purposes of these Regulations or EU-OPS.

(4) The cargo referred to in sub-regulation (2)(b)(ii) is cargo intended to be used by any person specified in sub-regulation (3) or by the operator.

PART 1

Registration and Marking of Aircraft

Aircraft to be registered.

3.(1) Subject to sub-regulation (2) an aircraft shall not fly in or over Gibraltar unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which—
 - (i) with the consent of the Government of Gibraltar, Her Majesty's Government has extended to apply to Gibraltar;and
 - (ii) makes provision for the flight in or over Gibraltar of aircraft registered in that country.

(2) An aircraft or a glider may fly unregistered in or over Gibraltar only if the Director has granted an approval for such a flight to take place.

(3) If an aircraft flies in or over Gibraltar in contravention of sub-regulation (1) without an approval having been granted pursuant to sub-regulation (2), the person responsible for that aircraft shall be guilty of an offence under these Regulations.

Nationality and registration marks.

4.(1) An aircraft, other than an aircraft in respect of which an approval has been granted pursuant to regulation 3(2), shall not fly in or over Gibraltar unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

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

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

Operational directives.

4A.(1) The Director may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

- (a) the reason for its issue;
- (b) its applicability and duration; and
- (c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

(4) An operational directive which applies to an EU-OPS operator in relation to a commercial air transport flight must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulations.

(5) An operational directive ceases to have effect if—

- (a) it is withdrawn by the Director; or
- (b) it is revoked by the Director following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation that the directive is found not to be justified.

(6) The Director must revoke a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

PART 2

Airworthiness and Equipment of Aircraft

Certificate of airworthiness to be in force.

5.(1) Subject to sub-regulation (2) and (4), an aircraft shall not fly in or over Gibraltar unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) An aircraft may fly in or over Gibraltar without the certificate mentioned in sub-regulation (1) only if the Director has granted an approval for such a flight to take place.

(3) For the purposes of sub-regulation (1) a certificate of airworthiness—

- (a) includes an EASA restricted certificate of airworthiness issued by the competent authority of a State which does not contain a condition restricting the aircraft to flight within the airspace of the issuing State; but
- (b) does not include an EASA restricted certificate of airworthiness issued by the competent authority of a State which contains a condition restricting the aircraft to flight within the airspace of the issuing State.

(4) The prohibition in sub-regulation (1) does not apply to flights by an aircraft flying in accordance with an EASA permit to fly issued by the competent authority of a Member State which permits the aircraft to fly outside the airspace of the issuing State.

Validation of permits to fly or equivalent documents.

6.(1) The Director must issue in respect of any aircraft a certificate of validation if he is satisfied that there is in respect of the aircraft a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered which applies standards which are substantially equivalent to those required for the issue of a permit to fly by the CAA pursuant to Article 24 of the 2005 Order.

(2) An aircraft flying in accordance with a certificate of validation shall not fly for the purpose of commercial air transport public transport or aerial work, other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(3) The Director may issue a certificate of validation subject to such other conditions relating to the airworthiness, operation or maintenance of the aircraft as he thinks fit.

Requirement for a certificate of release to service for EASA aircraft.

6A. An EASA aircraft must not fly when a certificate of release to service is required by or under Part M or Part 145 unless such a certificate has been issued in accordance with Part M or Part 145 and is in force.

Access and inspection for airworthiness purposes.

6B. The Director may cause such inspections, investigations, tests, experiments and flight trials to be made as the Director deems necessary for the purposes of regulations 5 to 6A of these Regulations, Part 21, Part 145 or Part M.

Equipment of aircraft.

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

(1A) Notwithstanding the following sub-regulations, the equipment carried in compliance with this regulation shall, in the case of an EASA aircraft, be installed in a manner approved by EASA.

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

(3) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.

(4) All equipment installed or carried in an aircraft, whether or not in compliance with this regulation, shall be so installed or stowed and so

maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

Radio equipment of aircraft.

8.(1) An aircraft shall not fly unless it is so equipped with radio communication and radio navigation equipment as to comply with the law of the country in which the aircraft is registered or the State of the operator and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of these Regulations.

(2) Without prejudice to sub-regulation (1), the aircraft shall be equipped with radio communication and radio navigation equipment in accordance with Schedule 2.

(3) An EU-OPS aeroplane is not required to be provided with the radio communication and radio navigation equipment specified in Schedule 2 if it is—

- (a) flying on a commercial air transport flight; and
- (b) provided with the radio communication and radio navigation equipment which would be required under EU-OPS if it were flying on a commercial air transport flight.

Access and inspection for airworthiness purposes.

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

PART 3

Aircraft Crew and Licensing

Composition of crew of aircraft.

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

Members of flight crew—requirement for licence.

11.(1) A person shall not act as a member of the flight crew required by or under these Regulations to be carried in an aircraft unless he is the holder of an appropriate licence granted or rendered valid under the law of the country where the aircraft is registered or the State of the operator, and the Director does not give a direction to the contrary.

(2) An appropriate licence for the purposes of this regulation means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged unless the Director issues a direction to the contrary.

(3) Notwithstanding anything in this regulation, the holder of a licence granted or rendered valid under the law of a Contracting State, being a licence endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention, shall not act as a member of the flight crew of any aircraft in or over Gibraltar except in accordance with permission granted by the Director.

Instruction in flying.

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

- (a) he holds a JAA licence, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes an instructor's rating entitling the holder to give the instruction.

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

- (a) the grant of a pilot's licence; and
- (b) the inclusion or variation of any rating or qualification in his licence.

Glider pilot—minimum age.

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

Training for landing on or taking off from water.

13A. A person may not act as pilot in command of an aircraft which takes off from or lands on water unless the appropriate training has been completed and recorded in the pilot's personal flying log book.

**PART 4
Operation of Aircraft**

Commercial air transport and public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit.

14. An aeroplane which is powered by one power unit only shall not fly for the purpose of commercial air transport or public transport at night or when the cloud ceiling or visibility prevailing at the Gibraltar Airport on departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.

Aerodrome operating minima — public transport aircraft.

15.(1) This regulation applies to public transport aircraft wherever registered.

(2) An aircraft to which this regulation applies shall not fly in or over Gibraltar unless the operator has made available to the flight crew, aerodrome operating minima which comply with sub-regulation (3) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with sub-regulation (2) shall be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(4) An aircraft to which this regulation applies shall not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take off when the relevant runway visual range is less than 150 metres,

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(5) An aircraft to which this regulation applies shall not take off from or land at the Gibraltar Airport in contravention of the specified aerodrome operating minima.

(6) Without prejudice to sub-regulations (4) and (5), an aircraft to which this regulation applies, when making a descent to the Gibraltar Airport, shall not descend from a height of 1,000 feet or more above the Gibraltar Airport to a height of less than 1,000 feet above the Gibraltar Airport if the relevant runway visual range at the Gibraltar Airport is at the time less than the specified minimum for landing.

(7) Without prejudice to sub-regulations (4) and (5), an aircraft to which this regulation applies, when making a descent to the Gibraltar Airport, shall not—

- (a) continue an approach to landing at the Gibraltar Airport by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(8) In this regulation—

- (a) “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under sub-regulation (2);
- (b) “a Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height below 200 feet but not less than 100 feet; and

- (ii) a runway visual range of not less than 300 metres;
- (c) “a Category IIIA approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height lower than 100 feet; and
 - (ii) a runway visual range of not less than 200 metres; and
- (d) “a Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height lower than 50 feet or no decision height; and
 - (ii) a runway visual range of less than 200 metres but not less than 75 metres.

Aerodrome operating minima — aerial work and private aircraft.

16.(1) This regulation applies to aerial work aircraft and private aircraft.

- (2) An aircraft to which this regulation applies shall not—
 - (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
 - (b) take off when the relevant runway visual range is less than 150 metres,

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(3) Without prejudice to sub-regulation (2), an aircraft to which this regulation applies when making a descent at the Gibraltar Airport shall not descend from a height of 1,000 feet or more above the Gibraltar Airport to a height less than 1,000 feet above the Gibraltar Airport if the runway visual range for the runway at the Gibraltar Airport is at the time less than the specified minimum for landing.

(4) Without prejudice to sub-regulation (2), an aircraft to which this regulation applies when making a descent to the runway at the Gibraltar Airport shall not–

- (a) continue an approach to landing on the runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(5) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air 2009 to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(6) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable alternate aerodrome is available shall not be commenced unless–

- (a) a designated instrument approach procedure is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(7) A flight shall not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.

(8) In this regulation “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the Gibraltar Airport or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

(9) In this regulation Category II, Category IIIA and Category IIIB approach and landing have the same meaning as in regulation 15.

(10) In this regulation “designated” in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.

Pilots to remain at controls.

17.(1) The commander of a flying machine or glider other than an EU-OPS aeroplane flying on a commercial air transport flight shall cause one pilot to remain at the controls at all times while it is in flight over Gibraltar.

(2) If the flying machine or glider is required by or under these Regulations to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.

(3) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is fitted.

(4) An operator shall not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with regulation 26 to act as pilot-in-command of the helicopter.

Pre-flight action by commander of aircraft.

18. The commander of an aircraft except for the commander of an EU-OPS aeroplane intending to commence a commercial air transport flight, shall take all reasonable steps to satisfy himself before the aircraft takes off from the Gibraltar Airport—

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) that the equipment required by or under these Regulations to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;
- (c) that the aircraft is in every way fit for the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;
- (f) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination; and
- (g) that any pre-flight check system established by the aircraft manufacturer has been complied with by each member of the crew of the aircraft;
- (h) that any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft; and
- (i) in the case of a balloon, that the balloon will be able to land clear of any congested area.

