

Civil Aviation

CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION) REGULATIONS, 2007

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CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION) REGULATIONS, 2007

2007/173.

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Commencement: 7th January, 2008.

PART I

Preliminary

1. These Regulations may be cited as the *Civil Aviation (Air Operator Certification and Administration) Regulations, 2007*. Citation.

2. (1) In these Regulations,

Interpretation.

"Accountable Manager" means the manager who has responsibility for ensuring that all prescribed actions are performed to the standard required by the Director in accordance with regulation 14;

"aeronautical product" means any aircraft, aircraft engine, propeller, or sub-assembly, appliance, material, part or component to be installed thereon;

"aeroplane" means a 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;

"aircraft" means any machine capable of deriving support in the atmosphere from reactions of the air, other than a machine designed to derive support in the atmosphere from reactions against the earth's surface of air expelled from the machine, and includes a rocket;

"aircraft category" means the classification of aircraft according to specified basic characteristics such as aeroplane, rotorcraft, glider or lighter-than-air;

"aircraft interchange" means an arrangement between two air operators in which the aircraft of the first air operator is crewed by the crew of the second air operator at an interchange point linking their respective routes where operational control is transferred to the second operator for the period of the interchange;

"aircraft maintenance engineer" means a person approved by the Director to perform defined maintenance upon aeronautical products and includes persons similarly qualified by other Contracting States and referred to as "licensed mechanic", "certificated mechanic" or "certified mechanic", "aircraft maintenance licence holder", "aviation maintenance engineer", "aviation repair specialist" or by any other term which means an aircraft maintenance engineer;

"aircraft maintenance programme" means a maintenance programme approved by the Director;

"aircraft technical log" means a document pertaining to an aircraft

- (a) for recording defects and malfunctions discovered during operations;
- (b) for recording details of all maintenance checks carried out whilst the aircraft is operating between scheduled visits to the main maintenance facility; and
- (c) which contains operating information relevant to flight safety and maintenance data needed by the operating crew;

"aircraft type" means all aircraft of the same basic design;

"air operator" means a person, organisation or enterprise which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement;

- "air operator certificate" means a certificate authorising an air operator to carry out specified commercial air transport operations;
- "airworthy" means that an aircraft or aeronautical product is in a fit and safe state for flight and is in conformity with its type design;
- "Barbadian aircraft" means a civil aircraft registered in Barbados;
- "CARICOM national" means a person who is a citizen of any Member State of the Caribbean Community;
- "certificate of airworthiness" means a document issued by the State of Registry to an aircraft which meet the minimum standards for airworthiness pursuant to the Convention on International Civil Aviation and the appropriate part of the state's national regulations;
- "certificate of release to service" means an aircraft or aircraft component that is certified as either airworthy or serviceable and is permitted to return to normal operations;
- "commercial air transport" means the transport by air of passengers, cargo and mail for remuneration or hire;
- "co-pilot" means a licensed pilot serving in a piloting capacity other than the pilot in command who is designated as the second in command and who meets the requirements of a co-pilot;
- "directly in charge" means a person assigned to a position in which he is responsible for the work of a shop or station that performed maintenance, preventive maintenance, modifications, or other functions affecting aircraft airworthiness;
- "dry lease" means a contractual arrangement where a leased aircraft is operated by the flight crew members of the lessee;

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"equivalent system of maintenance" means an air operator may conduct maintenance activities through an arrangement with an Approved Maintenance Organisation or may conduct his own maintenance, preventive maintenance or modification as long as the maintenance system of the air operator is approved by the Director and is equivalent to that of an approved maintenance organisation, except that the certificate of release to service of an aircraft or aeronautical product shall be made by an appropriately licensed aircraft maintenance engineer or aviation repair specialists under *Civil Aviation (General Application and Personnel Licencing) Regulations, 2007* as appropriate;

"flight safety document system" means a set of inter-related documentation established by the operator, compiling and organising information necessary for flight and ground operations, and comprising, as a minimum, the Operations Manual and the Maintenance Control Manual of the operator;

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

"handling agent" means an agency which performs on behalf of the operator some or all of the latter's functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

"holdover time" means the estimated time that de-icing or anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on protected surfaces of an aircraft which begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing fluid applied to the aircraft loses its effectiveness;

"inadmissible passenger" means a person who is refused admission to a country by the authorities of that country or who is refused onward carriage by a country authority at a point of transfer due to a lack of adequate documentation;

- "interchange agreement" means an arrangement which permits a national air operator to enter into a short term dry lease and temporarily take or relinquish operational control of an aircraft at an airport during the life of the agreement;
- "large aircraft" means an aeroplane having a maximum certified take-off mass of 5 700 kilogrammes or more, or a helicopter having a maximum certified take-off mass of 3 180 kilogrammes or more;
- "life limited part" means that a part as a condition of the type certificate, shall not exceed a specified time or number of cycles in service;
- "maintenance control manual" means a manual containing policies, procedures, instructions and guidance for use by maintenance and operational personnel in the execution of their duties;
- "modification" means the alteration of an aircraft or aeronautical product in conformity with an approved standard;
- "national air operator" means a person who has been issued a Barbados air operator certificate in accordance with regulation 6;
- "operations manual" means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;
- "overhaul life part" means that a part as a condition of the type certificate shall not exceed a specified time or number of cycles in service unless a complete overhaul is performed on it;
- "passenger agent" means an air operators' employee that provides check-in, reservations and other routine services to passengers;
- "pilot in command" means a pilot responsible for the operation and safety of the aircraft during flight time;
- "small aircraft" means an aeroplane having a maximum certified take-off mass of less than 5 700 kilogrammes and a helicopter of a maximum certified take-off mass of less than 3 180 kilogrammes;

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

"Technical Instructions" means the International Civil Aviation Organisation, Technical Instructions for the safe transport of dangerous goods by air;

"training to proficiency" means the process of the flight instructor administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period;

"wet lease" means a contractual arrangement where a leased aircraft is operated by the flight crew members of the lessor.

(2) These Regulations apply to the carriage of passengers, cargo or mail for remuneration or hire by persons whose principal place of business or permanent residence is located in the CARICOM Community.

(3) These Regulations prescribe requirements for the original certification and continued validity of air operator certificates issued by the Director.

(4) Except where specifically noted, these Regulations apply to all commercial air transport operations by air operators for which Barbados is the State of the Operator under the definitions provided in Annex 6 to the Chicago Convention.

2007/172. (5) The provisions of Part I of the *Civil Aviation (General Application and Personnel Licensing) Regulations, 2007* with respect to the surrender, suspension or revocation of aviation documents apply to certificates, authorisations and ratings issued under these Regulations.

PART II

General requirements

3. (1) No person shall operate an aircraft in commercial air transport operations in Barbados unless he
- Prohibition
on operation
of aircraft in
Barbados.
- (a) holds a Barbados air operator's certificate issued by the Director, (hereinafter referred to as a "national air operator"); or
- (b) holds an air operator's certificate issued by another Contracting State which is accepted by the Director under *Civil Aviation (Foreign Air Operator) Regulations, 2007*, (hereinafter referred to as a "foreign air operator"),
- for the operations being conducted.
- (2) A national air operator shall at all times comply with
- (a) the Operations Specifications of his Barbados air operator certificate;
- (b) the terms and conditions of the issuance of the Barbados air operator certificate specified in regulation 7; and
- (c) maintenance requirements specified in Part VII, in order to hold such Barbados air operator certificate.
- (3) Where a national air operator fails to comply with any provision in these Regulations, the Director may revoke or suspend his certificate.
- (4) A national air operator shall conduct commercial air transport operations in accordance with such conditions and limitations as may be specified by the Director.
- (5) A Barbados air operator's certificate issued by the Director under these Regulations shall be dependent upon the national air operator demonstrating adequate organisation, method of control and supervision of flight operations, training programme, ground handling and maintenance arrangements consistent with the nature and extent of the operations specified.

Application
for a
Barbados air
operator's
certificate.

4. (1) Where a person wishes to apply for a Barbados air operator's certificate, he shall

(a) make such application to the Director in the form and manner prescribed by the Director; and

(b) pay the prescribed fee.

(2) An application referred to in paragraph (1) shall contain

(a) a detailed statement showing how the procedures and manuals required by these Regulations are complied with; and

(b) any information the Director requires the applicant to submit.

(3) An application referred to in paragraph (1) shall be accompanied by

(a) documentation showing that the applicant has or can obtain use of at least one aircraft and has or can obtain appropriate facilities in respect of such operation;

(b) any partial or completed manuals required by these Regulations;

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(c) an aviation security programme in accordance with *Civil Aviation (Aviation Security) Regulations, 2007*;

(d) curricula, syllabi of personnel training;

(e) a schedule of events; and

(f) a flight safety document system.

(4) The manuals referred to in paragraph (3) are as follows:

(a) operations manual;

(b) maintenance control manual;

(c) aircraft maintenance manual;

(d) aircraft operating manual; and

(e) training manual.

(5) An applicant under these Regulations shall make the application for an initial issue of a Barbados air operator's certificate at least 90 days before the date of intended operation.

(6) Notwithstanding paragraphs (3)(b) and (4), the operations manual specified in regulation 34 and maintenance control manual specified in regulation 76 shall be submitted no less than 60 days before the date of intended operation.

(7) An applicant shall standardize company procedures for all aircraft operations, except where aircraft specific procedures may necessitate a deviation from standard procedure.

5. (1) The manuals referred to in regulation 4(4) shall

Aviation
manuals.

- (a) include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;
- (b) be in a form that is easy to revise and contain a system which allows personnel to determine the current revision status of each manual;
- (c) have a date of the last revision on each page concerned;
- (d) not be contrary to any applicable law and the specific operating provisions of the Barbados air operator; and
- (e) include a reference, where applicable, to the appropriate civil aviation regulations.

(2) In addition to the matters set out in paragraph (1), the manuals referred to in regulation 4(4) may be produced either

- (a) in a series of parts;
- (b) as a series of volumes; or
- (c) as a single document.

Conditions
for issue of a
Barbados air
operator's
certificate.

6. (1) The Director may issue an air operator's certificate where he is satisfied that the applicant

- (a) is a CARICOM national;
- (b) has his principal place of business and its registered office within the Caribbean Community;
- (c) meets the applicable regulations and standards for the holder of a Barbados air operator's certificate;
- (d) is properly and adequately equipped for safe operations in commercial air transport;
- (e) is properly and adequately equipped for maintenance of the aircraft; and
- (f) has sufficient financial resources to conduct safe operations.

