

No. S 69

**CIVIL AVIATION ORDER, 2006
(S 63/06)**

CIVIL AVIATION REGULATIONS, 2006

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CIVIL AVIATION ORDER, 2006
(S 63/06)

CIVIL AVIATION REGULATIONS, 2006

In exercise of the power conferred by subsection (1) of section 5 of the Civil Aviation Order, 2006, the Minister for Communications, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation, commencement and interpretation.

1. (1) These Regulations may be cited as the Civil Aviation Regulations, 2006 and shall commence on the same date as the Civil Aviation Order, 2006.

(2) For the purposes of these Regulations, the Chicago Convention and its current annexes, including standards and recommended practices established by the International Civil Aviation Organization, the JAR issued by the JAA or standards established by EASA, shall be adopted and applied (as appropriate) in Brunei Darussalam.

(3) In these Regulations, unless the context otherwise requires —

"aerial work" means any purpose (other than public transport) for which an aircraft is flown if hire or reward is given or promised in respect of that flight or the purpose of that flight;

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

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

"aerodrome flight information unit" means a person appointed by the Director or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome, and "aerodrome flight information service" shall be construed accordingly;

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

"air traffic control unit" means a person appointed by the Director or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to

aircraft in the interests of safety, but does not include a person so appointed solely to give information to aircraft, and "air traffic control service" shall be construed accordingly;

"air transport undertaking" means an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward;

"aircraft maintenance organisation" means an organisation referred to in sub-regulation (1) of regulation 12;

"airworthiness directive" means an instruction issued by a director or other person having the responsibility for civil aviation in any other country or territory that amends an approved document relating to any aircraft, engine, propeller or other component, or that requires a modification, replacement, special inspection or procedure to ensure that an aircraft, engine, propeller or component continues to comply with approved design data and remains in a condition for safe operation;

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

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

"appropriate air traffic control unit" means, in relation to an aircraft, the air traffic control unit serving the area in which the aircraft is for the time being;

"approved data" means design data, manufacturer's data approved by the country or territory of manufacture, documents produced by a director or other person recognised in Brunei Darussalam as having the responsibility for aeronautical matters in any other country or territory, or data issued by the Director;

"cargo" includes mail and animals;

"certificate of airworthiness", in these Regulations, includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

"certificate of maintenance review" means a certificate issued under regulation 8;

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

"conditional sale agreement" means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

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

"control area" means airspace which has been notified as such and which extends upwards from a notified altitude or flight level;

"control zone" means airspace which has been notified as such and which extends upwards from the surface;

"controlled airspace" means airspace of notified dimensions within which air traffic control service is provided to controlled flights;

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

"crew" has the meaning assigned to it by sub-regulation (4);

"danger area" means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

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

"EASA" means the European Aviation Safety Agency established by the European Union;

"FAR" means the Federal Aviation Regulations issued by the Federal Aviation Administration of the United States of America;

"flight crew", in relation to an aircraft, means those members of the crew of the aircraft who respectively undertake to act as pilot and flight engineer of the aircraft;

"flight duration" means the time from when the aircraft leaves the ground on a flight until it touches the ground for the purpose of landing at the end of a flight;

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

"flight recording system" means a system comprising either a flight data recorder, a cockpit voice recorder or both;

"flight simulator" means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

"flight time" means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

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

"Instrument Flight Rules" means the Instrument Flight Rules defined in the Rules of the Air Regulations;

"instrument meteorological conditions" means weather precluding flight in accordance with the Visual Flight Rules;

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

"JAR" means a Joint Aviation Requirement of the JAA bearing a reference number;

"to land", in relation to aircraft, includes alighting on water;

"licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country or territory in which the licence is granted;

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

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

"maintenance" means, in relation to an aircraft, the doing of any work, including modification or repair, on that aircraft that may affect the safety of the aircraft or cause it to become a danger to person or property or the making of a test or inspection for the purpose of ascertaining whether it is in a fit state to fly; and in relation to an aircraft component or aircraft material the doing of any work that may affect its soundness or functioning or the making of any test or inspection for the purpose of ascertaining whether the component or material is sound and functioning correctly;