Commander to be satisfied that flight can be safely completed.

18A. The commander of a flying machine must, before take-off, take all reasonable steps so as to be satisfied that it is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination having regard to—

- (a) the performance of the flying machine in the conditions to be expected on the intended flight; and
- (b) any obstructions at Gibraltar, at the intended destination and along the intended route.

Passenger briefing by commander.

19. The commander of an aircraft other than the commander of an EU-OPS aeroplane intending to undertake a commercial air transport flight shall take all reasonable steps to ensure—

- (a) before the aircraft takes off on any flight from the Gibraltar Airport, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under these Regulations and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight to or from the Gibraltar Airport, all passengers are instructed in the emergency action which they should take.

Operation of radio in aircraft.

20.(1) A radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to sub-regulation (3), whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations or by EU-OPS to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

(3) The radio watch—

- (a) may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits;
- (b) may be kept by a device installed in the aircraft if—
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (ii) that station is notified, or in the case of a station situated in a country other than Gibraltar, otherwise designated as transmitting a signal suitable for that purpose.

(4) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations or by EU-OPS to be equipped with radio communication or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(5) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in sub-regulation (1).

Flights over any foreign country.

20A.(1) This regulation applies to the operator and the commander of any aircraft whose principal place of business or permanent residence is in Gibraltar.

(2) An operator or commander to whom this regulation applies whose aircraft is being flown over any foreign country must not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

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

(4) An operator or commander to whom this regulation applies whose aircraft is being flown over any foreign country must comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(5) A direction under sub-regulation (4) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

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

(7) The requirement in sub-regulation (4) is without prejudice to any other requirements to comply with directions of an aeronautical authority.

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

Height keeping performance.

21. Unless otherwise authorised by the air traffic control unit at the Gibraltar Airport, an aircraft shall not fly in or over Gibraltar in reduced vertical separation minimum airspace unless—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

Area navigation and required navigation performance capabilities.

22.(1) An aircraft shall not fly in designated required navigation performance airspace in or over Gibraltar unless it is equipped with area

navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace.

(2) Subject to sub-regulation (3), the said navigation equipment shall be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified in respect of the airspace in which the aircraft is flying, and shall be so operated.

(3) An aircraft need not comply with the requirements of sub-regulation (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Use of airborne collision avoidance system.

23. On any flight on which an airborne collision avoidance system is required by regulation 8 and Schedule 2 to be carried in an aeroplane, the system shall be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Training in use of airborne collision avoidance system.

24.(1) In this regulation “an ACAS equipped flight” means a flight on which an airborne collision avoidance system is required to be carried by regulation 8 and Schedule 2.

(2) Before commencing an ACAS equipped flight in an aeroplane to which this regulation applies the commander must reasonably satisfy himself that every member of the flight crew has had the training specified in sub-regulation (4).

(3) No person may act as a member of the flight crew on an ACAS equipped flight in an aeroplane to which this regulation applies unless he has had the training specified in sub-regulation (4).

(4) The training referred to in sub-regulations (2) and (3) is—

- (a) suitable training in the operation of the airborne collision avoidance system in the aeroplane; and
- (b) suitable training in the use of the procedures referred to in regulation 23.

Towing of gliders.

25.(1) An aircraft in flight shall not tow a glider unless the flight manual for the towing aircraft includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Operation of self-sustaining gliders.

26. A self-sustaining glider shall not take off under its own power.

Towing, picking up and raising of persons and articles.

27.(1) Subject to the provisions of this regulation, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or

pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at the Gibraltar Airport.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area in Gibraltar at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this regulation shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life; or
- (c) be taken to permit the towing or picking up of a glider otherwise than in accordance with regulation 25.

Dropping of articles and animals.

28.(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to sub-regulation (3), articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Gibraltar.

(3) Sub-regulation (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances—

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (e) the dropping at the Gibraltar Airport of tow ropes, banners, or similar articles towed by aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Director; or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Director.

(4) For the purposes of this regulation “dropping” includes projecting and lowering.

(5) Nothing in this regulation shall prohibit the lowering of any article or animal from a helicopter to the surface, if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

Dropping of persons and grant of parachuting permissions.

29.(1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over Gibraltar except under and in accordance with the terms of a parachuting permission granted by the Director under this regulation.

(2) For the purposes of this regulation “dropping” includes projecting and lowering.

(3) Notwithstanding the grant of a parachuting permission, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the Director under this regulation.

(5) Every applicant for and every holder of a parachuting permission shall make available to the Director if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Director may require.

(6) The holder of a parachuting permission shall make the manual available to every employee or person who is engaged in or may engage in parachuting activities conducted by him.

(7) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(8) Nothing in this regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this regulation shall prohibit the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

Carriage of weapons and of munitions of war.

30.(1) Subject to sub-regulation (4), an aircraft other than an EU-OPS aeroplane on a commercial air transport flight shall not carry any munition of war unless—

- (a) such munition of war is carried with the permission of the Director; and
- (b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Director.

(2) It shall be unlawful for an aircraft other than an EU-OPS aeroplane on a commercial air transport flight to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless—

- (a) the sporting weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded;
- (b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
- (c) without prejudice to sub-regulation (1), the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

(4) Nothing in this regulation applies to any sporting weapon or munition of war taken or carried on board an aircraft if the sporting weapon or munition of war, as the case may be, may under the law of the country in

which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this regulation—

(a) “munition of war” means—

- (i) any weapon or ammunition;
- (ii) any article containing an explosive, noxious liquid or gas; or
- (iii) any other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

(b) “sporting weapon” means—

- (i) any weapon or ammunition;
- (ii) any article containing an explosive, noxious liquid or gas; or
- (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article,

which is not a munition of war.

Method of carriage of persons.

31.(1) A person shall not—

- (a) subject to sub-regulation (2), be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft;
- (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to—

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Endangering safety of an aircraft.

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

Endangering safety of any person or property.

33. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft.

34.(1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft.

35.(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft flying to or from the Gibraltar Airport so as to be visible from each passenger seat therein.

(2) A person shall not, in or over Gibraltar, smoke in any compartment of an aircraft at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft.

36. Every person in an aircraft shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner.

37. No person shall while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

Stowaways.

38. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to his being carried in the aircraft.

Flying displays.

39.(1) No person shall act as the organiser of a flying display (in this regulation referred to as “the flying display director”) unless he has obtained the permission of the Director under sub-regulation (5) for that flying display.

(2) The commander of an aircraft who is—

- (a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that—
 - (i) the flying display director has been granted an appropriate permission under sub-regulation (5);
 - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (iii) the pilot has been granted an appropriate pilot display authorisation; or
- (b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.

(3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.

(4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(5) The Director—

- (a) shall grant a permission required by virtue of sub-regulation (1) if he is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display;
- (b) may grant such a permission subject to such conditions, which may include conditions in respect of military aircraft, as the Director thinks fit.

(6) For the purposes of this regulation, and subject to sub-regulation (7), an appropriate pilot display authorisation shall mean an authorisation which is valid and appropriate to the intended flight and which has been granted by the competent authority of a JAA Full Member State.

(7) A pilot display authorisation granted by the competent authority of a JAA Full Member State shall not be an appropriate pilot display authorisation for the purposes of this regulation if the Director has given a direction to that effect.

(8) A direction may be issued under sub-regulation (7) either in respect of a particular authorisation, a specified category of authorisations or generally.

(9) Sub-regulations (1), (2), (3) and (4) shall not apply to a flying display at which the only participating aircraft are balloons.

(10) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(11) Nothing in this regulation shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or

pilot whether or not such race or contest is held in association with a flying display.

PART 5**Protection of Crew from Cosmic Radiation****Protection of air crew from cosmic radiation.**

40.(1) A relevant undertaking shall take appropriate measures to—

- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed air crew; and
- (c) inform the workers concerned of the health risks their work involves.

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

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

(4) The definition in regulation 2 of “crew” does not apply for the purposes of this regulation.

(5) In this regulation and in regulation 42—

- (a) “air crew” has the same meaning as in Article 42 of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation; and
- (b) “undertaking” includes a natural or legal person and “relevant undertaking” means an undertaking established in Gibraltar

which operates aircraft but does not include an EU-OPS operator.

(6) In this regulation—

- (a) “highly exposed air crew” and “milliSievert” have the same respective meanings as in Article 42 of Council Directive 96/29/Euratom; and
- (b) “year” means any period of twelve months.

PART 6 Documents and Records

Documents to be carried.

41. An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

Keeping and production of records of exposure to cosmic radiation.

42.(1) A relevant undertaking shall keep a record, for the period and in the manner prescribed, of the exposure to cosmic radiation of air crew assessed under regulation 40 and the names of the air crew concerned.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under sub-regulation (1).

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

Production of documents and records.

43.(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and

- (c) such other documents as the aircraft is required by regulation 41 to carry when in flight.

(2) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

Production of air traffic service equipment documents and records.

44. The holder of an approval under regulation 80 or 81 shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records.

45. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under these Regulations or under EU-OPS to require to be produced to him.

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

46.(1) Subject to sub-regulation (5), the Director may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations, pending inquiry into, or consideration of, the case.

(2) The Director may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the Director within a reasonable time after being required to do so by the Director.

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

(5) The provisions of regulation 47 shall have effect, in place of the provisions of this regulation, in relation to permits to which that regulation applies.