(2) The Director shall not issue an air operator's certificate

- (a) where the applicant
 - (i) does not meet the requirements of these Regulations;
 - (ii) has provided incomplete, inaccurate, fraudulent or false information in applying for the air operator's certificate;
 - (iii) held a certificate or licence issued by the Director which was revoked or suspended within the previous 5 years by reason of criminal, fraudulent, improper action or insanity on the part of the applicant; or
 - (iv) employs or proposes to employ a person in a management position or supervisory capacity who has
 - (A) held a certificate or licence issued by the Director which was revoked or suspended within the previous 5 years by reason of criminal, fraudulent, improper action or insanity on the part of that person; or

- (B) contributed materially to the revocation or suspension of an aviation document issued by the Director;
- (b) where a person having substantial ownership of the organisation
 - (i) held a certificate or licence issued by the Director which was revoked or suspended within the previous 5 years by reason of criminal, fraudulent, improper action or insanity on the part of such person; or
 - (ii) contributed materially to the revocation or suspension of an aviation document issued by the Director.

7. (1) A Barbados air operator's certificate shall be in the form set out as Form I in the Air Operator's Certification and Administration Standards and shall comprise

Contents of Barbados air operator's certificate. Form I.

- (a) a document for public display signed by the Director; and
 - (b) a document containing the Operations Specifications with the terms, conditions and the authorisations applicable to the air operator's certificate.
- (2) The documents referred to in paragraph (1) shall contain
- (a) the name of the national air operator and his main base of operation;
 - (b) the date of issue and period of validity of the certificate;
 - (c) the descriptions of the types of operations authorised;
 - (d) the types of aircraft authorised for use; and
 - (e) the authorised areas of operation or routes.
- (3) The Director may by means of Operations Specifications referred to in paragraph (1)(b) define which specific operations shall be authorised, prohibited, limited or subject to certain conditions, in the interest of public safety.

(4) The document containing the Operations Specifications referred to in paragraph (1)(b) shall contain

- (a) general provisions;
- (b) en-route authorisation and limitations;
- (c) airport authorisations and limitations;
- (d) maintenance;
- (e) mass and balance;
- (f) interchange of equipment operations; and
- (g) aircraft leasing operations.

Duration of a Barbados air operator's certificate.

8. A Barbados air operator's certificate, or any portion thereof, issued by the Director, shall be valid for 12 calendar months or until the

- (a) Director amends, suspends, revokes or otherwise terminates the certificate;
- (b) national air operator surrenders it to the Director; or
- (c) national air operator suspends operations for more than 60 days.

Amendment of a Barbados air operator's certificate.

9. (1) The Director may amend any Barbados air operator's certificate where

- (a) he determines that safety in commercial air transport and the public interest require the amendment; or
- (b) the air operator applies for an amendment, and the Director determines that safety in commercial air transport and the public interest allows the amendment.

(2) Where the Director believes that an emergency exists requiring immediate amendment to a Barbados air operator's certificate in the public interest with respect to safety in commercial air transportation, a notification shall be issued to the national air operator and such an amendment is effective on the date that the national air operator receives such notification.

(3) A national air operator may appeal the amendment under paragraph (2), but shall operate in accordance with it unless it is subsequently withdrawn.

(4) Amendments referred to in paragraph (1)(a), other than emergency amendments, become effective 30 days after notification to the national air operator unless he appeals the proposal in writing prior to the effective date.

(5) The filing of an appeal referred to in paragraph (4) stays the effective date until the appeal process is completed.

(6) Amendments proposed by the national air operator under paragraph (1)(b) shall be made at least 30 days prior to the intended date of any operation under that amendment.

(7) A national air operator shall not perform a commercial air transport operation for which a Barbados air operator's certificate amendment is required, unless he has received notice of approval from the Director.

10. (1) A national air operator shall

Access for
inspection.

(a) grant the Director access to any of its organisations, facilities, aircraft and records related to flight operations and maintenance and shall cooperate with the Director;

(b) ensure that the Director is granted access to any organisation or facilities that it has contracted for services associated with commercial air transport operations and maintenance for services and shall cooperate with the Director; and

(c) grant the Director free and uninterrupted access to the flight deck of the aircraft during flight operations.

(2) A national air operator shall provide the Director with a forward observer's seat on each aircraft of the national air operator from which the actions and conversations and radio communications of the flight crew may be easily observed.

(3) The suitability of the seat location referred to in paragraph (2) to monitor crew members actions, conversations and radio communications shall be determined by the Director.

(4) In this regulation, "record" means all operations and maintenance manuals, lease agreements, exclusive of their financial components, and records pertaining to flight licencing and aircraft use.

Conducting
tests and
inspections.

11. (1) The Director shall conduct on-going validation of the continued eligibility of a national air operator to hold his Barbados air operator's certificate and associated approvals.

(2) A national air operator shall allow the Director to conduct tests and inspections, at any time or place, to determine whether he is complying with the applicable laws, regulations and standards.

(3) A national air operator shall make available at his main base

(a) his current Barbados air operator's certificate;

(b) all portions of his operations manual and maintenance manual referred to in regulation 4(4);

(c) a current listing that includes the persons responsible for each record, document and report required to be kept by the air operator under the applicable aviation law, regulations or standards and the position he holds in the organisation; and

(d) records which are related to flight operations and maintenance.

(4) A national air operator shall

(a) give the Director or person authorised by the Director access to any records which are related to flight operations or maintenance; and

(b) produce all such records when requested to do so by the Director within a reasonable period of time.

(5) A pilot in command shall, when requested to do so by a person authorised by the Director or any other Civil Aviation Director of an International Civil Aviation Organisation Member State, produce to that person the documentation required to be carried on board an aircraft.

(6) Where a national air operator fails to

(a) make available to the Director upon request any portion of the

(i) Barbados air operator's certificate;

(ii) the manuals referred to in regulation 4(4); or

(iii) any required record or report; or

(b) grant access for inspection of the documents referred to in paragraph (a),

the Director may suspend all or part of the Barbados air operator's certificate.

PART III

Barbados Air Operator's Certification and Continued Validity

12. This Part provides requirements applicable to the certification and continued validity of all national air operators. Applicability of this Part.

13. (1) An applicant shall establish and maintain a main base of operations. Bases of operations.

(2) An applicant may establish and maintain a main maintenance base facility at the same location as the main base of operations, or at a separate location.

(3) An applicant shall maintain operational and airworthiness support facilities at the main operations base, appropriate for the area and type of operation.

(4) An applicant shall arrange appropriate ground handling facilities at each airport used to ensure the safe servicing and loading of its flights.

(5) An applicant shall provide written notification to the Director of his intention to establish or change the location of any of his bases at least 30 days before the proposed establishment or change.

Manage-
ment
personnel of
a National
Air
Operator.

14. (1) A national air operator shall have a manager (hereinafter referred to as "the Accountable Manager"), who shall ensure that all prescribed actions are performed to the standards required by the Director.

(2) The manager referred to in paragraph (1) shall be called an Accountable Manager, and he shall have corporate authority for ensuring that all flight operations and maintenance activities can be financed and carried out to the highest degree of safety standards required by the Director.

(3) When conducting commercial air transport operations, a national air operator shall have qualified personnel with proven competency in civil aviation available and serving in the following required management personnel positions or their equivalent:

- (a) Director of Operations;
- (b) Chief Pilot;
- (c) Director of Safety;
- (d) Director of Maintenance; and
- (e) Quality Manager.

(4) In this regulation, "competency in civil aviation" means that an individual shall have a technical qualification and management experience acceptable to the Director for the position served.

(5) The Director may approve positions, other than those listed in paragraph (3), where the national air operator is able to show that he can perform the operation with the highest degree of safety under the direction of a combination of, fewer or different categories of management personnel due to the

- (a) kind of operations involved;

(b) number of aircraft used; and

(c) area of operation.

15. (1) No person shall serve as a Quality Manager or the Director of Maintenance with a national air operator unless he has completed the company indoctrination training approved by the Director.

Company indoctrination training.

(2) The company indoctrination training referred to in paragraph (1) shall include a complete review of the contents of the operations manual and maintenance control manual of the air operator and the procedures relating to the respective duties of the Quality Manager and Director of Maintenance.

16. (1) A national air operator shall establish a quality system headed by a quality manager.

Quality system.

(2) The quality manager referred to in paragraph (1) shall monitor compliance with, and adequacy of, the procedures required to ensure safe operational practices and airworthy aircraft.

(3) A national air operator may nominate one quality manager for operations and one quality manager for maintenance.

(4) Where a national air operator nominates one quality manager for operations and one quality manager for maintenance under paragraph (3), he shall establish one quality management unit to ensure that the quality system is applied uniformly throughout the entire operation.

(5) The monitoring of compliance referred to in paragraph (2) shall include a feedback system to the Accountable Manager to ensure corrective action as necessary, which shall specify who is required to rectify discrepancies and non-compliance in each case, and the procedure to be followed where corrective action is not completed within an appropriate timeframe.

(6) The quality system and the quality managers under this Part shall be acceptable to the Director.

(7) A national air operator shall describe the quality system referred to in paragraph (1) in relevant documentation.

(8) Notwithstanding paragraph (1), the Accountable Manager shall have overall responsibility for

- (a) the quality system of the air operator, including frequency, format and structure of the internal management evaluation activities; and
- (b) resourcing the corrective action and ensuring through the quality manager that the corrective action has re-established compliance with the standards required by the Director.

(9) In carrying out the functions referred to in paragraph (2), the quality manager shall verify that the standards required by the Director and any additional requirements defined by the national air operator are being carried out by monitoring activities in the fields of flight operations, maintenance, crew training and ground operations.

(10) A national air operator shall ensure that a quality system meets the standards set out in the Air Operator's Certification and Administration Standards.

(11) The quality manager shall ensure that the quality assurance programme is properly established, implemented and maintained.

Require-
ments of
management
personnel.

17. (1) In regulation 14(3) the minimum initial qualifications for

- (a) a Director of Operations shall be that the person
 - (i) holds or has held the appropriate licence and ratings for which a pilot in command is required to hold for one of the aircraft operated;
 - (ii) has acquired not less than 3 years related managerial experience with a commercial air operator whose flight operations are similar in size and scope; and

- (iii) demonstrates to the Director knowledge with respect to the content of the operations manual, the air operator certificate, operations specifications, regulations and standards necessary to carry out the duties and responsibilities to ensure safety and the maintenance of the air operator certificate;
 - (b) a Chief Pilot shall be that the person
 - (i) holds an Airline Transport Pilot Licence with the appropriate ratings for at least one of the aircraft used in the operations of the air operator; and
 - (ii) has 3 years experience as pilot in command in commercial air transport operations;
 - (c) Director of Safety shall be that the person has
 - (i) extensive operational experience normally achieved as a flight crew member or equivalent experience in technical aviation management; and
 - (ii) successfully completed a recognized Air Safety training course acceptable to the Director; and
 - (d) Director of Maintenance and quality manager shall be that the person has
 - (i) possession of an aircraft maintenance engineer licence; and
 - (ii) 3 years experience in maintaining the same aircraft category and aircraft class used by the national air operator including one year in the capacity of returning aircraft to service.
- (2) A national air operator may employ a person who does not meet the appropriate qualifications or experience required under paragraph (1), where the Director issues a deviation that that person has comparable experience and can effectively perform the required management functions.