"manufacture" means the making, producing or fabrication of any aircraft, engine, propeller or component for use on an aircraft;

"maximum total weight authorised", in relation to an aircraft, means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of that aircraft;

"micro-light aircraft" means an aircraft having a maximum total weight authorised not exceeding 450 kilograms, a wing loading at the maximum total weight not exceeding 25 kilograms per square metre, a maximum fuel capacity not exceeding 50 litres and which has been designed to carry not more than 2 persons;

"military aircraft" means the naval, military or air force aircraft of any country or territory and any aircraft in respect of which there is in force a certificate issued by the Director that the aircraft is to be treated for the purposes of these Regulations as a military aircraft;

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

"nautical mile" means an international nautical mile, a distance of 1,852 metres;

"night" means the time between 15 minutes after sunset until 15 minutes before sunrise, sunset and sunrise being determined at surface level;

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

"notified" means shown in any of the following publications for the time being in force and issued in Brunei Darussalam whether before or after the commencement of these Regulations, that is to say, "Notices to Airmen", "Aeronautical Information Publications", "Airworthiness Notices", "Aviation Information Circulars", or such other official publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

"operator" has the meaning assigned to it by sub-regulation (6);

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

"passenger" means a person other than a member of the crew;

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

"precision approach" means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

"pressurised aircraft" means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

"public transport" has the meaning assigned to it by sub-regulation (5);

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

"record" includes, in addition to a record in writing —

(a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;

(b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and

(c) any photograph,

and any reference to a copy of a record includes, in the case of a record falling only within paragraph (a), a transcript of the sounds or signals embodied therein; in the case of a record falling only within paragraph (b), a still reproduction of the images embodied therein; and in the case of a record falling within both paragraphs (a) and (b), such a transcript together with such a still reproduction;

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

"Rules of the Air Regulations" means the regulations made by the Minister under the Order and referred to in regulation 72;

"runway visual range", in relation to a runway, means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or, where this is not reasonably practicable, in the vicinity of the mid-point of the runway; and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

"scheduled journey" means one of a series of journeys which are undertaken between the same 2 places and which together amount to a systematic service;

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on water;

"very light aircraft" means an aircraft having not more than 2 seats, weighing not more than 750 kilograms and having a stalling speed of not more than 45 knots in landing configuration and falling within the category of Very Light Aircraft under JAR-VLA;

"Visual Flight Rules" means the Visual Flight Rules defined in the Rules of the Air Regulations;

"visual meteorological conditions" means weather permitting flight in accordance with the Visual Flight Rules.

(4) In these Regulations, every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.

(5) References in these Regulations to the operator of an aircraft are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly:

Provided that, for the purposes of the application of any provision in Part III of these Regulations, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person (other than an air transport undertaking or an aerial work undertaking) has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.

(6) (a) Subject to this sub-regulation, an aircraft in flight shall for the purposes of these Regulations be deemed to fly for the purposes of providing an air service for public transport —

- (i) if hire or reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
- (ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors), persons with the approval of the Director (either making any inspection or witnessing any training, practice or test for the purposes of these Regulations) or cargo intended to be used by any such passengers or by the undertaking;

and the expression "public transport of passengers" shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (ii) of this paragraph, it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given for the carriage of those passengers:

Provided also that a glider shall not be deemed to be flying for the purpose of public transport for the purposes of Part III of these Regulations by virtue of sub-paragraph (ii) of this paragraph if the hire or

reward given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(b) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be given or promised if the transaction were effected differently, hire or reward shall, for the purposes of these Regulations, be deemed to have been given or promised, notwithstanding any rule of law to the contrary.

(7) The expressions appearing in the Table of General Classification of Aircraft set out in Part A of the First Schedule shall have the meanings thereby assigned to them.

(8) A power to issue directions under these Regulations shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Brunei Darussalam, and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of the Order and these Regulations.

(9) Any power conferred by these Regulations to issue, make, serve or grant any instrument shall be construed as including a power exercisable, in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument. In this sub-regulation, "instrument" includes any regulation, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, authorisation, log book record or other document.

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered and registration of aircraft in Brunei Darussalam.