Revocation, suspension and variation of permissions, etc. granted under regulation 91 or regulation 93.

47.(1) Subject to the provisions of this regulation, the appropriate authority may revoke, suspend or vary any permit to which this regulation applies.

(2) Save as provided by sub-regulation (3), the appropriate authority may exercise its powers under sub-regulation (1) only after notifying the permit-holder of its intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the appropriate authority to be necessary for it to do so, it may provisionally suspend or vary a permit to which this regulation applies without complying with the requirements of sub-regulation (2); but it shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of its due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the appropriate authority by sub-regulation (1) or sub-regulation (3) may be exercised by it whenever, in its judgment and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this regulation applies or should enjoy them subject to such limitations or qualifications as the appropriate authority may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the appropriate authority may exercise its said powers if it appears to it that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;

- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country, which, with the consent of the Government of Gibraltar, Her Majesty's Government has extended to apply to Gibraltar and in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
 - (c) the person to whom the permit was granted, or a Government of another country which is a party to an agreement referred to in paragraph (b), or the aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid; or
 - (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than Gibraltar for the purposes of an agreement referred to in paragraph (b), is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.
- (6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this regulation shall surrender it to the appropriate authority within a reasonable time of being required by him to do so.
- (7) The breach of any condition subject to which any permit to which this regulation applies has been granted shall render the permit invalid during the continuance of the breach.
- (8) The permits to which this regulation applies are permissions granted by the appropriate authority under regulation 91 or regulation 93 and any approvals or authorisations of, or consents to, any matter which the appropriate authority has granted, or is deemed to have granted, in pursuance of a permission which it has so granted.
- (9) References in this regulation to the "permit-holder" are references to the person to whom any permit to which this regulation applies has been granted or is deemed to have been granted.
- (10) In this regulation "the appropriate authority" means—

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- (a) in relation to regulation 91(1)(b), any person whose consent is required pursuant to an international agreement; and
- (b) in relation to regulation 91(1)(c) and regulation 93, the Director.

(11) The appropriate authority referred to in sub-regulation (10)(a) may, in any particular case, or class of cases, delegate to the Director the exercise of the powers conferred on it under this regulation in respect of permissions granted by it under regulation 91(1)(b) and any approvals or authorisations of, or consents to, any matter which the appropriate authority has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

Offences in relation to documents and records.

48.(1) A person shall not with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under these Regulations or by or under Part 21, Part 145 or Part M or by or under EU-OPS which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under these Regulations or by or under Part 21, Part 145 or Part M or by or under EU-OPS to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this sub-regulation a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under these Regulations or by or under Part 21, Part 145 or Part M or by or under EU-OPS to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it

is required under these Regulations or by or under Part 21, Part 145 or Part M or by or under EU-OPS to be preserved.

(3) All entries made in writing in any log book or record referred to in sub-regulation (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of these Regulations or by or under Part 21, Part 145 or Part M or by or under EU-OPS unless he is authorised to do so under any applicable European Union legislation.

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

PART 7

Movement of Aircraft

Power to prohibit or restrict flying.

49.(1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest,

the Minister may issue directions prohibiting, restricting or imposing conditions on flights by aircraft in any airspace over Gibraltar.

(2) Directions issued under this regulation may apply either generally or in relation to any class of aircraft.

(3) It shall be an offence to contravene or permit the contravention of or fail to comply with any directions issued hereunder.

(4) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any directions which have been issued for any of the reasons referred to in sub-regulation (1)(c) he shall, unless otherwise instructed under sub-regulation (5), cause the aircraft to leave the area to which the directions relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(5) The commander of an aircraft flying either within an area for which directions have been issued for any of the reasons referred to in sub-regulation (1)(c) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

(6) The Minister shall issue a direction pursuant to sub-regulation (1)(c) by reason of national defence in every case that the Governor certifies that the national defence so requires, but shall not do so otherwise.

Balloons, kites, airships, gliders and parascending parachutes.

50.(1) The provisions of this regulation shall apply only to or in relation to aircraft within Gibraltar.

(2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Without the permission of the Director—

- (a) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of the Gibraltar Airport during the notified operating hours of the Gibraltar Airport;
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of the Gibraltar Airport during the notified operating hours of the Gibraltar Airport;

- (e) a kite shall not be flown at a height of more than 60 metres above ground level; and
- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of the Gibraltar Airport during the notified operating hours of the Gibraltar Airport.

(4) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this sub-regulation without the permission of the Director.

(5) A controllable balloon shall not be flown in free controlled flight—

- (a) within airspace notified for the purposes of this sub-regulation; or
- (b) within the aerodrome traffic zone of the Gibraltar Airport during the notified operating hours of the Gibraltar Airport,

except during the day and in visual meteorological conditions.

(6) A controllable balloon shall not be flown in tethered flight—

- (a) within airspace notified for the purposes of this sub-regulation; or
- (b) within the aerodrome traffic zone of the Gibraltar Airport,

except with the permission of the air traffic control unit at the Gibraltar Airport.

(7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(8) An airship shall not be moored in any place in Gibraltar except with the permission of the Director.

(9) An airship when moored in the open shall be securely moored and shall not be left unattended.

(10) A person shall not cause or permit—

- (a) a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of the Gibraltar Airport during the notified operating hours of the Gibraltar Airport unless that person has given to the Director not less than 28 days previous notice in writing of the release;
- (b) a group of small balloons exceeding 2,000 but not exceeding 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-regulation; or
 - (ii) within the aerodrome traffic zone of the Gibraltar Airport during the notified operating hours,without the permission of the Director;
- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the Director.

(11) For the purposes of this regulation—

- (a) in sub-regulation (5) “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;
- (b) the “notified operating hours” means the times referred to in rule 45(1) of the Rules of the Air 2009;
- (c) “simultaneously released at a single site” means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

Small unmanned aircraft.

51.(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collision.

Small unmanned surveillance aircraft.

51A. (1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in sub-regulation (2) except in accordance with a permission granted by the Director.

- (2) The circumstances referred to in sub-regulation (1) are—
- (a) over or within 150 metres of any congested area;
 - (b) over or within 150 metres of any organised open-air assembly of more than 1,000 persons;
 - (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
 - (d) subject to sub-regulations (3) and (4), within 50 metres of any person.

(3) Subject to sub-regulation (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Sub-regulations (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this regulation a small unmanned surveillance aircraft means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Regulation of rockets.

52.(1) Subject to sub-regulation (2), this regulation applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and

(b) large rockets.

(2) This regulation shall not apply to—

(a) an activity to which the United Kingdom's Outer Space Act 1986, as extended to apply to Gibraltar by the Outer Space Act 1986 (Gibraltar) Order 1996, applies; or

(b) a military rocket.

(3) No person shall launch a small rocket to which this regulation applies unless the condition in sub-regulation (4), and any of the conditions in sub-regulation (5) which are applicable, are satisfied.

(4) The condition first mentioned in sub-regulation (3) is that he has reasonably satisfied himself that—

(a) the flight can be safely made; and

(b) the airspace within which the flight will take place is, and will throughout the flight, remain clear of any obstructions including any aircraft in flight.

(5) The conditions mentioned secondly in sub-regulation (3) are that—

(a) for a flight within controlled airspace, he has obtained the permission of the air traffic control unit at the Gibraltar Airport for aircraft flying in that airspace;

(b) for a flight within the aerodrome traffic zone of the Gibraltar Airport at the times referred to in Rule 45(1) of the Rules of the Air 2009, he has obtained the permission of the air traffic control unit at the Gibraltar Airport; or

(c) for a flight for aerial work purposes the flight is carried out under and in accordance with a permission granted by the Director.

(6) No person shall launch a large rocket unless he does so under and in accordance with a permission granted by the Director.

PART 8 **Air Traffic Services**

Requirement for an air traffic control approval.

53.(1) No person shall provide an air traffic control service other than under, and in accordance with, the terms of an air traffic control approval granted to him by the Director in accordance with applicable rules.

(2) The Director shall grant an air traffic control approval if he is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

Duty of person in charge to satisfy himself as to competence of controllers.

54. The holder of an approval under regulation 53 shall not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

- (a) such person holds an appropriate licence; and
- (b) the holder has satisfied himself that such person is competent to perform his duties.

Manual of air traffic services.

55. A person shall not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;
- (b) the manual is produced to the Director within a reasonable time after a request for its production is made by the Director; and
- (c) such amendments or additions have been made to the manual as the Director may from time to time require.

Provision of air traffic services.

56.(1) The airfield operator shall—

- (a) inform the Director in advance of the periods during and times at which any of the aid equipment referred to in sub-regulation (2) is to be in operation for the purpose of providing such aid as is specified by the airfield operator; and

- (b) during any period and at such times as are notified, cause an approach control service to be provided.

(2) The equipment referred to in sub-regulation (1) is equipment for providing aid—

- (a) for holding;
- (b) for let-down; or
- (c) for an approach to landing by radio or radar.

Making of an air traffic direction in the interests of safety.

57.(1) The airfield operator shall ensure that there shall be provided such an air traffic control service, flight information service or means of two way radio communication as it considers appropriate to ensure safety at the Gibraltar Airport in compliance with applicable international standards; and the Director may, for these purposes, issue directions to the airfield operator with the approval of the Governor obtained by the Minister.

(2) The Director may specify in a direction made under this regulation the periods during which, the times at which, the manner in which and the airspace within which such service or such means shall be provided.

(3) The airfield operator shall cause such a service or means to be provided in accordance with the direction.