Submission
and revision
of policy
and
procedures.

18. (1) An applicant shall submit any proposed policy or procedures, or any revision thereof, to the Director at least 30 days prior to the date of intended implementation.

(2) An applicant shall not cause the use of any policy and procedure for flight operations or airworthiness function without the approval of the Director.

PART IV

Aircraft Operations

Applicabil-
ity of this
Part.

19. This Part prescribes aircraft operations requirements and includes leasing and interchange operations by a national air operator.

Restriction
on the
operation of
aircraft in
commercial
air transport
operations.

20. (1) No national air operator shall operate an aircraft in commercial air transport unless that aircraft

(a) has an appropriate current certificate of airworthiness;

(b) is in airworthy condition; and

(c) meets the applicable airworthiness requirements for these operations, including those related to identification and equipment.

(2) No national air operator shall operate any specific type of aircraft in commercial air transport until it has completed satisfactory initial certification, which includes the issuance of a Barbados air operator certificate listing for that type of aircraft.

(3) No national air operator shall operate additional or replacement aircraft of a type for which it is currently authorised or unauthorised unless it can show that for each aircraft an evaluation process was completed for inclusion in the fleet of the air operator.

Leasing
operations.

21. (1) A person wishing to operate a leased aircraft in Barbados shall apply to the Director in the form prescribed by the Director for approval to so operate.

(2) The lease referred to in paragraph (1) may be either a dry lease or a wet lease operation.

22. The dry lease operation referred to in regulation 21 shall apply to the following persons in respect of the operation of a leased aircraft by the lessee where the aircraft is registered in the name of the lessor: Dry leasing operations.

- (a) a national air operator that leases a Barbadian aircraft;
- (b) a foreign air operator that leases a Barbadian aircraft; and
- (c) a national air operator that leases an aircraft from a foreign state.

23. An applicant for a dry lease operation referred to in regulation 22(a) shall provide the Director with evidence establishing that Evidence to be provided by a dry lease operator in regulation 22(a).

- (a) throughout the term of the lease, the aircraft will
 - (i) be in the legal custody and control of the lessee; and
 - (ii) not be made the subject of another lease during the term of the lease except with the approval of the Director;
- (b) the lessee of the aircraft holds a Barbados air operator's certificate or an approved aviation training organisation certificate issued under the Act; and
- (c) the lessee is responsible for
 - (i) the maintenance of the aircraft in accordance with the applicable standards of airworthiness;
 - (ii) the maintenance control system and maintenance schedules approved by the Director; and
 - (iii) any requirements set out in the authorisation issued.

Evidence to be provided by a dry lease operator in regulation 22(b).

24. (1) An applicant for a dry lease operation referred to in regulation 22(b) shall provide the Director with evidence establishing that

- (a) throughout the term of the lease the aircraft shall
 - (i) be registered to the lessor;
 - (ii) be in the legal custody and control of the lessee; and
 - (iii) not be made the subject of another lease during the term of the lease authorised for that aircraft, except with the approval of the Director;
- (b) the lessee
 - (i) is a citizen of a foreign state or an entity incorporated or formed by or under the laws of a foreign Contracting State;
 - (ii) holds an air operator certificate or equivalent document issued by the foreign Contracting State in respect of the aircraft type being leased;
 - (iii) shall operate the aircraft on such basis as approved by the Director; and
 - (iv) has demonstrated the ability and qualification to maintain the aircraft in accordance with the maintenance control system and approved maintenance schedule;
- (c) the main operations base facility of the lessee, during the term of the lease, will be located in the state of the lessee;
- (d) the aircraft
 - (i) has a valid certificate of airworthiness;
 - (ii) shall not undergo modification unless it is authorised by the Director;
 - (iii) shall continue to meet the maintenance control system and the maintenance schedule approved by the Director; and

- (iv) shall be maintained in accordance with an inspection programme approved by the Director and any additional requirements set out in the authorisation issued;
- (e) every crew member assigned to the aircraft by the lessee,
 - (i) where the aircraft is operated by a lessee of a Contracting State, holds the licence appropriate to the duties of the crew member issued by the Director or issued by the State of the lessee and validated by the Director;
 - (ii) where the aircraft is operated outside the State of the lessee and that foreign state is not a Contracting State, holds the licence appropriate to the duties of the crew member issued by the Director;
 - (iii) in the case of a large aircraft, has received training equivalent to that described in Annex 6 to the Chicago Convention.

(2) Where an aircraft is dry leased under this Part and is to be re-registered in the State of the lessee, it shall be first de-registered by the Director before such re-registration.

25. (1) An applicant for a dry lease operation referred to in regulation 22(c) shall provide the Director with evidence establishing that

Evidence to be provided by a dry lease operator in regulation 22(c).

- (a) the aircraft
 - (i) is of a type and model designation to be eligible for a Barbados certificate of airworthiness and complies with all environmental and operational requirements;
 - (ii) has a valid certificate of airworthiness issued in respect of the aircraft by the State of Registry where the State of Registry is a Contracting State; and
 - (iii) will not be made the subject of another lease during the term of the lease except as approved by the Director;

- (b) the lessee holds a Barbados air operator's certificate or an approved aviation training organisation certificate;
- (c) the lessee provides the Director with evidence establishing that
 - (i) the aircraft complies with the type approval issued in respect of the aircraft or other equivalent document and meets the applicable standards of airworthiness and maintenance control system and the maintenance schedules approved by the Director;
 - (ii) the lease will not affect the registration of the aircraft or the certificate of airworthiness issued in respect of the aircraft by the State of Registry;
- (d) the aircraft crew members are in the employ of the lessee; and
- (e) during the term of the lease authorised by the Director the aircraft shall be
 - (i) in the legal custody and control of the lessee;
 - (ii) maintained in accordance with the applicable standards of airworthiness and maintenance control system and the maintenance schedules approved by the Director; and
 - (iii) maintained in accordance with an inspection programme approved by the Director and any requirements set out in the authorisation issued.

(2) Notwithstanding paragraph (1)(c)(ii), a lessee may apply for registration of an aircraft in Barbados which is the subject of a dry lease operation referred to in regulation 22(c).

Restrictions
on dry lease
operations.

- 26.** (1) No person shall operate an aircraft as part of a dry lease operation unless
- (a) the maintenance control system and the maintenance schedule approved by the Director are, during the term of the lease, equivalent for the lessor and the lessee;
 - (b) the crew members of the aircraft are employed by the lessee; and

-
- (c) the national air operator provides the Director in writing with the following information:
- (i) the registration mark, manufacturer model designation and serial number of the aircraft;
 - (ii) the names, addresses and telephone numbers and any other contact information as applicable of the registered owner;
 - (iii) the Barbados air operator certificate number of a Barbados lessee and details of the maintenance arrangements pertinent to the aircraft as agreed between the lessor and lessee, including the name of the person who is responsible for the maintenance of the aircraft during the term of the lease, and the address of the main maintenance base for the aircraft;
 - (iv) the certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the continuing airworthiness requirements of the State of Registry;
 - (v) the name, address and signature of the lessee or person responsible for operational control of the aircraft under the lease agreement, including a statement that such individual and the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations; and
 - (vi) the commencement and termination dates of the lease.
- (2) A national air operator may dry lease an aircraft for commercial air transport to any air operator of a Contracting State.
- (3) A national air operator shall provide the Director with a copy of the dry lease agreement to be executed.

(4) No national air operator shall operate a foreign registered aircraft unless there is in existence an agreement between the Director and the State of Registry that

- (a) while the aircraft is operated by the national air operator,
 - (i) the operations regulations of Barbados are applicable;
 - (ii) the airworthiness regulations of the State of Registry are applicable; or
- (b) where the State of Registry agrees to transfer some or all of the responsibility for airworthiness to the Director under Article 83 bis of the Chicago Convention, the Airworthiness Regulations of Barbados shall apply to the extent agreed upon by the Director and State of Registry.

(5) The agreement referred to in paragraph (4) shall provide that the Director has free and uninterrupted access to the aircraft at any place and any time.

(6) Where an authorisation has been issued in respect of a Barbadian aircraft, the registered owner of the aircraft shall, immediately on receipt of the authorisation, forward to the lessee all airworthiness directives that apply to the aircraft.

(7) Where an authorisation has been issued in respect of an aircraft registered in a foreign state, the Barbados lessee shall ensure that the aircraft conforms with all applicable airworthiness directives.

(8) A copy of the lease authorisation pursuant to this Regulation shall be carried on board the aircraft at all times during the period of the lease.

Aircraft
interchange.

27. (1) No national air operator shall interchange his aircraft with another air operator without the approval of the Director.

(2) Before operating under an interchange agreement under paragraph (1), an air operator shall satisfy the Director that

- (a) the procedures of the interchange operation conform to safe operating practices;

- (b) the required crew members and flight operations officers meet approved training requirements for the aircraft and equipment used and are familiar with the communications and dispatch procedures to be used;
 - (c) maintenance personnel meet training requirements for the aircraft and equipment and are familiar with the maintenance procedures to be used;
 - (d) flight crew members and flight operations officers meet appropriate route and airport qualifications;
 - (e) the aircraft to be operated is essentially similar to the aircraft of the national air operator with whom the interchange is effected; and
 - (f) the arrangement of flight instruments and controls that are critical to safety is essentially similar unless the Director determines that the national air operator has adequate training to ensure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarization.
- (3) Where a national air operator conducts an interchange agreement, he shall
- (a) ensure that the pertinent provisions and procedures of the agreement are included in his operations manual; and
 - (b) apply to the Director for the amendment of his operations specifications to reflect an interchange agreement.
- (4) A national air operator shall comply with the applicable regulations of the State of Registry of an aircraft involved in an interchange agreement while he has operational control of that aircraft.

28. (1) No national air operator shall conduct wet lease operations on behalf of another air operator except in accordance with the applicable laws and regulations of the country in which the operation occurs and the conditions imposed by the Director. Wet leasing operations.