2. (1) An aircraft shall not fly in or over Brunei Darussalam unless it is registered in —

(a) a Contracting State; or

(b) any other country or territory in relation to which there is in force an agreement, between the Government and the government of that country or territory, which makes provision for the flight in or over Brunei Darussalam of aircraft registered in that country or territory:

Provided that this sub-regulation does not apply to a kite or captive balloon.

(2) If an aircraft flies over Brunei Darussalam in contravention of sub-regulation (1) in such manner or circumstances that if the aircraft had been registered in Brunei Darussalam an offence against these Regulations would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

(3) The Director shall be the authority for the registration of aircraft in Brunei Darussalam and shall keep the register and shall record therein the particulars specified in sub-regulation (9) in a legible or non-legible form so long as the recording is capable of being reproduced in a legible form.

(4) Subject to the provisions of this regulation, an aircraft shall not be registered or continue to be registered in Brunei Darussalam if it appears to the Director that —

(a) the aircraft is registered outside Brunei Darussalam and that such registration does not cease by operation of law upon the aircraft being registered in Brunei Darussalam;

(b) a person who is not qualified, as defined in sub-regulation (5), holds any legal or beneficial interest by way of ownership in the aircraft or any share therein; or

(c) it would be detrimental to the public interest for the aircraft to be or to continue to be registered in Brunei Darussalam.

(5) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Brunei Darussalam or a share therein —

(a) His Majesty the Sultan and Yang Di-Pertuan;

(b) the Government;

(c) citizens and such other persons as the Minister shall approve; and

(d) partnerships and voluntary associations whose principal place of business or recreation is in Brunei Darussalam, or otherwise as the Minister shall approve.

(6) If any unqualified person residing or having a place of business in Brunei Darussalam holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Minister, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in Brunei Darussalam. That person shall not cause or permit the aircraft, while it is

registered in pursuance of this sub-regulation, to be used for the purpose of public transport or aerial work. This restriction does not apply when a leasing agreement between a Brunei Darussalam operator holding a Brunei Darussalam air operator's certificate and the lessor of the aircraft is notified to the Director and the interest of the lessor is registered in the register of Brunei Darussalam aircraft.

(7) If an aircraft is sold under a contract of hire-purchase, let on hire or chartered to a person so qualified, the Director may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in Brunei Darussalam in the name of the hire-purchaser, lessee or charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to this regulation the aircraft may remain so registered during the continuation of the contract, lease or charter.

(8) An application for the registration of an aircraft in Brunei Darussalam shall be made in writing to the Director, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and hire-purchase, leasing or chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in Brunei Darussalam and whether to issue the certificate referred to in sub-regulation (10). In particular, the application shall include the proper description of the aircraft according to column 4 of the Table of General Classification of Aircraft set out in Part A of the First Schedule.

(9) Upon receiving an application for the registration of an aircraft in Brunei Darussalam and being satisfied that the aircraft may properly be so registered, the Director shall register the aircraft, wherever it may be, and shall include in the register —

(a) the number of the certificate;

(b) the nationality mark of the aircraft, and the registration mark assigned to it by the Director;

(c) the name of the constructor of the aircraft and its designation;

(d) the serial number and year of construction of the aircraft; and

(e) (i) the name and address of every person who is entitled to a legal interest in the aircraft or a share therein or, in the case of an aircraft which is the subject of a charter, the name and address of the charterer; and

(ii) in the case of an aircraft registered in pursuance of sub-regulation (6) or (7), an indication that it is so registered.

(10) The Director shall furnish to the person in whose name the aircraft is registered, hereinafter in this section referred to as the registered owner, a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued.

(11) The Director may grant to any person so qualified an aircraft dealer's certificate if he is satisfied that he has a place of business in Brunei Darussalam for buying and selling aircraft.

(12) Subject to sub-regulations (6) and (7), if at any time after an aircraft has been registered in Brunei Darussalam an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, or the aircraft is destroyed or withdrawn permanently from use, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Director.