(4) A provisional air traffic direction—

- (a) may, if he thinks fit, be made by the Director in accordance with sub-regulation (1) pending inquiry into or consideration of the case;
- (b) shall have effect as though it were an air traffic direction made in accordance with sub-regulation (1).

Making of a direction for airspace policy purposes.

58.(1) After consultation with the Governor, the Minister may direct, in accordance with sub-regulations (2) and (3), any person in charge of the provision of air traffic services in respect of Gibraltar.

(2) A direction under sub-regulation (1) may be made—

- (a) in the interests of ensuring the efficient use of airspace; or
- (b) to require that air traffic services are provided to a standard considered appropriate by the Minister, after consultation with the Director, for the airspace classification.

(3) The Minister may specify in a direction under sub-regulation (1) the air traffic services and the standard to which they are to be provided and the periods during which, the times at which, the manner in which, and the airspace within which such services shall be provided.

(4) The person who has been directed shall cause such a service to be provided in accordance with the direction.

Use of radio call signs at the Gibraltar Airport.

59. No person shall cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

Approval of instrument flight procedures.

59A.(1) An instrument flight procedure within Gibraltar must not be notified unless that procedure has been designed or approved by the Director.

(2) The Director must not notify or approve an instrument flight procedure unless the Director is satisfied that the procedure is safe for use by aircraft.

(3) Subject to sub-regulation (5), the Director may approve an instrument flight procedure where an application for approval of the procedure has been made.

(4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the Director may require.

(5) The Director is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under sub-regulation (6).

(6) The Director must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if the Director is satisfied that—

- (a) the CAA has approved the applicant as a person competent to design an instrument flight procedure that is safe for use by aircraft; or
- (b) the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.

(7) The applicant for an approval under sub-regulation (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the Director may require.

(8) For the purposes of this regulation, the Director may subject to such conditions as the Director thinks fit—

- (a) approve any course of training;
- (b) authorise a person to conduct such examinations or tests as the Director may specify; and
- (c) approve a person to provide any course of training.

PART 9

Licensing of Air Traffic Controllers

Prohibition of unlicensed air traffic controllers and student air traffic controllers.

60.(1) A person to whom Article 2(a) or (b) of the EASA Air Traffic Controller Regulation applies must not provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in sub-regulation (3) which they hold.

(2) A person to whom Article 2(a) or (b) of the EASA Air Traffic Controller Regulation applies must not hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in sub-regulation (3) which they hold.

(3) A student air traffic controller licence or air traffic controller licence referred to in sub-regulations (1) and (2) is a licence issued under the EASA Air Traffic Controller Regulation by the Director or the CAA or a licence

issued under the EASA Air Traffic Controller Regulation by a member State other than the United Kingdom which has been recognised by the Director in accordance with regulation 77..

61. *Omitted.*

62. *Omitted.*

63. *Omitted.*

Period for which a student air traffic controller licence remains in force.

64. Unless suspended or revoked, a student air traffic controller licence remains in force for the period specified in the licence which shall not exceed two years.

65. *Omitted.*

66. *Omitted.*

67. *Omitted.*

68. *Omitted.*

Fatigue of air traffic controllers.

69. A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Acting under the influence of psychoactive substances or medicines.

70. A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence whilst under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly.

Failing exams, assessments or tests.

71. A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part, failed that examination, assessment or test shall not be entitled to act in the capacity for which that examination, assessment or test would have qualified him had he passed it.

Use and approval of simulators.

72.(1) No part of any examination, assessment or test undertaken for the purpose of the EASA Air Traffic Controller Regulation may be undertaken in a simulator unless that simulator has been approved by the Director.

(2) The Director may approve a simulator for the purposes of sub-regulation (1) if he is satisfied that it is fit for its intended purpose.

Approval of courses, persons and simulators.

73. Without prejudice to application of the EASA Air Traffic Controller Regulation or any other provision of these Regulations, the Director may, for the purposes of this Part—

- (a) approve any course of training or instruction;
- (b) approve any unit training plan or unit competence scheme;
- (c) authorise a person to conduct such examinations, assessments or tests as it may specify;
- (d) approve a competence examiner or a competence assessor; and
- (e) approve a simulator.

Certification of training organisations and mutual recognition of training certificates.

74. A person must not provide training necessary for a person to obtain from the Director a student air traffic controller licence or an air traffic controller licence or any associated rating or endorsement or to maintain any of them unless—

- (a) they hold training organisation certification issued or recognised by the Director in accordance with the EASA Air Traffic Controller Regulation; and
- (b) the training has been approved by the Director in accordance with Article 22(2)(d) of the EASA Air Traffic Controller Regulation.

Certified training organisations - production of records.

74A. A certified training organisation must, within a reasonable time of being requested to do so by the Director, produce to him any record or document (whether or not in electronic form) which the Director may

require for the purpose of determining whether the certified training organisation fulfils the requirements set out in Chapter IV of the EASA Air Traffic Controller Regulation.

75. *Omitted.*

Approval of competence examiners and assessors.

76.(1) A person may not act as a competence examiner or competence assessor for unit and continuation training unless he has been approved by the Director.

(2) The approval referred to in sub-regulation (1) is valid for three years and is renewable.

Recognition of air traffic controllers licences issued by another Member State.

77.(1) The Director must recognise on behalf of Gibraltar, air traffic controller and student air traffic controller licences and their associated ratings, rating endorsements and language endorsements as well as associated medical certificates issued by a Member State in accordance with the EASA Air Traffic Controller Regulation.

(2) An application for such recognition must be made in writing to the Director.

(3) The Director must issue a certificate of recognition to the applicant upon being satisfied in accordance with sub-regulation (1).

Acting as an air traffic controller and a student air traffic controller.

78. For the purposes of this Part and Schedule 3–

(a) “acting as an air traffic controller” means either–

(i) giving an air traffic control service; or

(ii) the supervision of a student air traffic controller,

or both; and

(b) “acting as a student air traffic controller” means giving an air traffic control service under the supervision of an air traffic controller.

78A. *Omitted*

Definitions relevant to this Part.

79. Terms used in this Part shall be construed consistently with equivalent terms used in the EASA Air Traffic Controller Regulation.

PART 10
Air Traffic Service Equipment

Air traffic service equipment.

80.(1) A person shall not cause or permit any air traffic service equipment to be established or used in Gibraltar otherwise than under and in accordance with an approval granted by the Director to the person in charge of the equipment.

(2) An approval shall be granted under sub-regulation (1) upon the Director being satisfied—

- (a) as to the intended purpose of the equipment;
- (b) that the equipment is fit for its intended purpose; and
- (c) that the person is competent to operate the equipment.

(3) The person in charge of the aeronautical radio station at the Gibraltar Airport shall cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under sub-regulation (1) may, in addition to any other conditions which may be imposed, include a condition requiring the person in charge of the equipment to use a person approved by the Director under sub-regulation (5) for the provision of particular services in connection with the equipment and in particular, but without limitation, may include a condition requiring that the equipment be flight checked by such an approved person.

(5) The Director may approve a person to provide particular services in connection with approved equipment.

(6) For the purpose of sub-regulations (1) and (5) an approval may be granted in respect of one or more than one person or generally.

(7) The provisions of this regulation shall not apply to any air traffic service equipment in respect of which the Director has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of this regulation.

(8) This regulation does not apply to air traffic service equipment or to aeronautical radio stations established or used by a member of MoD personnel.

Air traffic service equipment records.

81.(1) The person in charge of any air traffic service equipment and any associated apparatus required under sub-regulation (2) or (3) shall keep in respect of such equipment or apparatus records in accordance with Part A of Schedule 4, and shall preserve such records for a period of one year or such longer period as the Director may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide recording apparatus in accordance with sub-regulation (4).

(3) The Director may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with sub-regulation (4).

(4) The person in charge of the air traffic service equipment in respect of which recording apparatus is required to be provided under sub-regulation (2) or (3) shall, subject to sub-regulation (7)–

- (a) ensure that when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; or in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
- (b) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;

- (c) ensure that each record made by the apparatus complies with Part B of Schedule 4;
- (d) not cause or permit that apparatus to be used unless it is approved by the Director; and
- (e) comply with the terms of such an approval.

(5) The Director may, in considering whether or not to grant an approval, without limitation, have regard to the matters specified in Part C of Schedule 4.

(6) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the Director may have had regard to under sub-regulation (5);
- (b) in respect of one or more than one person or generally.

(7) If any apparatus provided in compliance with sub-regulation (2) or (3) ceases to be capable of recording the matters required by this regulation to be included in the records, the person required to provide that apparatus shall ensure that, so far as practicable, a record is kept which complies with Part B of Schedule 4 and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with sub-regulation (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft.

(8) If any apparatus provided in compliance with sub-regulation (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(9) The person in charge of any air traffic service equipment shall preserve any record made in compliance with sub-regulation (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Director may in a particular case direct.

(10) Subject to sub-regulation (11), a person required by this regulation to preserve any record by reason of his being the person in charge of the air traffic service equipment shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the

event of his death the duty to preserve the record shall fall upon his personal representative.

(11) If another person becomes the person in charge of the air traffic service equipment the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he were the previous person in charge.

(12) The person in charge of any air traffic service equipment shall, within a reasonable time after being requested to do so by an authorised person, produce any record required to be preserved under this regulation to that authorised person.

(13) The provisions of this regulation shall not apply to any air traffic service equipment in respect of which the Director has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of this regulation.

(14) This regulation does not apply to air traffic service equipment, associated apparatus or to aeronautical radio stations established or used by a member of MoD personnel.

PART 11

The Gibraltar Airport, Aeronautical Lights and Dangerous Lights

Requirement to use Gibraltar airport.