(2) No national air operator shall allow another air operator to conduct wet lease operations on his behalf unless such a lease is approved by the Director.

(3) The national air operator shall in allowing another air operator to conduct wet lease operations on his behalf in paragraph (2), ensure that

- (a) the safety standards of the lessor with respect to maintenance and operations are equivalent to the Regulations made under the Act;
- (b) the air operator holds a Barbados air operator's certificate or its equivalent from a Contracting State that authorises those operations; and
- (c) the aircraft has a certificate of airworthiness issued in accordance with Annex 8 of the Chicago Convention.

(4) A national air operator engaged in a wet lease operation shall apply to the Director for an amendment to his operations specifications to contain the following information:

- (a) the names of the parties to the agreement and the duration of the agreement;
- (b) the make, model and series type of each aircraft involved in the agreement;
- (c) the kind of operation;
- (d) the expiration date of the wet lease agreement;
- (e) a statement specifying the party deemed to have operational control; and
- (f) any other item, condition or limitation that the Director deems necessary.

29. (1) No person shall use an aircraft of a particular type and model in commercial air transport passenger-carrying operations unless he has first applied to and conducted for the Director, an actual full capacity emergency evacuation demonstration for the configuration, in 90 seconds or less.

Emergency evacuation demonstration.

(2) The actual full capacity emergency evacuation demonstration referred to in paragraph (1) may not be required where the applicant provides a written petition for deviation with evidence that

- (a) a satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification by another air operator; and
- (b) there is an engineering analysis which shows that an evacuation is still possible within the 90-second standard, where the aircraft configuration of the applicant differs with regard to number of exits, exit types, number of cabin crew or location of the attendants.

(3) Where an actual full capacity emergency evacuation demonstration is not required under this regulation, an applicant may not use an aircraft of a particular type and model in commercial air transport passenger-carrying operations, unless he has first demonstrated to the Director that his available personnel, procedures and equipment are able to provide sufficient open exits for evacuation in 15 seconds or less.

(4) An applicant shall not use a land plane in extended overwater operations unless he has first demonstrated to the Director, in respect of that aircraft type, that he has the ability and equipment to efficiently carry out his ditching procedures.

(5) Cabin crew who participate in emergency evacuation demonstrations shall

- (a) be selected randomly by the Director;
- (b) have completed the approved training of the Director for the type and model of aircraft; and

- (c) have passed the drills and competence check on the emergency equipment and procedures.

Demonstration flights.

30. (1) No person shall operate an aircraft type in commercial air transport unless he first conducts satisfactory demonstration flights for the Director in that aircraft type.

(2) No person shall operate an aircraft in a designated special area, or using a specialized navigation system, unless he conducts a satisfactory demonstration flight for the Director.

(3) Demonstration flights referred to in paragraphs (1) and (2) shall be conducted in accordance with the regulations applicable to the type of operation and aircraft type used.

(4) Demonstration flights under this regulation shall comprise at least

- (a) 100 total hours of flight time, unless the Director determines that a satisfactory level of proficiency has been demonstrated in fewer hours;
- (b) 5 hours of night time, where night flights are authorised;
- (c) 5 instrument approach procedures under simulated or actual instrument weather condition, where instrument flight rule flights are to be authorised; and
- (d) entry into a representative number of en route airports, as determined by the Director.

(5) No person other than those needed to make a demonstration flight or those designated by the Director may be carried as passengers on an aircraft during demonstration flights.

(6) Where an aeroplane is less than 5 700 kilogrammes maximum certified take-off mass and a helicopter is less than 3 108 kilogrammes, the necessity and extent of demonstration under this regulation shall be determined by the Director.

(7) An applicant shall arrange appropriate ground handling facilities to ensure the safe servicing and loading of its demonstration flights.

(8) The Director may authorise deviations from this regulation where he finds that special circumstances make full compliance with this regulation unnecessary.

- 31.** In establishing flight operations schedules, a national air operator conducting scheduled operations shall
- Time for proper servicing of aircraft.
- (a) ensure the safe servicing and loading of its aircraft;
 - (b) allow enough time for the proper servicing of aircraft at intermediate stops; and
 - (c) consider the prevailing winds en route and cruising speed for the type of aircraft.

PART V

National Air Operator Certificate Flight Operations Management

32. This Part provides those certification requirements that apply to management of flight operations personnel and their functions.

Applicability of this Part.

33. (1) A national air operator shall ensure safe and efficient flight operations management.

Safe and efficient flight operations management.

(2) In ensuring safe and efficient flight operations management an air operator shall make provision for the following areas:

- (a) operations administration and supervision;
- (b) accident prevention and flight safety programmes;
- (c) personnel training;
- (d) crew fatigue and flight time limitations;
- (e) flight operations;
- (f) aircraft performance;
- (g) route guides and charts;

- (h) minimum flight altitudes;
- (i) airport operating minima;
- (j) search and rescue;
- (k) dangerous goods;
- (l) navigation;
- (m) communications;
- (n) security;
- (o) human factors;
- (p) an operational flight plan; and
- (q) a chain of command appropriate to ensure proper supervision and accountability at all times.

Operations
manual.

34. (1) A national air operator shall prepare and keep an operations manual which contains a description of how he plans to meet the provisions of regulation 33.

(2) An operations manual shall contain the procedures and policies of the national air operator for the use and guidance of its personnel regarding the flight operations it conducts and shall include but not be limited to critical functions such as

- (a) flight planning data acquisition;
 - (b) flight following;
 - (c) operational control;
 - (d) aircraft fuelling; and
 - (e) airport emergency duties.
- (3) A national air operator shall
- (a) maintain and keep the operations manual current;

- (b) issue an operations manual to members of the crew and all persons required to use it;
- (c) assign operations manuals or pertinent portions thereof together with all amendments and revisions to persons responsible for operational functions, stations and ground handling personnel.

(4) No national air operator shall provide for use of its personnel in commercial air transport an operations manual or portion thereof which has not been reviewed and found acceptable or approved for use of the national air operator by the Director.

(5) The operations manual referred to in paragraph (4) shall be numbered and assigned to specific personnel by number.

(6) Notwithstanding the generality of paragraph (2), the operations manual referred to in this regulation shall be based on the outline set out in the Air Operator Certification and Administration Standards.

35. (1) A national air operator shall, for operations on a published schedule, have an adequate system approved by the Director for proper dispatch and monitoring of the progress of the scheduled flights.

Flight supervision and journey log.

(2) The dispatch and monitoring system referred to in paragraph (1) shall have enough dispatch centers, adequate for the operations to be conducted and located at points necessary to ensure adequate flight preparation, dispatch and in-flight contact with the scheduled flight operations.

(3) A national air operator shall provide enough qualified flight operations officers at each dispatch centre to ensure proper operational control of each flight for scheduled operations.

(4) A national air operator shall maintain a journey log which may be part of the technical log.

(5) A journey log referred to in paragraph (4) shall contain the following information for each flight:

- (a) aircraft nationality and registration;

- (b) date;
- (c) names of crew members;
- (d) duty assignments of crew members;
- (e) place of departure;
- (f) place of arrival;
- (g) time of departure;
- (h) time of arrival;
- (i) hours of flight;
- (j) nature of flight (private, aerial work, scheduled, non-scheduled);
- (k) incidents, observations; and
- (l) signature of person in charge.

Charter
flight
supervision.

36. (1) A national air operator shall have for charter flight operations a flight following system approved by the Director providing flight preparation documents and determining the departure and arrival times of its flights at all airports.

(2) The system described in paragraph (1) shall have a means of communication by private or available public facilities to monitor the departure and arrival at all airports, including flight diversions.

(3) No national air operator shall be required for a aeroplane under 5 700 kilogrammes maximum certified take-off mass or a helicopter under 3 180 kilogrammes to have a flight following system for each flight in which an air traffic control flight plan is filed and remains active until arrival at destination.

(4) Where a national air operator conducting charter operations arranges to have flight following facilities provided by persons other than his employees, he shall continue to be primarily responsible for operational control of each flight.

(5) A national air operator conducting charter operations using a flight following system shall show that

- (a) the flight following system has adequate facilities and personnel to provide the information necessary for the initiation and safe conduct of each flight with respect to
 - (i) the flight crew of each aircraft; and
 - (ii) the persons designated by the certificate holder to perform the function of operational control of the aircraft;
- (b) the personnel required to perform the function of operational control are able to perform their duties.

37. (1) A national air operator shall establish and maintain an accident prevention and flight safety system, which may be integrated with the quality system referred to in regulation 16, including

Accident prevention and flight safety system.

- (a) procedures to achieve and maintain risk awareness by all persons involved in operations; and
- (b) an occurrence reporting scheme to enable the collation and assessment of relevant incident and accident reports in order to identify adverse trends or to address deficiencies in the interests of flight safety;
- (c) a system for the evaluation of relevant information relating to incidents and accidents and the promulgation of related information, but not the attribution of blame; and
- (d) the appointment of a person accountable for managing the system.

(2) A flight safety system referred to in this regulation shall include the following elements which shall also be described in the appropriate manuals:

- (a) qualifications of the flight safety person;
- (b) responsibilities of the flight safety person;

- (c) training for the flight safety person;
- (d) incident management;
- (e) flight safety committee;
- (f) emergency response planning; and
- (g) communication and safety education.

Training
programme
manual.

38. (1) A national air operator shall have a training programme manual approved by the Director that contains

- (a) general training;
- (b) checking and record keeping policies; and
- (c) the items listed in the Air Operator Certification and Administration Standards.

(2) A national air operator shall ensure that all operations personnel are properly instructed in their duties and responsibilities and the relationship of such duties to the operation as a whole.

(3) A national air operator shall provide adequate ground and flight training facilities and properly qualified instructors as determined by Director.

(4) A national air operator shall have a training curriculum which is approved by the Director and any revisions thereto, for the purpose of qualifying and maintaining proficiency in respect of a crew member, or person performing operational control functions, and for duties in commercial air transport.

(5) A national air operator shall submit to the Director the schedule of training, proficiency checks and other qualification checks and revisions prior to the conduct of these activities.

(6) A national air operator shall submit to the Director for approval initial, transition and recurrent training programme for all crew member duty positions.

(7) The training programme referred to in paragraph (6) shall include records to show completion of training and qualifications to the satisfaction of the Director.

39. A national air operator shall train its pilots to proficiency on those manoeuvres and procedures that are prescribed by the Director for pilots to meet the requirements of each check. Training of pilots to proficiency.

40. A national air operator shall submit a flight duty time scheme in accordance with the *Civil Aviation (Aircraft Operations) Regulations, 2007* for approval by the Director. Flight and duty time schemes. 2007/174.