(13) Any person who is the registered owner of an aircraft registered in Brunei Darussalam shall be responsible for compliance with these Regulations and shall forthwith inform the Director in writing of —

(a) any change in the particulars which were furnished to the Director upon application being made for the registration of the aircraft;

(b) the destruction of, or serious damage to, the aircraft, or its permanent withdrawal from use; or

(c) in the case of an aircraft registered in pursuance of sub-regulations (6) and (7), the termination of the hire-purchase agreement, lease or charter.

(14) Any person who becomes the owner of an aircraft registered in Brunei Darussalam shall within 28 days inform the Director in writing to that effect.

(15) The Director may, whenever it appears to him necessary or expedient to do so for giving effect to this Part or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, cancel the registration of the aircraft; and shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.

(16) The Minister may, by order published in the *Gazette*, adapt or modify the foregoing provisions of this regulation as he considers necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the register, either generally or in relation to a particular case or class of case.

(17) In this regulation, references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club, and the reference in sub-regulation (13) to the

registered owner of an aircraft includes, in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(18) Nothing in this regulation shall require the Director to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

(19) If a certificate of registration is lost, stolen or destroyed or so damaged that the particulars are no longer clearly legible, the holder shall notify the Director within 14 days of becoming aware of the loss, theft, destruction or damage and the circumstances thereof, whereupon the Director shall, if he is satisfied that the certificate is lost, stolen, destroyed or damaged, issue a copy of the certificate to the holder.

(20) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages established by regulations shall not become void by virtue of sub-regulation (12), nor shall the Director cancel the registration of such an aircraft pursuant to this regulation unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

Nationality and registration marks.

3. (1) An aircraft (other than an aircraft permitted by or under these Regulations to fly without being registered) shall not fly in or over Brunei Darussalam unless it bears painted thereon or affixed by any other means ensuring a similar degree of permanency in a clean and clearly visibly manner, as required by the law of the country or territory in which it is registered, the nationality and registration marks required by that law and unless it has affixed in a prominent position near the main entrance a fireproof metal plate inscribed at least with the nationality and registration marks of the aircraft.

(2) The marks to be borne by aircraft registered in Brunei Darussalam shall comply with Part B of the First Schedule and with Annex 7 of the Chicago Convention.

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

(a) that the aircraft is registered in a country or territory in which it is not in fact registered;

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

PART II

AIR OPERATORS' CERTIFICATES

Issue of air operators' certificates.

4. (1) An aircraft registered in Brunei Darussalam shall not fly on any flight for the purpose of public transport or aerial work, otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator of the aircraft pursuant to subsection (1) of section 25 and subsection (2) of section 26 of the Order and to sub-regulation (2) certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The Director shall grant to any person applying therefor ("the applicant") an air operator's certificate if he is satisfied in relation to the resources of that person that he is competent, having regard in particular to his previous conduct and experience (or that of its owners, directors and senior management, in the case of a body corporate), his equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Director thinks fit and shall, subject to regulation 78, remain in force for the period specified in the certificate.

(3) Without prejudice to the generality of sub-regulation (2), the operator must possess a management organisation capable of exercising operational control and supervision over any flight operated under the terms of its air operator's certificate.

(4) Without prejudice to the generality of sub-regulation (2), the operator must have nominated an accountable manager acceptable to the Director, who has responsibility for ensuring that all maintenance relating to the operator's aircraft is carried out in accordance with the approved maintenance schedule and to the standard required by the Director.

PART III

AIRWORTHINESS REQUIREMENTS

Type certification.

5. (1) A Type Certificate with respect to an aircraft, engine or propeller means a document issued by the manufacturer, and approved by the appropriate authority of the country or territory of manufacture, certifying that the type

design of the aircraft, engine or propeller and of the variants specified on the Type Data Sheet, comply with the certification basis to which the certificate refers.

(2) Any person who intends to operate an aircraft to be registered in Brunei Darussalam for the purpose of public of transport or aerial work shall apply to the Director for the acceptance or validation of a Type Certificate for that aircraft, in accordance with this regulation and the requirements of the Director.

(3) An applicant for the acceptance or validation thereof shall submit with the application such detailed data identifying the airworthiness standards to which the aircraft was designed and such data which describes the design, construction and performance of that aircraft as the Director may require.