82.(1) An aircraft to which this sub-regulation applies shall not take off or land at a place in Gibraltar other than at the Gibraltar Airport other than with the permission of the Director.

(2) Sub-regulation (1) applies to—

- (a) any aeroplane of which the maximum total weight authorised exceeds 2,730 kg flying on a flight—
 - (i) for the purpose of the commercial air transport of passengers or the public transport of passengers;
 - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence;
or

- (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (b) any aeroplane of which the maximum total weight authorised does not exceed 2,730 kg flying on a flight—
 - (i) which is a scheduled journey for the purpose of the the commercial air transport of passengers or public transport of passengers;
 - (ii) for the purpose of the the commercial air transport of passengers or public transport of passengers beginning and ending at the same aerodrome;
 - (iii) *Omitted.*
 - (iv) for the purpose of the the commercial air transport of passengers or public transport of passengers at night;
- (c) any helicopter or gyroplane flying on a flight which is a scheduled journey for the purpose of the public transport of passengers;
- (d) any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying;
- (e) in any helicopter or gyroplane of which the maximum total weight authorised is more than 3175kg flying on a flight for the purpose of—
 - (i) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence, or
 - (ii) for the purpose of a flying test for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.

(3) The person in charge of any area in Gibraltar intended to be used for the take off or landing of helicopters at night other than such a place as is specified in sub-regulation (1) shall cause to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter–

- (a) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
- (b) in the case of taking off, to make a safe take-off.

(4) A helicopter flying for the purpose of the public transport of passengers at night shall not take off or land at a place to which sub-regulation (3) applies unless there is in operation such lighting.

Use of the Gibraltar Airport.

83. The Minister, in accordance with arrangements agreed with the airfield operator, shall cause to be notified subject to such conditions as the Minister thinks fit, the times at which the Gibraltar Airport shall be available for the take-off and landing of civil aircraft.

Use of the Gibraltar Airport by aircraft of Contracting States and of the Commonwealth.

84. The Minister shall cause the Gibraltar Airport and all of its air navigation facilities to be available for use by aircraft registered in any Contracting State or in any part of the Commonwealth on equal terms and conditions.

Noise and vibration caused by aircraft at the Gibraltar Airport.

85.(1) The Minister may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) at the Gibraltar Airport; and such conditions may include conditions in relation to noise and vibration caused in the manufacture, repair or maintenance of aircraft at the Gibraltar Airport.

(2) Section 41(2) of the Act shall apply whenever the Minister has prescribed conditions in accordance with sub-regulation (1).

(3) The Minister shall not, under this regulation, prescribe conditions in accordance with sub-regulation (1) in relation to military aircraft except with the prior approval of the Governor.

Aeronautical lights.

86.(1) Except with the permission of the Director and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of—

- (a) an aeronautical beacon within Gibraltar; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at the Gibraltar Airport, or which forms part of the lighting system for use by aircraft taking off from or landing at the Gibraltar Airport.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a lighthouse, the Director shall not give his permission for the purpose of this regulation except with the consent of the Minister with responsibility for the port.

(3) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Director.

Lighting of en-route obstacles.

87.(1) For the purposes of this regulation, an “en-route obstacle” means any building, structure or erection which is 150 metres or more above ground level, but it does not include a building, structure or erection which is in the vicinity of the Gibraltar Airport.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) Subject to sub-regulation (4), the person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this regulation shall be displayed.

(4) In the event of the failure of any light which is required by this regulation to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the Director may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as he may specify.

(7) This regulation shall not apply to any en-route obstacle in respect of which the Director has granted a permission for the purposes of this regulation to the person in charge.

(8) A permission may be granted for the purposes of this regulation in respect of a particular case or class of cases or generally.

Lighting of wind turbine generators in territorial waters.

88.(1) This regulation shall apply to any wind turbine generator which is situated in waters within or adjacent to Gibraltar up to the seaward limits of the territorial waters and the height of which is 60 metres or more above the level of the sea at the highest astronomical tide.

(2) Subject to sub-regulation (3) the person in charge of a wind turbine generator to which this regulation applies shall ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) Where four or more wind turbine generators to which this regulation applies are located together in the same group, with the permission of the Director only those on the periphery of the group need be fitted with a light in accordance with sub-regulation (2).

(4) The light or lights required by sub-regulation (2) shall, subject to sub-regulation (5), be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light shall be elevated to between 3 and 4 degrees above the horizontal plane;

- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type shall be visible at the horizontal plane;
 - (c) not more than 10% of the minimum peak intensity specified for a light of this type shall be visible at a depression of 1.5 degrees or more below the horizontal plane.
- (6) The person in charge of a wind turbine generator to which this regulation applies shall—
 - (a) subject to sub-paragraph (b) ensure that, by night, any light required to be fitted by this regulation shall be displayed;
 - (b) in the event of the failure of the light which is required by this regulation to be displayed by night, repair or replace the light as soon as is reasonably practicable.
- (7) When visibility in all directions from every wind turbine generator to which this regulation applies in a group is more than 5 km the light intensity for any light required by this regulation to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.
- (8) In any particular case the Director may direct that a wind turbine generator to which this regulation applies shall be fitted with and shall display such additional lights in such positions and at such times as he may specify.
- (9) This regulation shall not apply to any wind turbine generator in respect of which the Director has granted a permission for the purposes of this regulation to the person in charge.
- (10) A permission may be granted for the purposes of this regulation in respect of a particular case or class of cases or generally.
- (11) In this regulation—
 - (a) “wind turbine generator” is a generating station which is wholly or mainly driven by wind;
 - (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and

- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—
 - (i) it is within 2 km of that other wind turbine generator; or
 - (ii) it is within 2 km of a wind turbine generator which is in the same group as that other wind turbine generator.

Dangerous lights.

89.(1) A person shall not exhibit in Gibraltar any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at the Gibraltar Airport; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Minister, after consultation with the Director, to be such a light as aforesaid is exhibited the Minister may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

Lights which dazzle or distract.

89A.(1) A person must not in Gibraltar direct or shine any light (including a laser), which has, or is calculated to have, the effect of dazzling or distracting—

- (a) the pilot of any aircraft in flight,
- (b) persons within any installation situated on Gibraltar Airport; or
- (c) the driver of any vehicle that is being used on Gibraltar Airport.

(2) Sub-regulation (1) shall not apply to a person who is acting in the course of his duty within Gibraltar Airport.

Aviation fuel at the Gibraltar Airport.

90.(1) Subject to sub-regulation (2), a person who has the management of any aviation fuel installation at the Gibraltar Airport shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

- (a) when the aviation fuel is delivered into the installation he is satisfied that—
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or, if different grades are stored in different parts, each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;

and

- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Sub-regulation (1) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom sub-regulation (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation,

and he shall preserve the written record for a period of 12 months or such longer period as the Director may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(5) If it appears to the Director or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this regulation, the Director or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Director or by an authorised person.

(6) In this regulation—

- (a) “aviation fuel” means fuel intended for use in aircraft; and
- (b) “aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART 12 General

Restriction on carriage for valuable consideration.

91.(1) An aircraft shall not take on board or discharge any passengers or cargo in Gibraltar where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless—

- (a) it is exercising traffic rights permitted by virtue of Regulation (EC) No. 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, any Regulation or other European Union instrument that replaces, amends or builds on that Regulation, or that deals with traffic rights;
- (b) where there is in place an agreement between Her Majesty’s Government in the United Kingdom and the government of any other country, which, with the consent of the Government of

Gibraltar, Her Majesty's Government has extended to apply to Gibraltar, in accordance with the permission granted pursuant to that agreement; or

- (c) in every other case, it does so with the permission of the Director to the operator or charterer of the aircraft and in accordance with any conditions to which such permission is subject.

(2) Without prejudice to regulation 47 or to sub-regulation (1), any breach by a person to whom a permission has been granted under this regulation of any condition to which that permission was subject shall constitute a contravention of this regulation.

(3) The Director may exercise the relevant permission granting powers set out in and in accordance with any international agreement referred to in sub-regulation (1)(b) where those powers are delegated to the Director by the relevant authority designated under that agreement.

Filing and approval of tariffs.

92.(1) Where a bilateral agreement under regulation 91(1)(b) contains a tariff provision, and this is reflected in a permission granted under an agreement to which that sub-regulation applies, the Minister may, in any cases or class of cases, where the power so to do is delegated to the Minister by the relevant authority for the purposes of that agreement exercise the power to approve or disapprove the tariff which the operator or charterer of the aircraft concerned proposes to apply on flights to which the permission relates, and where the power to approve or disapprove tariffs is so delegated, the Minister shall, in exercising that power, comply with any general guidelines or specific directions which may from time to time be conveyed to him by the Secretary of State pursuant to the terms of any applicable international agreement.

(2) For the purposes of this regulation, "tariff provision" means a condition as to any of the following matters—

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under regulation 91(1)(b) relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;

- (c) the price, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo,

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

Restriction on aerial photography, aerial survey and aerial work.

93.(1) An aircraft shall not fly over Gibraltar for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Director granted under this regulation to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to regulation 47 or to sub-regulation (1), any breach by a person to whom a permission has been granted under this regulation of any condition to which that permission was subject shall constitute a contravention of this regulation.

Flights over any foreign country.

94.(1) The commander and, where his principal place of business or permanent residence is in Gibraltar, the operator of an aircraft which is being flown over any foreign country, shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

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

(3) The commander and, where his principal place of business or permanent residence is in Gibraltar, the operator of an aircraft which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or

- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country,

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 directions were being given by the appropriate aeronautical authorities.