41. A national air operator shall, for each commercial air transport operation, designate in writing one pilot as the pilot in command. Designation of pilot in command.

42. (1) A national air operator shall schedule and the pilot in command shall ensure that at least the minimum number of required cabin crew are on board a passenger-carrying flight. Cabin crew and qualifications.

(2) The number of cabin crew shall not be less than

(a) one cabin crew for a seating capacity of 20 to 50 passengers;
or

(b) one cabin crew for each 50 passenger seats or part thereof.

(3) Where passengers are on board a parked aircraft, the minimum number of cabin crew shall be no less than one-half of that required for the flight operation rounded down to the next whole number where a fraction, but never less than one cabin crew or another person qualified in the emergency evacuation procedures for the aircraft.

(4) A national air operator shall ensure that each member of the cabin crew

(a) is at least 18 years of age;

(b) has passed an initial medical examination or assessment and is found medically fit to discharge the duties specified in the operations manual; and

(c) remains medically fit to discharge the duties specified in the operations manual.

(5) A national air operator shall ensure that each member of the cabin crew is competent to perform his duties in accordance with procedures specified in the operations manual.

Carriage of inadmissible passengers, deportees or persons in custody.

43. No national air operator shall permit the transportation of inadmissible passengers, deportees or persons in custody except

(a) as provided in his operations manual; and

(b) with the knowledge and concurrence of the pilot in command.

Crew member checking and standardisation programme.

44. A national air operator shall have a programme approved by the Director with respect to the checking and standardization of crew members.

Cockpit check list.

45. (1) A national air operator shall issue to the flight crew, and make available on each aircraft, a condensed check-list of flight deck procedures approved by the Director appropriate to the type and variant of aircraft.

(2) A national air operator shall ensure that approved procedures referred to in paragraph (1), include each item necessary for members of the flight crew to check for safety before starting engines, taking off, or landing, and for engine and systems abnormalities and emergencies.

(3) A national air operator shall ensure that the check-list of flight deck procedures is designed to observe human factor principles so that a member of the flight crew shall not need to rely upon his memory for items to be checked.

(4) A national air operator shall make the approved procedures readily useable, accounting for human factor principles, in the cockpit of each aircraft and the flight crew shall be required to follow them when operating the aircraft.

46. (1) A national air operator shall provide as part of his operations manual a minimum equipment list approved by the Director for the use of

Minimum equipment list and configuration deviation list.

- (a) the members of the flight crew;
- (b) maintenance personnel; and
- (c) persons assigned operational control functions during the performance of their duties.

(2) The minimum equipment list shall be specific to the aircraft type and variant and shall contain the circumstances, limitations and procedures for release or continuance of flight of the aircraft with inoperative components, equipment, systems or instruments.

(3) The following instruments and equipment may not be included in the minimum equipment list:

- (a) instruments and equipment that are either specifically or otherwise required by the certification airworthiness requirements and which are essential for safe operations under all operating conditions;
- (b) instruments and equipment required for operable condition by an airworthiness directive, unless the airworthiness directive provides otherwise; and
- (c) instruments and equipment required for specific operations.

(4) A national air operator may, for an aircraft of more than 5 700 kilogrammes maximum certified mass, provide a configuration deviation list specific to the aircraft type, where applicable, for the use of

- (a) flight crew;

- (b) maintenance personnel; and
- (c) persons assigned operational control functions, during the performance of their duties.

(5) The operations manual of a national air operator shall contain the procedures acceptable to the Director for operations in accordance with the requirements of the configuration deviation list.

Aircraft loading and handling manual.

47. (1) A national air operator shall provide an aircraft handling and loading manual acceptable to the Director, for the use of

- (a) members of the flight crew;
- (b) ground handling personnel; and
- (c) persons assigned operational control functions,

during the performance of their duties.

(2) The manual referred to in paragraph (1) shall be specific to the aircraft type and variant which contains the procedures and limitations for servicing and loading of the aircraft.

Mass and balance data control system.

48. A national air operator shall have a system approved by the Director for obtaining, maintaining and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated.

Cabin crew manual.

49. (1) A national air operator shall issue to each cabin crew, and provide to passenger agents during the performance of their duties, a current cabin crew manual which is acceptable to the Director.

(2) A cabin crew shall have the current cabin crew manual referred to in paragraph (1), in his possession on assigned flights.

(3) The cabin crew manual referred to in paragraph (1) shall contain those operational policies and procedures applicable to cabin crew duties and the carriage of passengers.

(4) A national air operator shall issue to a cabin crew, a cabin crew manual specific to the aircraft type and variant which shall contain the details of his normal, abnormal and emergency procedures and the location and operation of emergency equipment.

(5) The cabin crew manual referred to in paragraphs (1) to (3), and the manuals specific to aircraft type and variant referred to in paragraph (4), may be combined into one manual for use by the cabin crew.

50. (1) A national air operator shall carry on each passenger carrying aircraft, in convenient locations for the use of each passenger, printed cards supplementing the oral briefing required by the Director and containing

Passenger
briefing
cards.

- (a) diagrams and methods of operating the emergency exits;
- (b) other instructions necessary for use of the emergency equipment; and
- (c) information regarding the restrictions and requirements associated with sitting in an exit seat row.

(2) A national air operator shall ensure that each card contains information that is pertinent only to the type and variant of aircraft used for that flight.

51. (1) The sources approved for weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations are listed in the Air Operator's Certification and Administration Standards.

Weather
reporting
sources.

(2) The Director may amend the Air Operator's Certification and Administration Standards to remove or add sources for the weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations.

(3) For passenger carrying operations on a published schedule, the national air operator shall have an approved system for obtaining forecasts on each route to be flown and airport to be used and reports of adverse weather phenomena that may affect safety of flight.

De-icing and anti-icing. **52.** A national air operator planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected to adhere to the aircraft shall

- (a) use only aircraft adequately equipped for such conditions;
- (b) ensure flight crew is adequately trained for such conditions; and
- (c) have an approved ground de-icing and anti-icing programme as prescribed by the Director.

Knowledge of the law. **53.** (1) A national air operator shall ensure that all his employees are aware that, when performing duties out of the jurisdiction, they shall comply with the laws, regulations and procedures of the State in which operations are conducted.

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

(3) A national air operator shall ensure that other members of the flight crew are familiar with such of these laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aircraft.

Aircraft operating manual. **54.** (1) A national air operator shall submit proposed aircraft operating manuals for each type of aircraft operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft for approval by the Director.

(2) An aircraft operating manual shall be based upon the aircraft manufacturer's data for the specific aircraft type and variant operated by the national air operator and shall include specific operating parameters, details of the aircraft systems, and of the numerically standardized, abbreviated and expanded check-lists to be used and that are applicable to the operations of the Barbados air operator certificate, approved by the Director.

(3) The design of the manual under this regulation shall take account of human factors principles.

(4) An aircraft operating manual shall be issued to the flight crew members and persons assigned operational control functions to each aircraft operated by the national air operator.

(5) Notwithstanding the foregoing, an aircraft operating manual under this regulation shall contain the items listed in the Air Operator's Certification and Administration Standards.

55. (1) A national air operator shall provide for the use of members of the flight crew and persons assigned operational control functions during the performance of their duties a performance planning manual acceptable to the Director.

Aircraft performance planning manual.

(2) The performance planning manual referred to in paragraph (1), shall be specific to the aircraft type and variant that contains adequate performance information to accurately calculate the performance in all normal phases of flight operation.

56. (1) A national air operator shall have a system approved by the Director for obtaining, maintaining and distributing to appropriate personnel current performance data for each aircraft, route and airport that he uses.

Aircraft performance data control system.

(2) The system referred to in paragraph (1) shall provide current obstacle data to assist in the preparation of take-off and landing performance calculations.

(3) A national air operator shall take account of charting accuracy when charting obstacle data.

57. (1) A national air operator shall have a system approved by the Director for obtaining, maintaining and distributing to appropriate personnel, current aeronautical data for each route and the airport that he uses.

Aeronautical data control system.

(2) A national air operator shall provide aeronautical data for each airport used by him in respect of the areas listed in the Air Operator's Certification and Administration Standards.

Route guide. **58.** (1) A national air operator shall provide for the use of members of the flight crew and persons assigned operational control functions during the performance of their duties:

- (a) a route guide acceptable to the Director; and
- (b) aeronautical charts approved by the Director.

(2) The route guide and aeronautical charts referred to in paragraph (1), shall be current and appropriate for the proposed types and areas of operations to be conducted by the national air operator.

Routes and area of operation. **59.** (1) A national air operator may conduct operations only along such routes and within such areas for which

- (a) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;
- (b) the performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;
- (c) the equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;
- (d) appropriate and current maps and charts are available;
- (e) where two-engine aircraft are used, adequate airports are available with the time and distance limitations; and
- (f) where a single-engine aircraft is used, surfaces are available which permit a safe forced landing to be executed.

(2) No person shall conduct commercial air transport operations on any route or area of operation unless those operations are in accordance with any restrictions imposed by the Director.

Navigational accuracy. **60.** (1) A national air operator shall have, for each proposed route or area that he uses, the navigational systems and facilities capable of navigating the aircraft

- (a) within the degree of accuracy required for air traffic control; and

(b) to the airports in the operational flight plan as defined by the Director within the degree of accuracy necessary for the operation involved.

(2) Where adequate navigation systems reference does not exist, the Director may authorise day visual flight rules operations that can be conducted safely by pilotage because of the characteristics of the terrain.

(3) The Director shall list in the national air operator operations specifications for the non-visual ground aids required for the approval of routes outside of controlled airspace.

(4) The list referred to in paragraph (3) shall not be required to contain the navigational aids required for routes to alternate airports within the controlled airspace.

(5) Non-visual ground aids shall not be required for night visual flight rules operations on routes that the national air operator can show have reliably lighted landmarks adequate for safe operation.

(6) Operations on route segments where the celestial or other specialised means of navigation are used shall be approved by the Director.

61. (1) The flights of a national air operator shall be capable of two-way radio communications with all air traffic control facilities along the routes and alternate routes to be used. Communi-
cations.

(2) A national air operator shall in respect of passenger carrying operations on a published schedule, be capable of timely, direct and reliable radio communications with all flights over the entire route structure of the national air operator, under normal operating conditions.

62. In this Part,

Definitions.

"timely communication" means the ability to establish communications domestically within 30 minutes of first trying and internationally within one hour when the flight is in cruise; and

"direct communication" means the ability of the flight operations officer, the flight dispatcher and the pilot in command to communicate using the facilities of the national air operator, an electronic data link facility, or a facility operated by a third party according to an agreement.