(4) The Director shall accept or validate a Type Certificate, in respect of any aircraft, engine or propeller imported into Brunei Darussalam, subject to such conditions or limitations as he shall consider appropriate, provided that —

(a) the airworthiness authority of the country or territory of manufacture has issued a Type Certificate on the basis of FAR or JAR (including JAR-VLA in respect of very light aircraft); and

(b) the Type Certificate approval basis meets the airworthiness requirements laid down by the Director.

In any other case, the Director may in his discretion accept or validate a Type Certificate that is issued by the airworthiness authority of the country or territory of manufacture and where the type certificate approval basis meets the airworthiness requirements laid down by the Director.

(5) Manufacture of aircraft, engines and propellers shall be undertaken only in accordance with the requirements of the Director in respect of any particular type of aircraft, engine or propeller.

Certificate of airworthiness.

6. (1) An aircraft shall not fly in or over Brunei Darussalam unless it is airworthy and there is in force in respect thereof a certificate of airworthiness issued or rendered valid under the law of the country or territory in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights beginning and ending in Brunei Darussalam without passing over any other country or territory of —

(a) a tethered balloon;

(b) a kite;

(c) an aircraft flying in accordance with the "A" Conditions set out in the Second Schedule;

(d) an aircraft flying in accordance with the conditions of a permit to fly issued by the Director in respect of that aircraft.

(2) In the case of an aircraft registered in Brunei Darussalam, the certificate of airworthiness referred to in sub-regulation (1) shall be a certificate issued or rendered valid in accordance with the provisions of these Regulations.

(3) The Director shall issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to —

(a) the design, construction, workmanship and materials of the aircraft, and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft;

(b) save in respect of any special category aircraft, any Type Certificate issued in respect of such aircraft; and

(c) the results of flying trials, and such other tests of the aircraft as he may require:

Provided that, if the Director has issued a certificate of airworthiness in respect of an aircraft which, in his opinion, is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials in the case of any other such aircraft if he is satisfied that it conforms to such prototype or modification.

(4) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Director, appropriate to the aircraft in accordance with sub-paragraphs (a) to (e), and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in relation to those categories —

(a) "transport category (passenger)", for any purpose;

(b) "transport category (cargo)", for any purpose other than public transport;

(c) "aerial work category", for any purpose other than public transport;

(d) "private category", for any purpose other than public transport, aerial work or special category;

(e) "special category", for any purpose other than public transport, which the certificate of airworthiness may specify, but not including the carriage of passengers unless expressly permitted.

(5) The Director may issue the certificate of airworthiness in such form and subject to such conditions relating to the airworthiness of the aircraft in accordance with the International Civil Aviation Organization Annex 8, Part II, Chapter 7.

(6) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in sub-regulation (1) of regulation 36.

(7) The Director may, subject to such conditions as he thinks fit, accept or validate for the purposes of these Regulations an export certificate of airworthiness issued in respect of any aircraft under the law of any country or territory outside Brunei Darussalam and may, subject to such conditions as he thinks fit, issue an airworthiness export statement in respect of an aircraft registered in Brunei Darussalam, which shall be valid for a period not exceeding 90 days.

(8) Subject to this regulation and to regulation 78, a certificate of airworthiness or validation issued under this regulation shall remain in force for such period as may be specified therein, and may be renewed by the Director for such further period as he thinks fit.

(9) A certificate of airworthiness issued in respect of an aircraft shall cease to be in force —

(a) after the date of expiry indicated in the certificate;

(b) if the aircraft, or such of its equipment as is necessary for the continued airworthiness of the aircraft, is overhauled, maintained, repaired or modified, or if any part of the aircraft or of such equipment is removed or replaced, otherwise than in a manner and with material and components of a type approved by the Director either generally or in relation to a class of aircraft or to the particular aircraft;

(c) until the completion of any inspection of the aircraft or of any such equipment, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and —

(i) classified as mandatory by the Director; or

(ii) required by a maintenance schedule and procedures approved by the Director in relation to that aircraft;

(d) until the completion to the satisfaction of the Director of any modification of the aircraft or of any such equipment, being a modification required by the country or territory of manufacture of the aircraft or by the Director for the purpose of ensuring that the aircraft remains airworthy;

(e) if the aircraft has sustained damage of such a nature that, in the opinion of a qualified maintenance engineer or person authorised, it is no longer fit to fly; or

(f) if any Airworthiness Directive issued by the country or territory of manufacture or by the Director, or any Mandatory Service Bulletin issued by the manufacturer, is not complied with.