(5) The requirement in sub-regulation (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

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

Directions to operators of aircraft to make data available.

95.(1) The Director may give a direction to any person who is an operator of an aircraft referred to in sub-regulation (2) requiring the operator to take the action referred to in sub-regulation (3).

(2) The aircraft referred to in sub-regulation (1) is any aircraft which (alone or in combination with one or more other aircraft operated by the operator) is flown for the carriage of passengers from Gibraltar (directly or via another country) to a country which is outside the European Economic Area and is specified in the direction.

(3) The action referred to in sub-regulation (1) is the making available electronically of data in respect of all passengers and crew on the aircraft or expected to be on the aircraft.

(4) A direction may be given in respect of–

- (a) all aircraft;
- (b) any aircraft; or
- (c) any class of aircraft,

of which (at the time when the direction is given or at any subsequent time) the person is the operator and which is or are specified in the direction.

- (5) A direction shall specify—
- (a) the competent authorities of the country to whom the data are to be made available electronically; and
 - (b) the types of data to which the direction relates.

(6) A direction shall only have effect in relation to data which are collected and contained in the operator's automated reservation system or departure control system.

Mandatory reporting of occurrences.

96.(1) The objective of this regulation is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This regulation shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Without prejudice to the generality of sub-regulation (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of Directive 2003/42 of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation.

(5) Every person listed below shall report to the Director any event which constitutes an occurrence for the purposes of sub-regulation (3) and which comes to his attention in the exercise of his functions—

- (a) a person who carries on the business of manufacturing a turbine-powered or a public transport aircraft, or any equipment or part thereof, in Gibraltar;
- (b) a person who performs a function which requires him to be authorised as an air traffic controller;
- (c) the manager or operator of the Civil Airport appointed pursuant to section 26 of the Act;

- (d) a person who performs a function in respect of the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are used by a person who provides an air traffic control service under an approval issued by the Director;
- (e) a person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at the Gibraltar Airport.

(6) Reports of occurrences shall be made within such time, by such means and containing such information as may be prescribed and shall be presented in such form as the Director may in any particular case approve.

(7) A person listed in sub-regulation (5) shall make a report to the Director within such time, by such means, and containing such information as the Director may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to an occurrence which has been reported by him or another person to the Director in accordance with this regulation.

(8) A person shall not make any report under this regulation if he knows or has reason to believe that the report is false in any particular.

(9) The Director shall put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with sub-regulations (5) to (7).

(10) The Director shall store in his office's databases the reports which he has collected of occurrences, accidents and serious incidents.

(11) The Director shall make all relevant safety-related information stored in the databases mentioned in sub-regulation (10) available to the competent authorities of the Member States and to the European Commission.

(12) The Director shall ensure that the databases referred to in sub-regulation (10) are compatible with the software developed by the European Commission for the purpose of implementing Directive 2003/42 of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation.

(13) The Director, having received an occurrence report, shall enter it into his office's databases and notify, whenever necessary: the competent authority of the Member State where the aircraft is registered; where the

aircraft was manufactured, and where the operator's air operator's certificate was granted.

(14) The Director shall provide any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the Community with access to information on occurrences collected and exchanged in accordance with sub-regulations (9) to (13) to enable it to draw the safety lessons from the reported occurrences.

(15) The Director shall use any information received in accordance with the terms of this regulation solely for the purposes set out in this regulation.

(16) The names or addresses of individual persons shall not be recorded on the databases referred to in sub-regulation (10).

(17) Without prejudice to the rules of criminal law, no proceedings shall be instituted in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported under this regulation as required by Article 4 of Directive 2003/42 of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation, except in cases of gross negligence.

(18) The provisions in sub-regulations (15) to (17) shall apply without prejudice to the right of access to information by judicial authorities.

(19) The Director shall put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.

(20) Voluntary reports presented to the Director under sub-regulation (19) shall be subjected to a process of disidentification by the Director where the person making the report requests that his identity is not recorded on the databases.

(21) The Director shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

Mandatory reporting of birdstrikes.

97.(1) Subject to the provisions of this regulation, the commander of an aircraft shall make a report to the Director of any birdstrike occurrence which occurs whilst the aircraft is in flight within Gibraltar.

(2) The report shall be made within such time, by such means and shall contain such information as may be prescribed and it shall be presented in such form as the Director may in any particular case approve.

(3) Nothing in this regulation shall require a person to report any occurrence which he has reported under regulation 96 or which he has reason to believe has been or will be reported by another person to the Director in accordance with that regulation.

(4) A person shall not make any report under this regulation if he knows or has reason to believe that the report is false in any particular.

(5) In this regulation “birdstrike occurrence” means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

Power to prevent aircraft flying.

98.(1) If it appears to the Director or an authorised person that any aircraft is intended or likely to be flown—

- (a) in such circumstances that any provision of regulations 3, 4, 5, 10, 11, 30, 34(2) would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any provision of these Regulations or of EU-OPS and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or of EU-OPS,

the Director or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director or by an authorised person, and the Director or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of sub-regulation (1) the Director or any authorised person may enter upon and inspect any aircraft.

Power to prevent third-country aircraft taking off.

99. Where it appears to an authorised person that a third-country aircraft—

- (a) has a safety deficiency and does not comply with international safety standards;
- (b) would obviously be hazardous to flight safety; and
- (c) is intended or is likely to be flown without completion by the operator of the appropriate corrective action,

that authorised person shall give to the person appearing to be in command of the aircraft a direction in writing that he shall not permit the aircraft to take off until further notice and take such steps as may be necessary to detain that aircraft.

Notifying competent authority of the detention of a third-country aircraft.

100. An authorised person shall immediately inform the competent authority of the State of the operator of the detention and, where necessary, of the State in which the aircraft is registered.

Validity of certificate of airworthiness.

101. Where—

- (a) an aircraft has been prohibited from taking off pursuant to regulation 99;
- (b) the safety deficiency affects the validity of the certificate of airworthiness of the aircraft; and
- (c) the Director has granted the operator of the aircraft an exemption from the requirement that the aircraft have a valid certificate of airworthiness,

an authorised person shall not revoke a direction issued pursuant to regulation 99 unless he is satisfied that the operator has obtained permission for the flight from all States over which it is intended to fly the aircraft.

Right of access to the Gibraltar Airport and other places.

102. The Director and any authorised person shall have the right of access at all reasonable times—

- (a) to the Gibraltar Airport for the purpose of inspecting the aerodrome;
- (b) to the Gibraltar Airport for the purpose of inspecting any aircraft at the Gibraltar Airport or any document which it or he has power to demand under these Regulations, or for the purpose of detaining any aircraft under the provisions of these Regulations;
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under these Regulations and for the purpose of detaining the aircraft under the provisions of these Regulations;
- (d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under regulation 80 is situated for the purpose of inspecting—
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
 - (ii) any document or record which it or he has power to demand under these Regulations; and
- (e) *Omitted.*

Obstruction of persons.

103. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations or an implementing rule adopted by the European Commission in accordance with the Basic EASA Regulation.

Directions.

104.(1) Where any provision of these Regulations gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.

(2) Any person who without reasonable excuse fails to comply with any direction given to him under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

Penalties.

105.(1) If any provision of these Regulations or EU-OPS is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of regulation 91, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Regulations the EASA Air Traffic Controller Regulation, or EU-OPS was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of these Regulations by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport, public transport or aerial work, the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of these Regulations not being a provision referred to in sub-regulation (5), (6) or (7) or contravenes any provision of EU-OPS specified in Part ZA of Schedule 5, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale but nothing in this sub-regulation applies to any obligation imposed on the Director.

(5) If any person contravenes any provision specified in Part A of Schedule 5 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

(7) If any person contravenes any provision specified in Part C of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and on conviction on indictment to a fine or imprisonment for a term not exceeding five years or both.

Extent of the Regulations.

106. The provisions of these Regulations shall apply to all aircraft within Gibraltar and in or over territorial waters adjacent to Gibraltar.

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

107.(1) Subject to the provisions of this regulation, these Regulations shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this regulation shall render liable to any penalty any authority responsible on behalf of Her Majesty for the management of any aircraft.

(4) Save as otherwise expressly provided, the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of these Regulations to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in Gibraltar and for the time being serving there.

(5) Save as otherwise provided by sub-regulation (6), regulation 39(5), regulation 85 and the Rules of the Air 2009, nothing in these Regulations shall apply to or in relation to any military aircraft or installations.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of these Regulations shall apply on the occasion of that flight, that is to say, regulations 32, 33, 34 and 49 and in addition the Rules of the Air 2009 (so far as applicable) shall apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exemption from Regulations.

108. The Director may exempt from any of the provisions of these Regulations (other than regulations 47, 91, 92 or 93) any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

Appeal to the Supreme Court.

109.(1) Subject to sub-regulation (2) an appeal shall lie to the Supreme Court from any decision of the Director that a person is not a fit person to hold a licence to act as—

- (a) an air traffic controller; or
- (c) a student air traffic controller,

and if the court is satisfied that on the evidence submitted to the Director he was wrong in so deciding, the court may reverse the Director's decision and the Director shall give effect to the court's decision.

(2) An appeal shall not lie from a decision of the Director that a person is not qualified to have a licence rendered valid by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(3) The Director shall be a respondent to any appeal under this regulation.

(4) For the purposes of any provision relating to the time within which an appeal may be brought, the Director's decision shall be deemed to have been taken on the date on which the Director furnished a statement of his reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of the validated licence.