PART VI

Air Operator Security Management

Applicability of this Part.

63. This Part provides the certification requirements that apply to air operator protection of aircraft, facilities and personnel from unlawful interference.

Security requirements.

64. An air operator shall ensure that all appropriate personnel are familiar, and comply, with

- (a) such security requirements as required by the Director; and
- (b) such relevant national security requirements as established from time to time by the Minister with responsibility for National Security.

Security training programme.

65. (1) An air operator shall establish and maintain an approved security training programme which enables crew members to act appropriately to minimize the consequences of acts of unlawful interference.

(2) As a minimum, an approved security training programme shall include the subject matters set out in the Air Operator Certification and Administration Standards.

(3) In addition to the training referred to in paragraph (1), an air operator shall also establish and maintain a training programme to familiarize appropriate employees with the preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft in order to prevent acts of sabotage or other forms of unlawful interference.

66. Where an act of unlawful interference occurs on board an aircraft, the pilot in command or, in his absence, the national air operator shall submit, without delay, a report of such an act to the Civil Aviation Authority of the relevant Contracting State and to the Director.

Acts of unlawful interference.

67. (1) An air operator shall ensure that there is on board an aircraft check list of the procedures to be followed with respect to

Search procedure check list.

- (a) searching for a bomb in the case of a suspected sabotage; and
- (b) inspecting an aircraft for concealed weapons, explosives or other dangerous devices when a well founded suspicion exists that the aircraft or its occupants may be the object of an act of unlawful interference.

(2) The check-list referred to in paragraph (1) shall be supported by guidance on the course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aircraft.

(3) Where a least-risk bomb location is identified on an aircraft, the operator shall provide instructions at that location for disposal of bombs and explosive devices and for attenuating and directing an explosion.

68. (1) An air operator shall establish procedures to ensure that unauthorised persons are prevented from entering the flight crew compartment during flight.

Preventative measures against unauthorised persons, cargo and prohibited items.

(2) An air operator shall ensure that there exists on all his aircraft a means by which cabin crew may discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(3) The flight crew compartment door on an aircraft, operated for the purpose of carrying passengers, shall be capable of being locked only from within the compartment in order to prevent unauthorised access.

(4) All passenger carrying aeroplanes of a maximum certified take-off mass in excess of 4 500 kilogrammes or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel and to resist forcible intrusions by unauthorised persons.

(5) The flight crew compartment door referred to in paragraph (4) shall be capable of being locked and unlocked from either pilot station.

(6) In aeroplanes equipped with a flight crew compartment door referred to in paragraph (5),

(a) the door shall be closed and locked from the time all external doors are closed following embarkation until the door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and

(b) means shall be provided for monitoring from either pilot's station the entire door area outside the flight crew compartment in order to identify persons requesting entry and to detect suspicious behaviour or potential threat.

(7) An air operator shall establish operational procedures to ensure the flight crew compartment access is co-ordinated in advance of the cabin inter-phone system.

(8) Where a request has been made by the cabin crew to enter the flight crew compartment, the flight crew shall visibly positively verify who is at the flight crew compartment door and the exact circumstances existing prior to unlocking the door.

(9) Where a person wishes to exit the flight crew compartment, that person shall, prior to unlocking the door

(a) verify with the cabin crew that the adjacent lavatory is not occupied by a passenger;

- (b) visually determine the exact circumstances existing outside the door particularly on high-risk flights or where unknown passengers are within easy access of the flight crew compartment door;
- (c) confirm that cabin crew are positioned to block passenger access to the door area when it is unlocked.

(10) An air operator shall take measures to ensure that persons do not conceal themselves, cargo or prohibited items on board an aircraft.

(11) A national operator shall ensure that aircraft security checks are carried out on originating aircraft assigned to international flights.

69. (1) No national air operator shall transport weapons of war or munitions of war by air unless

Weapons of war or munitions of war.

- (a) an approval to do so has been granted by all States concerned; and
- (b) limitations are applied in accordance with the technical instructions for safe transport of dangerous goods by air.

(2) A national air operator shall ensure that, during air transportation, weapons of war and munitions of war approved for transportation referred to in paragraph (1) are stowed in the aircraft in a place which is inaccessible to passengers during flight.

(3) A national air operator shall ensure that firearms approved for carriage are unloaded, unless before the commencement of the flight, approval has been granted by all States concerned that such firearms may be carried in circumstances that differ in part or in total from those indicated in these regulations.

(4) Paragraph (3), shall not apply to a national air operator directed to transport an air marshal on board a flight under the *Civil Aviation (Aviation Security) Regulations, 2007*. 2007/176.

(5) A national air operator shall ensure that the pilot in command of an aircraft is notified before a flight begins of the details and location on board the aircraft of any weapons of war and munitions of war intended to be carried.

Sporting
weapons.

70. (1) A national air operator shall take all appropriate measures to ensure that every sporting weapon and ammunition intended to be carried by air are reported to him.

(2) A national air operator accepting the carriage of sporting weapons shall ensure that such sporting weapons are

(a) stowed in the aeroplane in a place which is inaccessible to passengers during flight unless the Director has determined that compliance is impracticable and has accepted that other procedures may apply; and

(b) unloaded, in the case of firearms or other weapons that can contain ammunition.

(3) Ammunition for sporting weapons may be carried in checked baggage of passengers, subject to certain limitations in accordance with the Technical Instructions.

Definitions.

71. For the purposes of this Part,

(a) a firearm is any gun, rifle or pistol which fires a projectile;

(b) the following firearms are generally regarded as being sporting weapons:

(i) those designed for shooting game, birds and other animals;

(ii) those used for target shooting, clay-pigeon shooting and competition shooting, provided the weapons are not those on standard issue to military forces; and

(iii) airguns, dart guns, starting pistols; and

- (c) a weapon of war or munition of war means any device containing an explosive or any noxious gas, liquid or other thing designed or made for use in warfare against persons, including parts, whether components or accessories, for such weapon, ammunition or articles.

PART VII

Maintenance Requirements

72. This Part provides certification and maintenance requirements that apply to an air operator utilizing an approved maintenance organisation or an equivalent system of maintenance.

Applicability of this Part.

73. (1) A national air operator shall ensure the airworthiness of an aircraft and the serviceability of both operational and emergency equipment by

Maintenance responsibility.

- (a) assuring the accomplishment of pre-flight inspections;
- (b) assuring the correction of any defect and damage affecting safe operation of an aircraft to an approved standard, taking into account the minimum equipment list and, where available, configuration deviation list for the aircraft type;
- (c) determining what maintenance, if any, is required, when it is to be performed, by whom and to what standard;
- (d) assuring the accomplishment of all maintenance in accordance with the approved aircraft maintenance programme of the national air operator;
- (e) the analysis of the effectiveness of the approved aircraft maintenance programme of the national air operator;
- (f) assuring the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Director; and

- (g) assuring the accomplishment of modifications in accordance with an approved standard and, for non-mandatory modifications, the establishment of an embodiment policy.
- (2) A national air operator shall ensure that the certificate of airworthiness issued by the Director for each aircraft operated remains valid in respect of
- (a) the requirements referred to in paragraph (1);
 - (b) the expiration date of the certificate of airworthiness; and
 - (c) any other maintenance condition specified in the certificate of airworthiness.
- (3) A national air operator shall ensure that the requirements specified in paragraph (1) are performed in accordance with procedures approved by or acceptable to the Director.
- (4) A failure to perform any of the requirements under paragraph (1), in accordance with paragraph (3), shall render the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.
- (5) A national air operator shall ensure that the maintenance, preventive maintenance, and modification of its aircraft and aeronautical products are performed in accordance with the maintenance control manual of the national air operator and current instructions for continued airworthiness, and the applicable aviation regulations.
- (6) Notwithstanding any arrangements made by the national air operator with another person or entity for the performance of any maintenance, preventive maintenance, or modifications, the responsibility for all work performed under such arrangement shall remain that of the national air operator.

(7) A national air operator of an aeroplane over 5 700 kilogrammes, and a helicopter above 3 180 kilogrammes, maximum certified take-off mass, shall monitor and assess maintenance and operational activities with respect to continuing airworthiness and provide the information as prescribed by the Director.

(8) The national air operator of an aeroplane over 5 700 kilogrammes, and a helicopter above 3 180 kilogrammes, maximum certified take-off mass shall obtain and assess continuing airworthiness information and recommendations available from the organisation responsible for the type design, and shall implement resulting actions considered necessary in accordance with a procedure acceptable to the Director.

74. (1) A national air operator may conduct

(a) maintenance activities of aircraft and aircraft components through an arrangement with an approved maintenance organisation; or

(b) its own maintenance, preventive maintenance, or modifications, on aircraft and aircraft components, so long as the maintenance system of the national air operator is approved by the Director and is equivalent to that of an approved maintenance organisation.

Equivalent system of maintenance.

(2) Notwithstanding paragraph (1)(b), an approval for release to service of an aircraft and an aeronautical product may be made by an appropriately licensed aircraft maintenance engineer or aviation repair specialist.

75. (1) No national air operator shall operate an aircraft, except for pre-flight inspections, unless it is maintained and released to service by an approved maintenance organisation or equivalent system of maintenance that is approved by the Director.

Approval and acceptance of aircraft maintenance organisation systems.

(2) The Director may approve a maintenance organisation or an equivalent system of maintenance in respect of aircraft registered in Barbados.

(3) The State of Registry of an aircraft shall in respect of such an aircraft which is not registered in Barbados approve an aircraft maintenance organisation or an equivalent system of maintenance, and the Director may accept such approval.

(4) When the Director or the State of Registry accepts an equivalent system of maintenance, the person designated to sign the certificate of release to service shall meet the requirements set out by the Director, as appropriate to his licence.

(5) For the purpose of regulation 75 the words "an equivalent system of maintenance" means a system of compliance which a national air operator conducts in accordance with regulation 74(1)(b) and (2).

Maintenance
control
manual.

76. (1) A national air operator shall submit to the Director and to the State of Registry, if different, for review and acceptance, a maintenance control manual and all its subsequent amendments, which is to be used for the guidance of the maintenance and operational personnel of the national air operator.

(2) The manual referred to in paragraph (1) shall contain details of the structure of the organisation, including

- (a) the Accountable Manager and designated person responsible for the maintenance system as required by regulation 14;
- (b) the procedures to be followed to satisfy the maintenance requirements referred to in regulation 73 except that, where the air operator is an approved maintenance organisation, the quality functions of regulation 78 may be included in the approved maintenance organisation procedures manual;
- (c) the procedures for the reporting of failures, malfunctions and defects approved by the Director, to the Director, the aircraft manufacturer and the State of Design within 72 hours of discovery.