(10) Nothing in these Regulations shall require the Director to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Director may specify, either generally or in a particular case or class of case.

Airworthiness Directives, modifications and repairs.

7. (1) In the interests of safety, the Director may order that an aircraft registered in Brunei Darussalam, engine, propeller or component shall be modified or undergo special inspections. Such orders shall constitute Airworthiness Directives and compliance is mandatory. Airworthiness Directives, or their equivalent, issued by other Contracting States and Mandatory Service Bulletins issued by the aircraft manufacturer shall be complied with.

(2) Each owner or operator of an aircraft registered in Brunei Darussalam shall ensure that he receives all Airworthiness Directives and Mandatory Service Bulletins that affect his aircraft that are issued by the Director, the authority in the country or territory of manufacture and the manufacturer.

(3) On the issue of an applicable Airworthiness Directive or Mandatory Service Bulletin, the owner or the operator of an aircraft shall take such action as shall be directed by the Director and shall record the details of all action taken in the log book and other technical records of the aircraft. Mandatory and optional repairs or modifications shall be embodied only in accordance with approved data specified and in accordance with the instructions issued by the Director or the authority in the country or territory of manufacture and the manufacturer.

(4) All modifications or repairs carried out shall be subject to approval by the Director in accordance with detailed drawings and other technical data adequate to completely define the proposed modification and using approved materials, parts and processes conforming to the manufacturer's specifications

and in accordance with a technical assessment showing compliance with an approved design standard.

Maintenance of aircraft and certificate of maintenance review.

8. (1) An aircraft registered in Brunei Darussalam, in respect of which a certificate of airworthiness is in force, shall not fly unless —

(a) the aircraft, together with its equipment and radio station, is maintained in accordance with a maintenance schedule or programme and procedures recommended by the aircraft manufacturer and approved by the Director in respect of that aircraft, and all Airworthiness Directives issued by the country or territory of manufacture of the aircraft or by the Director, and all Mandatory Service Bulletins issued by the manufacturer, have been complied with;

(b) in respect of an aircraft used for public transport or aerial work, there is in force a certificate issued in respect of the aircraft in accordance with the provisions of this regulation certifying that the maintenance has been carried out in accordance with the approved maintenance schedule or programme and procedures and that the aircraft is fit to fly; and

(c) there is a flight manual or other approved document carried on and available in the aircraft, in such form as shall be approved by the Director, for the use of the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to show compliance with the specified regulations relating to performance and for the safe operation of the aircraft.

(2) The holder of an air operator's certificate or other operator of an aircraft shall ensure that an aircraft registered in Brunei Darussalam shall be maintained and periodically inspected in accordance with the requirements of the approved data and manuals issued by the manufacturer and in accordance with the maintenance schedule issued by the manufacturer and approved by the Director and that all Airworthiness Directives and Mandatory Service Bulletins are complied with, and shall ensure that an aircraft maintenance organisation, approved by the Director under regulation 12, shall maintain its aircraft in an airworthy condition and in accordance with the approved maintenance schedule:

Provided that the Director may grant a concession from, or an extension to, any such requirement in such circumstances and upon such conditions as he thinks fit.

(3) A maintenance schedule or programme approved pursuant to sub-regulation (1) in relation to an aircraft in respect of which there has been issued a certificate of airworthiness in either the transport or in the aerial work

category shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(4) A certificate of maintenance review shall be issued for the purposes of this regulation only by —

(a) the holder of an aircraft maintenance engineer's licence —

(i) granted under these Regulations, being a licence that entitles him to sign that certificate; or

(ii) granted under the law of a country or territory other than Brunei Darussalam and rendered valid under these Regulations in accordance with the privileges endorsed on the licence;

(b) a person whom the Director has authorised to issue a certificate of maintenance review; or

(c) a person approved by the Director as being competent to issue such a certificate and in accordance with that approval.