Meaning of aerodrome traffic zone.

110. The aerodrome traffic zone of the Gibraltar Airport shall be the airspace designated as such by notice published by the Government in the Gazette.

Exceptions from application of provisions of the Regulations for certain classes of aircraft.

111. The provisions of these Regulations, other than regulations 2(1) and (2), 33, 49(1), 50, 51, 51A, 98(1)(b) and (c), shall not apply to or in relation to—

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small unmanned aircraft; or
- (d) any parachute including a parascending parachute.

Approval of persons to furnish reports.

112. In relation to any of his functions under any of the provisions of these Regulations, the Director may approve a person as qualified to furnish reports to him and may accept such reports.

Certificates, authorisations, approvals and permissions.

113. Wherever in these Regulations there is provision for the issue or grant of a certificate, authorisation, approval or permission by the Director, unless otherwise provided, such a certificate, authorisation, approval or permission—

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the Director thinks fit; and
- (c) may be issued or granted, subject to regulation 46, for such periods as the Director thinks fit.

Competent authority.

114.(1) The Director is the national supervisory authority and the competent authority for Gibraltar for the purposes of Article 4 and Article 27 of the EASA Air Traffic Controller Regulation.”.

(2) The Minister shall be the competent authority under Article 15 of Council Directive 96/29/Euratom of 13th May 1996 for the purposes of Article 42 of the Directive.

Saving.

115.(1) Subject to regulation 84, nothing in these Regulations shall confer any right to land in any place as against the owner of the land or other persons interested therein.

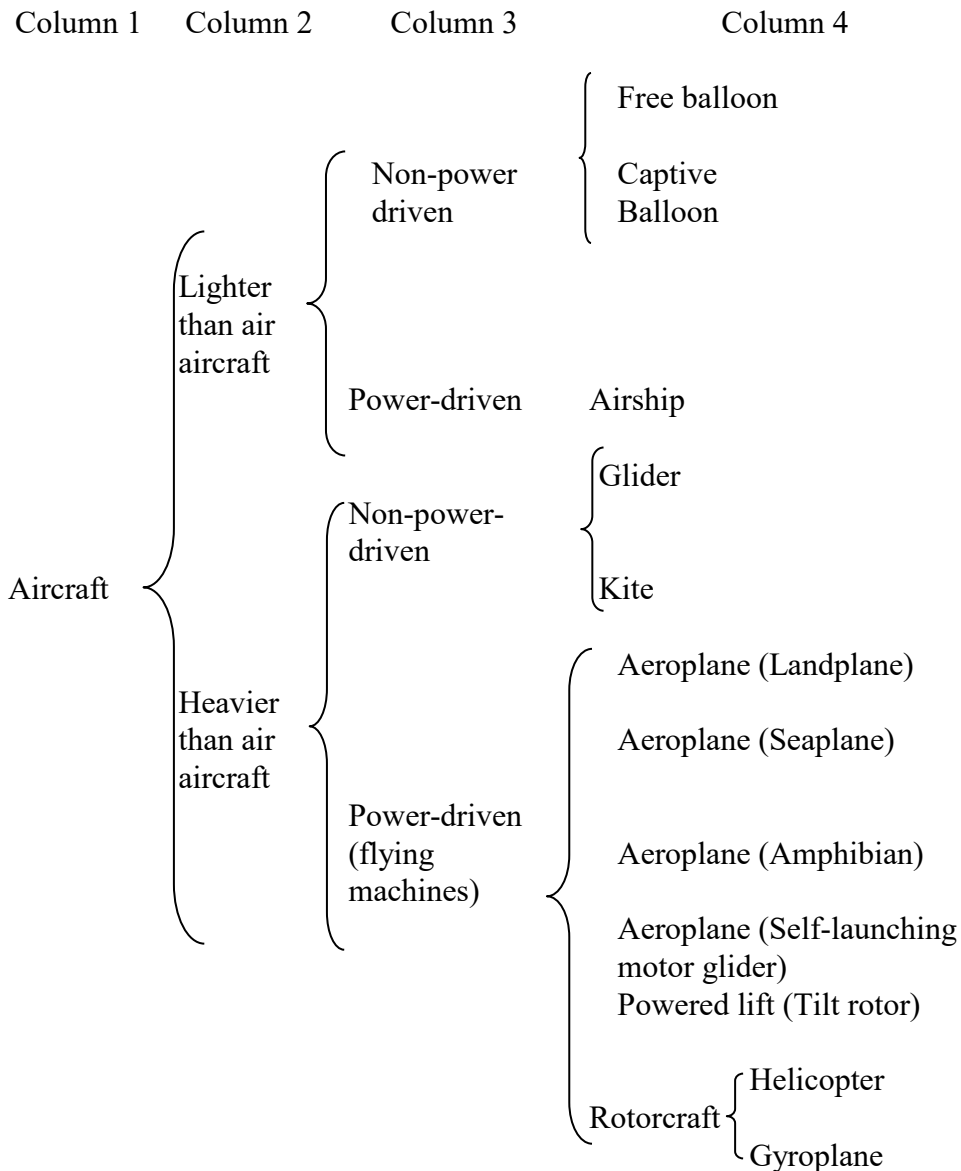
(2) Nothing in these Regulations shall oblige the Director to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

SCHEDULE 1

Regulation 2(6)

CLASSIFICATION OF AIRCRAFT

Classification of aircraft



SCHEDULE 2

Regulation 8(2)

**RADIO COMMUNICATION AND RADIO NAVIGATION
EQUIPMENT TO BE CARRIED IN AIRCRAFT**

1. Subject to paragraph 3, every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table; provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. Table

Aircraft and Circumstances of Flight	Scale of Equipment Required									
	A	B	C	D	E	F	G	H	J	
(1) All aircraft (other than gliders) within Gibraltar—										
(a) when flying under Instrument Flight Rules within controlled airspace	A				E2	F				
(b) when flying within controlled airspace	A									
(c) when making an approach to landing at the Gibraltar Airport if it were to be notified for the purpose of this sub-paragraph							G			
(1A) All aircraft (except gliders and balloons) within Gibraltar when flying for the purpose of public transport—					E2					
(2) All aircraft within Gibraltar—										

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Aircraft and Circumstances of Flight	Scale of Equipment Required								
	A	B	C	D	E	F	G	H	J
(a) when flying at or above flight level 195	A								
(b) when flying within airspace notified for the purposes of this sub-paragraph	A								
(2A) All gliders flying at or above flight level 195 except when flying within airspace notified as a Temporary Reserved Area-Gliders–					E2				
(3) All aircraft (other than gliders) within Gibraltar–									
(a) when flying at or above flight level 245					E2	F			
(b) when flying within airspace notified for the purposes of this sub-paragraph					E2				
(c) when flying at or above flight level 100					E2				
(4) When flying under Instrument Flight Rules within airspace notified for the purposes of this paragraph–									
(a) all aeroplanes having a maximum take-off weight authorised not exceeding 5,700 kg and a maximum cruising true airspeed capability not exceeding 250 knots					E2				
(b) all rotorcraft					E2				

Aircraft and Circumstances of Flight	Scale of Equipment Required								
	A	B	C	D	E	F	G	H	J
(c) all aeroplanes having either a maximum take-off weight authorised of more than 5,700 kg or a maximum cruising true airspeed capability of more than 250 knots					E3				
(4A) All aircraft required to carry Scale E2 or E3					EE				
(5) All aeroplanes wherever registered when flying in Gibraltar, powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 15,000 kg or with a maximum approved passenger seating configuration of more than 30									J
(6) All aeroplanes powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 5,700 kg or a maximum approved passenger seating configuration of more than 19; and flying in Gibraltar									J

3.(1) In the case of sub-paragraphs (1), (1A), (2), (2A), (3), and (4) of paragraph 2, the specified equipment need not be carried if the appropriate air traffic control unit otherwise permits in relation to the particular flight and the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

(2) An aircraft which is not a public transport aircraft and which is flying in Class D or Class E airspace shall not be required to be provided with distance measuring equipment in accordance with paragraph (b) of Scale F when flying in the circumstances specified in sub-paragraph (1)(a) of paragraph 2.

4. The scales of radio communication and radio navigation equipment indicated in the foregoing Table shall be as follows—

Scale A.

Radio communication equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.

Scale E1.

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E2.

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Elementary Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E3.

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Enhanced Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale EE.

The aircraft shall, in the circumstances specified in paragraph 2.1.5.3 of Volume IV (Third Edition July 2002) of Annex 10 to the Chicago Convention, comply with the requirements for antenna diversity set out in that paragraph.

Scale F.

Radio communication and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including—

- (a) automatic direction finding equipment;
- (b) distance measuring equipment; and
- (c) VHF omni-range equipment.

Scale G.

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale J.

An airborne collision avoidance system.

5. In this Schedule—

- (1) “Airborne collision avoidance system” means an aeroplane system which conforms to requirements prescribed for the purpose; is based on secondary surveillance radar transponder signals; operates independently of ground based equipment and which is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity;
- (2) “Automatic direction finding equipment” means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;
- (3) “Distance measuring equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations;
- (4) “Mode A” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a 4 digit identity code;
- (5) “Mode C” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance;
- (6) “Secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of—

- (a) replying to an interrogation from secondary surveillance radar units on the surface; and
 - (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;
- (7) “VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

SCHEDULE 3

Omitted.