(3) When making a report to the Director referred to in paragraph (2)(c), a national air operator may do so by telephone, telex, facsimile or other appropriate means of communication, with a written follow-on report as soon as possible but no later than within 72 hours of discovery.

(4) A report under this regulation is required in the following circumstances:

- (a) primary structural failure;
- (b) control system failure;
- (c) fire in the aircraft;
- (d) engine structure failure; and
- (e) any other condition considered an imminent hazard to safety.

(5) In addition to the matters set out in paragraph (2), the maintenance control manual under this regulation shall include items set out in the air operator certification and administration standards as well as the following information which may be issued in separate parts:

- (a) a description of the administrative arrangements between the national air operator and the approved maintenance organisation, or a description of the maintenance procedures and the procedures for completing and signing a certificate of release to service when maintenance is based on a system other than that of an approved maintenance organisation;
- (b) a description of the procedures to ensure that each aircraft he operates is in an airworthy condition;
- (c) a description of the procedures to ensure that the operational emergency equipment for each flight is serviceable;
- (d) the names and duties of the person or persons required to ensure that all maintenance is carried out in accordance with the maintenance control manual;

- (e) a reference to the maintenance programme required in regulation 85;
 - (f) a description of the methods for completion and retention of the maintenance records of the national air operator required by regulation 80;
 - (g) a description of the procedures for monitoring, assessing and reporting maintenance and operational experience for all aeroplanes over 5 700 kilogrammes maximum certified take-off mass and helicopters over 3 180 kilogrammes certified take-off mass;
 - (h) a description of the procedures for obtaining and assessing continued airworthiness information from the organisation responsible for the type design and implementing any resulting actions for all aeroplanes over 5 700 kilogrammes maximum certified take-off mass and helicopters over 3 180 kilogrammes certified take-off mass;
 - (i) a description of the procedures for implementing mandatory continuing airworthiness information as required in regulation 73(1)(f);
 - (j) a description of how a system of analysis shall be established and maintained for the continued monitoring of the performance and efficiency of the maintenance programme in order to correct any deficiency in that programme;
 - (k) a description of aircraft types and models to which the manual applies;
 - (l) a description of procedures for ensuring that unserviceabilities affecting airworthiness are recorded and rectified; and
 - (m) a description of the procedures for advising the Director of significant in-service occurrences.
- (6) No national air operator shall provide for the use of his personnel in commercial air transport any maintenance control manual or portion thereof which has not met the requirements of paragraph (1).

(7) A national air operator shall ensure that the maintenance control manual under this Regulation is amended as necessary to keep the information therein up-to-date, and shall incorporate in it such mandatory material as the Director may require.

(8) Copies of all amendments under this regulation shall be furnished promptly to all organisations or persons to whom the manual has been issued.

77. (1) An air operator that is approved as an approved maintenance organisation may carry out the requirements specified in regulation 73(1)(b), (c), (e) and (f). Maintenance management.

(2) Where a national air operator is not an approved maintenance organisation, he shall meet the responsibilities referred to in regulation 73(1)(b), (c), (e) and (f) by using

- (a) an equivalent system of maintenance approved or accepted by the Director; or
- (b) through an arrangement with an aircraft maintenance organisation with a written maintenance contract agreed between the national air operator and the contracting approved maintenance organisation detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Director.

(3) A national air operator shall employ such person or persons, acceptable to the Director, to ensure that all maintenance is carried out to an approved standard such that the maintenance requirements of this Part and requirements of the maintenance control manual of the national air operator are satisfied, and to ensure the functioning of the quality system.

(4) In employing persons referred to in paragraph (3), the national air operator shall designate one person to be accountable for any corrective action resulting from the quality monitoring.

(5) The person designated in paragraph (2) for maintenance shall not be employed by an approved maintenance organisation under contract, unless specifically agreed by the Director.

(6) Where a national air operator is not appropriately approved by the Director, written arrangements shall be made with such an organisation to carry out the requirements specified in regulation 73.

(7) The arrangement referred to in paragraph (6), shall be in the form of a written maintenance contract between the national air operator and the approved maintenance organisation detailing the functions specified in regulation 73 and defining the support of the quality functions.

(8) The written maintenance contracts referred to in paragraph (7) shall include either an

- (a) aeroplane base and scheduled line maintenance; or
- (b) engine maintenance contracts, together with all amendments, which shall be acceptable to the Director.

(9) Notwithstanding paragraphs (6), (7) and (8), in the case of an aircraft needing occasional line maintenance, the contract may be in the form of individual work orders to the approved maintenance organisation.

(10) Notwithstanding paragraphs (6), (7) and (8), in the case of aircraft component maintenance, including engine maintenance, the contract may be in the form of individual work orders to the approved maintenance organisation.

(11) A national air operator shall provide suitable office accommodation at appropriate locations for the personnel specified in paragraph (3).

Quality
management
system.

78. (1) A quality system of a national air operator required by regulation 16 shall, for maintenance purposes, additionally include at least the following functions:

- (a) monitoring that the activities of regulation 73 are being performed in accordance with the accepted procedures;
- (b) ensure that all contracted maintenance is carried out in accordance with the contract;

- (c) monitoring the continued compliance with the requirements of this Part;
- (d) monitoring compliance with, and adequacy of, procedures required; and
- (e) ensuring safe maintenance practices, airworthy aircraft and aeronautical products.

(2) Compliance monitoring referred to in paragraph (1)(d) shall include a feed-back system to the accountable manager to ensure corrective action is taken.

(3) A quality system of a national air operator required by regulation 16 shall, for maintenance purposes, include a quality assurance that contains procedures designed to verify that all maintenance operations are being conducted in accordance with all applicable requirements, standards and procedures.

(4) Where the air operator is also an approved maintenance organisation, the quality management system of the air operator may be combined with the quality management system requirements of an approved maintenance organisation and submitted for approval and acceptance to the Director and State of Registry for an aircraft not registered in Barbados.

79. (1) A person who takes action in the case of a reported or observed failure or malfunction of an aircraft and an aeronautical product, that is critical to the safety of flight shall make, or have made, a record of that action in the maintenance section of the aircraft technical log.

Aircraft
technical log
entries.

(2) A national air operator shall have a procedure for keeping adequate copies of required records to be carried on board an aircraft, in a place readily accessible to each member of the flight crew, and shall ensure that such procedures are recorded in the operations manual of a national air operator.

Preservation
of technical
records.

80. (1) A national air operator shall ensure that the aircraft technical log is retained for 24 months after the date of the last entry.

(2) A national air operator shall establish a system and keep in a form acceptable to the Director

(a) all detailed maintenance records in respect of the aircraft and any aircraft component fitted thereto to show that all the requirements for the signing of a maintenance release have been met, for 12 months after the aircraft or aircraft component was released to service;

(b) the total time and flight cycles, as appropriate, of the aircraft and all life limited aircraft components for 90 days after the aircraft has been permanently withdrawn from service;

(c) the time and flight cycles, as appropriate, since the last overhaul of the aircraft or aircraft component subject to mandatory overhaul life for 90 days after the aircraft or aircraft component has been permanently withdrawn from service;

(d) the current aircraft inspection status such that compliance with the approved operator's aircraft maintenance can be established for 90 days after the aircraft or aircraft component has been permanently withdrawn from service;

(e) the current status of airworthiness directives and all mandatory continuing airworthiness information applicable to the aircraft and aircraft component for 90 days after the aircraft has been permanently withdrawn from service; and

(f) details of current modifications and repairs to the aircraft, engines, propellers and any other aircraft component vital to the flight safety for 90 days after the aircraft has been permanently withdrawn from service.

(3) Where an aircraft is temporarily transferred from one air operator to another, the records specified in paragraphs (1) and (2), shall be made available to the new air operator.

(4) An air operator shall ensure that when an aircraft is permanently transferred from one air operator to another air operator the records specified in paragraphs (1) and (2) are also transferred.

81. (1) A national air operator shall use an aircraft technical log, which shall include an aircraft maintenance record section containing the following for each aircraft:

Air operator's aircraft technical log.

- (a) information about each previous flight necessary to ensure continued flight safety;
- (b) the current certificate of release to service;
- (c) the current inspection status of the aircraft, including inspections due to be performed on an established schedule and inspections that are due to be performed that are not on an established schedule;
- (d) the current maintenance status of the aircraft, including maintenance due to be performed on an established schedule and maintenance that is due to be performed that is not on an established schedule, except that the Director may agree to the maintenance statement being kept elsewhere; and
- (e) all deferred defects that affect the operation of the aircraft.

(2) An aircraft technical log and any subsequent amendment shall be approved by the Director.

82. (1) No national air operator shall operate an aircraft unless it is maintained and released to service by an approved maintenance organisation or under an equivalent system, either of which shall be acceptable to the Director.

Release to service.

(2) A national air operator using an equivalent system shall not operate an aircraft after release as stated in paragraph (1), unless a certificate of release to service is prepared or caused to be prepared by an appropriately licensed and rated individual.

(3) The certificate of release to service shall be made in accordance with the national air operator maintenance control manual procedures.

(4) A national air operator using an aircraft maintenance organisation shall not operate an aircraft after it is released to service, as stated in paragraph (1), unless an appropriate entry is made in accordance with the national air operator maintenance control manual procedures acceptable to the Director.

(5) A national air operator shall give a copy of the certificate of release to service for an aircraft to the pilot in command or ensure that an entry noting the release is made in the maintenance section of the aircraft technical log.

Modifica-
tions and
repairs.

83. (1) All modifications and repairs to an aircraft shall comply with airworthiness requirements acceptable to the Director.

(2) Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

(3) In the case of a major repair or major modification, such repairs and modifications shall be done in accordance with approved technical data and approved by the Director.

(4) An air operator who is authorised to perform maintenance, preventive maintenance, and modifications of any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof, in accordance with the approved Operations Specifications of the air operator, and wishes to issue certificates of release to service for major repairs or major modifications to an aircraft registered in Barbados, shall use personnel who hold current and valid aircraft maintenance licences.

(5) An air operator shall, promptly upon its completion of repairs and modifications, prepare a report of each major modification or major repair of an airframe, aircraft engine, propeller, or appliance of an aircraft it operated.

(6) An air operator shall submit a copy of each report of a major modification to the Director, and shall keep a copy of each report of a major repair available for inspection.

(7) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

84. A national air operator of an aeroplane over 5 700 kilogrammes maximum certified take-off mass or helicopter over 3 180 kilogrammes maximum certified take-off mass shall

Continued
airworthi-
ness.