(5) In approving a maintenance schedule or programme, the Director may direct that certificates of maintenance review relating to that schedule or programme, or to any part thereof specified in his direction, may be issued only by the holder of such a certificate or licence as is so specified.

(6) A person referred to in sub-regulation (4) shall not sign or issue a certificate of maintenance review unless he has first verified that —

(a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule or programme and procedures approved for that aircraft;

(b) inspections, repairs and modifications required by the Director as provided in regulation 6 have been completed as certified in the relevant certificate of release to service issued in accordance with regulation 10 or under JAR-145;

(c) defects entered in the technical log of the aircraft in accordance with regulation 9 have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Director; and

(d) certificates of release to service have been issued in accordance with regulation 10 or under JAR-145 in respect of an aircraft required to be maintained in accordance with JAR-145,

and for this purpose the owner or operator of the aircraft shall make available to those persons such information as is necessary.

(7) A certificate of maintenance review shall be in such form as shall be directed by the Director and shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when regulation 67 so requires, and the other shall be kept by the operator or the approved maintenance organisation elsewhere than in the aircraft.

(8) Subject to regulation 71, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of 2 years after it has been issued.

(9) An aircraft component in an aircraft may not be replaced with another aircraft component unless —

(a) the replacement component is serviceable;

(b) the replacement component is identical with the replaced component or has been approved by the Director or the manufacturer of the aircraft as a replacement component for the replaced component; and

(c) it bears an authorised release certificate in accordance with JAR-145 (JAA Form 1, FAA 8130-3 or equivalent document).

Technical log.

9. (1) A technical log shall be kept in respect of an aircraft registered in Brunei Darussalam being an aircraft in respect of which a certificate of airworthiness is in force.

(2) At the end of every flight by an aircraft to which the provisions of this regulation apply, the commander of the aircraft shall enter —

(a) the flight duration;

(b) particulars of any defect known to him which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and

(c) such other particulars in respect of the airworthiness or operation of the aircraft as the Director may require, in a technical log:

Provided that in the case of a number of consecutive flights each of which begins and ends —

- (i) within the same period of 24 hours;
- (ii) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (iii) with the same person as commander of the aircraft,

the commander may, except where he became aware of a defect during an earlier flight, make the entries in a technical log at the end of the last of such consecutive flights.

(3) Upon the completion of maintenance and the rectification of any defect which has been entered in a technical log in accordance with sub-regulation (2), a person issuing a certificate of release to service required by regulation 10 in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this regulation, in such form as shall be approved by the Director, shall be carried in the aircraft and copies of the entries referred to therein shall be kept on the ground.

(5) Subject to regulation 71, a technical log or such other approved record required by this regulation shall be preserved by the operator of the aircraft until a date 2 years after the aircraft has been destroyed or has been permanently withdrawn from use or for such shorter period as the Director may permit in any particular case.

Certificate of release to service.

10. (1) An aircraft registered in Brunei Darussalam, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force (except an aircraft required to be maintained in accordance with JAR-145), shall not fly unless there is in force a certificate of release to service issued in accordance with this regulation, if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified or maintained, or has been inspected as provided in paragraph (c) of sub-regulation (9) of regulation 6, as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this regulation in respect thereof or for such certificate to be issued while the aircraft is at that place, it may fly under a permit to fly issued by the Director to a place at which

such a certificate can be issued, under such conditions and limitations as the Director shall impose and subject to a certificate of fitness for flight issued by a licensed aircraft maintenance engineer or any authorised person.