SCHEDULE 4

Regulation 81

**AIR TRAFFIC SERVICE EQUIPMENT—RECORDS REQUIRED
AND MATTERS TO WHICH THE DEPARTMENT MAY HAVE
REGARD**

PART A

Records to be kept in accordance with regulation 81(1)

(1) A record of any functional tests, flight checks and particulars of any maintenance, repair, overhaul, replacement or modification.

(2) Subject to paragraph (3), the record shall be kept in a legible or a non-legible form so long as the record is capable of being reproduced by the person required to keep the record in a legible form and it shall be so reproduced by that person if requested by an authorised person.

(3) In any particular case the Department may direct that the record is kept or be capable of being reproduced in such a form as it may specify.

PART B

Records required in accordance with regulation 81(4)(c)

Each record made by the apparatus provided in compliance with regulation 81(2) or (3) shall be adequately identified and in particular shall include—

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted or received;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

PART C

**Matters to which the Department may have regard in granting an
approval of apparatus in accordance with regulation 81(5)**

- (1) The purpose for which the apparatus is to be used.
- (2) The manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used.
- (3) The adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any).
- (4) The manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled.
- (5) The manner in which the apparatus has been or will be inspected.

SCHEDULE 5

Regulation 105

PENALTIES**PART ZA**

Provisions referred to in regulation 105(4)

Provision of EU-	Subject matter
OPS	
1.037	Accident prevention and flight safety programme
1.110	Use of portable electronic devices
1.125	Documents to be carried
1.130	Manuals to be carried
1.135(a)	Additional information and forms to be carried
1.140	Information to be retained on the ground
1.150	Production of documentation and records
1.155	Preservation of documentation
1.65(b) & (c)	Leasing requirements
1.205	Competence of operations personnel
1.220	Authorisation of aerodromes by operator
1.230	Use of instrument departure and approach procedures
1.295	Selection of aerodromes
1.300	Submission of ATS flight plan
1.335	Smoking on board
1.340	Meteorological conditions
1.345(b)	Commander not to take off unless external surfaces are clear
1.350	Fuel and oil supply
1.355	Take-off conditions

1.360	Commander to be satisfied as to take off minima
1.385	Use of supplemental oxygen
1.400	Approach and landing conditions
1.405(a), (d) & (e)	Commencement and continuation of approach
1.415	Requirement for journey log
1.420(b), (c) & (d)	Occurrence reporting
1.440	Low visibility operations – general operating rules
1.445	Low visibility operations – aerodrome considerations
1.455	Low visibility operations – training and qualifications
1.460	Low visibility operations – minimum operating equipment
1.465	VFR operating minima
1.615	Mass values for crew
1.620	Mass values for passengers and baggage
1.985	Training records for flight crew
1.1035	Training records for cabin crew
1.1105	Maximum daily flight duty period
1.1110	Rest requirements
1.1135	Flight duty, duty and rest periods

PART A

Provisions referred to in regulation 105(5)

Section 1

Regulation	Subject Matter
3	Aircraft flying unregistered.
4	Aircraft flying with false or incorrect markings.
4A	Compliance with operational directives.
6A	Requirement for a certificate of release to service for EASA

- aircraft.
- 7 Flight without required equipment.
- 8 Flight without required radio communication or radio navigation equipment.
- 10 Crew requirement.
- 12 Instruction in flying without appropriate licence and rating.
- 14 Prohibition on commercial air transport and public transport at night etc.
- 15 Aerodrome operating minima - aerial work and private aircraft.
- 16 Aerodrome operating minima – non-public transport aircraft.
- 17 Requirement for pilot to remain at controls.
- 18 Pre-flight action by commander of aircraft.
- 18A Commander to be satisfied that flight can be safely completed.
- 19 Requirement for passenger briefing.
- 20 Requirement for radio station in aircraft to be licensed and for operation of the same.
- 21 Requirement for height keeping performance equipment.
- 22 Requirement for area navigation equipment etc.
- 23 Requirement for an airborne collision avoidance system.
- 25 Towing of gliders.
- 27 Towing, picking up and raising of persons and articles by aircraft.
- 28 Dropping of articles and animals from aircraft.
- 29 Dropping of persons and requirement for parachuting permission.
- 31 Carriage of persons in or on any part of an aircraft not designed for that purpose.
- 35 Prohibition of smoking in aircraft.
- 36 Requirement to obey lawful commands of aircraft commander.
- 37 (a) and (b) Acting in a disruptive manner.
- 38 Prohibition of stowaways.
- 39 Flying displays.
- 49 Flight in contravention of restriction of flying regulations.
- 50 Flight by balloons etc.
- 51 Small unmanned aircraft.
- 51A Small unmanned surveillance aircraft.
- 52 Launching of rockets.
- 54 Requirement as to competence of air traffic controllers.
- 56 Provision of air traffic services.
- 57 Requirement to comply with an air traffic direction.
- 58 Requirement to comply with an airspace policy direction.
- 59 Use of radio call signs at the Gibraltar Airport.
- 60 Requirement for licensing of air traffic controllers.
- 80 Use of air traffic service equipment.

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81	Requirement to keep air traffic service equipment records.
82	Requirement for use of licensed the Gibraltar Airport.
86	Use of aeronautical lights.
87	Requirement to light en-route obstacles.
88	Requirement to light offshore wind turbine generators.
89(1)	Prohibition of dangerous lights.
89(2)	Failure to extinguish or screen dangerous lights.
90(1) and (3)	Management of aviation fuel at the Gibraltar Airport.
95	Operator's obligation to make data available.
103	Obstruction of persons performing duties under the Regulations.

Section 2

Provision of EU-OPS	Subject matter
1.030	Operator to establish and operate in accordance with minimum equipment list
1.070	Carriage of sporting weapons and ammunition
1.075	Carriage of persons in part of aeroplane not designed for that purpose
1.085(f) 7, 8, 10 & 12	Responsibilities of commander
1.160	Preservation, production and use of flight recorder recordings
1.240	Operator's responsibilities in relation to routes and areas of operations
1.241	Operation in airspace with reduced vertical separation minima
1.243	Operation in areas with specific navigation performance requirements
1.245	Operation at distance from nearest aerodrome of two engine aeroplane without ETOPS approval
1.246	Requirement for ETOPS approval
1.285	Requirement for passenger briefing
1.290(b)	Flight preparation by commander
1.310(a) 1 & 2	Flight crew to remain at station
1.320	Crew and passengers to be recorded

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1.398	Use of airborne collision avoidance system
1.430	Aerodrome operating minima
1.470	Performance requirements
1.605	Requirements for loading, mass and balance and centre of gravity
1.625	Mass and balance documentation
1.630(a)	Instruments and equipment required for flight
1.845(a)	Communication and navigation equipment required for flight
1.875	Aeroplane maintenance requirements
1.940	Composition of flight crew
1.943	Crew resource management training
1.945	Conversion training and checking
1.950	Differences and familiarisation training
1.960	Commanders holding a Commercial Pilot Licence – operator’s obligations
1.990	Number and composition of flight crew
1.1040	Operations manual requirements
1.1100	Flight and duty limitations
1.1195	Requirements for acceptance of dangerous goods
1.1200(a)	Inspection for damage leakage or contamination
1.1205(a)	Removal of contamination
1.1205(b)	Steps to be taken in the event of contamination
1.1210	Loading restrictions
1.1215	Provision of information
1.1220	Training requirements
1.1225	Reporting of dangerous goods incidents and accidents

PART B

Provisions referred to in regulation 105(6)

Section 1

Regulation	Subject Matter
5	Flight without a certificate of airworthiness.
11	Requirement to hold an appropriate flight crew licence.
20A(2)	Flights over any foreign country.
20A(4)	Flights over any foreign country – compliance with directions.
30	Prohibition of carriage of weapons and munitions of war.
33	Endangering safety of persons or property.
34	Prohibition of drunkenness.
37(c)	Intentional interference.
40	Protection of air crew from cosmic radiation.
42	Keeping and production of records of exposure to cosmic radiation.
48 (except (3))	Use of false or unauthorised documents and records.
53	Provision of air traffic control service without approval.
60	Prohibition of unlicensed air traffic controllers and student air traffic controllers.
69	Fatigue of air traffic controllers.
70	Acting under the influence of psychoactive substances or medicines.
90(4)	Use of aviation fuel which is unfit for use in aircraft.
91	Restriction of carriage for valuable consideration.
93	Restriction of flights for aerial photography, aerial survey and aerial work.
94	Restriction of flights for aerial photography, aerial survey and aerial work.
96 (5),(6) and (7)	Failure to report an occurrence.
96(8)	Making a false occurrence report.
98	Flight in contravention of direction not to fly.
99	Flight by a third-country aircraft in contravention of a direction not to fly.

Section 2

Provision of EU-OPS	Subject matter
1.065	Prohibition of carriage of weapons or munitions of war

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1.085(d) 4 & 5	Crew member's obligation not to fly in a dangerous state of fatigue
1.390(a) 1 to 4	Protection of crew from cosmic radiation
1.1090 paragraphs 1 to 3	Operator's obligation, for flight and duty time limitations and rest scheme
1.1090 paragraph 4.1	Crew member not to operate when fatigued or unfit
1.1145	Operator to comply with Technical Instructions
1.1155(a)	Operator to hold approval to transport dangerous goods
1.1165	Operator not to carry dangerous goods forbidden for transport by air

Section 3

Provision of EASA Air
Traffic Controller
Regulation
Subject matter

Article 13(1)	Language endorsements
Article 17(1)	Reduced medical fitness

PART C

Provisions referred to in regulation 105(7)

Regulation
Subject Matter

32	Endangering safety of aircraft.
89A	Lights which dazzle or distract.