- (a) monitor and assess maintenance and operational experience with respect to continued airworthiness and provide the information as prescribed by the State of Registry;
- (b) obtain and assess continuing airworthiness information and recommendations available from the organisation responsible for the type design; and
- (c) implement resulting actions considered necessary in accordance with the procedures acceptable to the Director.

85. (1) A national air operator shall provide for the use and guidance of maintenance and operational personnel an aircraft maintenance programme, the design and application of which shall observe human factor principles.

Aircraft
maintenance
programme.

(2) An aircraft maintenance programme of a national air operator and any subsequent amendments shall be submitted to the Director for approval.

(3) An aircraft maintenance programme referred to in paragraph (2) shall only be accepted by the Director where it has first been approved by the State of Registry or, where appropriate, upon the air operator complying with recommendations provided by the State of Registry.

(4) The Director shall require a national air operator to include a reliability programme when the Director determines that such a reliability programme is necessary.

(5) Where a determination that a reliability programme is necessary, is made by the Director referred to in paragraph (4), the national air operator shall provide such procedures and information in the maintenance control manual of the national air operator.

(6) A national air operator shall ensure that each aircraft is maintained in accordance with an approved aircraft maintenance programme of a national air operator, which shall include

- (a) maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilization of the aircraft;
- (b) where applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraph (a) or (b); and
- (d) where applicable, condition monitoring and reliability programme, descriptions for aircraft systems, components, and power plants.

(7) No national air operator shall provide for the use of its personnel in commercial air transport a maintenance programme or portion thereof which has not been reviewed and approved for the national air operator by the Director.

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

(9) Approval by the Director of a maintenance programme of a national air operator and any subsequent amendments shall be noted in the Barbados air operator certificate pursuant to regulation 7(4)(d).

(10) A national air operator shall have an inspection programme and a programme covering other maintenance, preventive maintenance and modifications to ensure that

- (a) maintenance, preventive maintenance and modifications performed by it, or by other persons, are performed in accordance with the maintenance control manual of a national air operator; and

(b) each aircraft released to service is airworthy and has been properly maintained for operation.

(11) The Director may amend any specifications issued to a national air operator to permit deviation from those provisions of these Regulations that would prevent the return to service and use of airframe components, power-plants, appliances, and spare parts thereof because those items have been maintained, modified or inspected by persons employed outside Barbados who do not hold a Barbadian aircraft maintenance licence.

(12) A national air operator who is granted permission by the Director to deviate in paragraph (11) shall provide for surveillance of facilities and practices to assure that all work performed under these Regulations is accomplished in accordance with the maintenance control manual of a national air operator.

86. (1) A national air operator who is not an approved maintenance organisation may perform and approve maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or a part thereof for return to service, where approved in the specific operating provisions, as provided in its maintenance programme and maintenance control manual.

Maintenance, preventative maintenance and modification.

(2) A national air operator may make arrangements with an appropriately rated aircraft maintenance organisation for the performance of maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or part thereof as provided in its maintenance programme and maintenance control manual.

(3) A national air operator which is not approved as an aircraft maintenance organisation may use an appropriately licensed and authorised individual to approve maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after performing or supervising in accordance with technical data approved by the Director.

Aircraft
maintenance
licence.

87. (1) A person who is directly in charge of maintenance, preventive maintenance, or modification of any aircraft, airframe, aircraft engine, propeller, appliance, component or part thereof, and each person performing required inspections and approving release to service shall be appropriately licensed and acceptable to the Director.

(2) A person who is directly in charge shall be on site but need not physically observe and direct each worker constantly, but shall be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

(3) In this regulation,- "a person directly in charge" means a person who is assigned to a position in which he is responsible for the work of a shop or station that performs maintenance modification or other functions affecting the airworthiness of an aircraft.

Rest and
duty
limitations
and
maintenance
personnel.

88. (1) A national air operator shall not assign, nor shall any person perform maintenance functions for, aircraft certified for commercial air transport, unless that person has had a minimum rest period of 8 hours prior to the beginning of duty.

(2) A national air operator shall not schedule a person performing maintenance functions for aircraft certified for commercial air transport for more than 12 consecutive hours of duty.

(3) In situations involving unscheduled aircraft unserviceabilities, persons performing maintenance functions for aircraft certified for commercial air transport may continue on duty for

(a) up to 16 consecutive hours; or

(b) 20 cumulative hours in 24 consecutive hours.

(4) Following unscheduled duty periods, the person performing maintenance functions for aircraft shall have a mandatory rest period of 10 hours.

(5) A national air operator shall relieve the person performing maintenance functions from all duties for 24 consecutive hours during any seven consecutive day periods.

PART VIII

Article 83 bis Agreements

89. (1) An 83 bis agreement to which Barbados is a party and which is in force has the effect of transferring a function or functions of

Application in respect of an aircraft subject to 83 bis agreement.

- (a) a Contracting State, as the State of Registry, in respect of an aircraft, to Barbados;
- (b) Barbados, as the State of Registry in respect of an aircraft, to a Contracting State.

(2) For the purposes of this Part,

"function" includes duties;

"83 bis agreement" means an agreement made pursuant to Article 83 bis of the Chicago Convention.

PART IX

Records

90. (1) A national air operator shall maintain current records which detail the qualifications and training of all its employees and contract employees involved in the operational control, flight operations, ground operations and maintenance of the national air operator.

Retention and maintenance of records.

(2) A national air operator shall maintain records for those employees performing crew member or flight operations officer duties in sufficient detail to determine whether the employees meet the experience and qualifications for duties in commercial air transport operations.

(3) Where a crew member in respect of whom a national air operator has kept a record becomes a crew member for another operator, that record shall be made available to the new operator.

(4) A national air operator shall retain records of the flight time, flight duty periods and rest periods of all its crew members and fuel and oil records for each flight.

(5) A national air operator shall maintain records for each flight of an aeroplane above 49 000 feet so that the total cosmic radiation dosage received by each crew member over a period of 12 consecutive months can be determined.

Flight desk
voice and
flight data
recorder
records.

91. A national air operator shall retain

- (a) the most recent flight data recorder calibration, including the recording medium from which this calibration is derived; and
- (b) the flight data recorder correlation for one aircraft of any group of aircraft operated by the national air operator
 - (i) that is of the same type;
 - (ii) on which the model flight recorder and its installation are the same; and
 - (iii) on which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

Preserva-
tion,
production
and use of
flight
recorder
recording.

92. (1) Where an accident involving an aircraft occurs, the national air operator of an aeroplane on which a flight recorder is carried shall, as far as possible, preserve the original recorded data pertaining to that accident for a period of 60 days unless otherwise directed by the Director.

(2) A national air operator of an aeroplane on which a flight recorder is carried shall as far as possible, following an incident that is subject to mandatory reporting, preserve the original recorded data pertaining to that incident for a period of 60 days unless otherwise directed by the Director.

(3) Where the Director so directs, a national air operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of 60 days unless otherwise directed by the investigating authority.

(4) When a flight data recorder is required to be carried aboard an aeroplane, the national air operator of that aeroplane shall

- (a) save the recordings for the period of operating time as required except that, for the purpose of testing and maintaining flight data recorders, up to one hour of the oldest recorded material at the time of testing may be erased; and
- (b) keep a document which presents the information necessary to retrieve and convert the stored data into engineering units.

(5) The national air operator of an aeroplane on which a flight recorder is carried shall, within a reasonable time after being requested to do so by the Director, produce any recording made by a flight recorder which is available or has been preserved.

(6) The cockpit voice recorder recordings may not be used for purposes other than for the investigation of an accident or incident which is subject to mandatory reporting.

(7) The flight data recorder recordings may not be used for purposes other than for the investigation of an accident or incident which is subject to mandatory reporting except when such recordings are

- (a) used by the national air operator for airworthiness or maintenance purposes only;
- (b) de-identified; or
- (c) disclosed under secure procedures.

93. (1) A national air operator conducting international or domestic operations shall maintain a current list of each aircraft that it operates in scheduled air transportation and shall send a copy of such record and each change to the Director. Aircraft listing.

(2) An aircraft of another national air operator operated under an interchange agreement shall also be included in the list referred to in paragraph (1).

National air operator aircraft technical log.

94. (1) A national air operator shall have an aircraft technical log as prescribed in regulation 79 which shall be carried on the aircraft.

(2) An aircraft technical log referred to in paragraph (1) may contain a journey log referred to in regulation 35(4) and an aircraft maintenance record section.

(3) Completed journey log shall be retained to provide a continuous record of at least the last 6 months of operations.

General certificate and licence requirements.

95. (1) A national air operator shall comply with the general requirements for the

- (a) display of licences;
- (b) change of name of licence certificate holder;
- (c) change of address;
- (d) replacement of aviation documents;
- (e) non-falsification reproducer or alteration of licences;
- (f) surrender of licences;
- (g) re-application of licences;
- (h) drug and alcohol testing and reporting,

2007/172. required by Part II of the *Civil Aviation (General Application and Personnel Licensing) Regulations, 2007*.

(2) A request for a deviation from any requirements of these Regulations shall be made in the same manner as required by the *Civil Aviation (General Application and Personnel Licensing) Regulations, 2007*.

96. A national air operator in meeting the requirements of regulations 14, 15, 22, 27, 28, 29, 30, 34, 35, 36, 37, 48, 50, 51, 52, 57, 61, 78, 80, 81 and 89, shall ensure that he complies with the minimum implementing Standards set out in the Air Operator Certification and Administration Standards.

Implementing Standards.

97. (1) The Director may make standards or amend standards and incorporate them by reference into these Regulations.

Director may make Standards or amend Standards.

(2) The Director shall not make a standard or an amendment to a standard unless the Director has undertaken consultations with interested parties concerning the standard or the amendment.

(3) No standard or amendment may come into effect less than 30 days after it is made.

(4) A standard or an amendment to a standard may be made and brought into effect by the Director without regard to paragraph (2) or (3) where the standard or amendment is urgently required to ensure aviation safety or the safety of the public.

98. (1) Notwithstanding the air operator certification requirements of these Regulations, a person exercising the privileges of an air operator certificate on the commencement of these Regulations may continue to do so under the conditions of his existing air operator certificate for a period of no more than 6 months from the date of commencement of these Regulations and thereafter shall meet the requirements of these Regulations.

Transitional provisions.

(2) Notwithstanding paragraph (1), on the commencement of these Regulations a person who wishes to apply for an air operator certificate shall meet the requirements of these Regulations.

(3) An air operator certificate holder who, upon the commencement of these Regulations continues to operate under his existing air operator certificate shall apply to the Director for re-certification and successfully complete his re-certification at the end of the 6-month period provided for in paragraph (1).