(2) In respect of any inspection, overhaul, repair, replacement or modification carried out on an aircraft registered in Brunei Darussalam —

(a) save as provided in paragraph 4 of the Third Schedule, all work shall be carried out by the holder of a current maintenance engineer's licence, maintenance authority holder or by a maintenance organisation, approved by the Director pursuant to regulation 12, under the supervision of a person or persons having levels of competency, knowledge and experience which are the equivalent of those of the holder of an appropriate maintenance engineer's licence as required by the Director;

(b) the work shall be carried out in all essential respects in accordance with the design to which the aircraft was constructed, including such modifications as have been approved for embodiment therein or in accordance with a repair scheme approved in writing by the Director or by the appropriate Director in the country or territory of manufacture of the aircraft;

(c) all materials used shall be appropriate to the design to which the aircraft was constructed;

(d) a certificate of release to service in accordance with sub-regulation (1) has been issued by the person effecting the work or by a person or organisation mentioned in sub-regulation (5) or (6) of regulation 8, or the authorised representative of a firm approved for the purpose or any authorised person, giving details of such inspection, overhaul, repair, replacement or modification carried out;

(e) an aircraft may be inspected by any person or firm authorised by the Director and a person or firm so authorised may give special instructions with regard to the inspection, overhaul, repair, replacement of parts and modification of any such aircraft, including all of its equipment, which appear to him to be essential for ensuring the safety of the aircraft; and

(f) the particulars of any such inspection, overhaul, repair, replacement or modification shall be recorded in the technical log pursuant to sub-regulation (3) of regulation 9 and the aircraft, engine and propeller logs as appropriate upon completion thereof, and in any event within the period specified in sub-regulations 2*(a)* and 3 of regulation 9 and sub-regulation 2*(b)* of regulation 8.

(3) Neither —

(a) aircraft components or equipment provided in compliance with the Fourth Schedule; nor

(b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with these Regulations,

shall be installed or placed on board for use in an aircraft registered in Brunei Darussalam after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it was installed or placed on board a certificate of release to service issued in accordance with this regulation.

(4) A certificate of release to service shall —

(a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Director, either generally or in relation to a class of aircraft or the particular aircraft, and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates, and shall include particulars of the work done; or

(b) certify in relation to any inspection required by the Director that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Director and that any consequential repair, replacement or modification has been carried out.

(5) A certificate of release to service shall be issued for the purposes of this regulation only by —

(a) the holder of an aircraft maintenance engineer's licence —

(i) granted under these Regulations, being a licence that entitles him to sign that certificate; or

(ii) granted under the law of a country or territory other than Brunei Darussalam and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or

(b) a person whom the Director has authorised to issue the certificate in a particular case, and in accordance with that authority;

(c) a person approved by the Director under regulation 12 as being competent to issue the certificate, and in accordance with that approval;

(d) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), granted or rendered valid under these Regulations;

(e) in respect of unscheduled maintenance carried out on an aircraft registered in Brunei Darussalam in another contracting State, by the holder of an aircraft maintenance engineer's licence valid for that type of aircraft issued by the appropriate authority of that State; or

(f) a person approved in accordance with JAR-145 and in accordance with that approval.

(6) Subject to regulation 71, a certificate of release to service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus, as the case may be.

(7) If any part of the flight control system of an aircraft is assembled, adjusted, repaired, modified or replaced in the course of carrying out maintenance on the aircraft, the system must —

(a) be inspected by the person who carried out the work;

(b) be independently inspected by another person who is an appropriate person within the meaning of sub-regulation (8);

(c) be verified that the assembly, adjustment, repair, modification or replacement was carried out in accordance with the aircraft's approved data; and

(d) be verified that the system functions correctly:

Provided that if optional dual controls were connected or disconnected without using tools and no other part of the flight control system was assembled, adjusted, repaired, modified or replaced then the system need not be independently inspected.

(8) For the purposes of this regulation, a person is an appropriate person if —

(a) he is the holder of an aircraft maintenance engineer's licence or a maintenance authorisation covering maintenance of a type that includes the inspection;

(b) he is the holder of a pilot licence (not being a student pilot licence) that is valid for the aircraft;

(c) he is the holder of a flight engineer's licence that is valid for the aircraft; or

(d) he is authorised by the Director to carry out the inspection, and the inspection is carried out in accordance with any conditions subject to which the authorisation was given.

(9) The pilot, other than a student pilot, of a piston engine aircraft classified in the private category under sub-regulation (4) of regulation 6, and having a maximum all-up weight of 5,700 kilograms may, with the approval of the Director, perform such work on the aircraft as is necessary to maintain it in an airworthy condition, in accordance with regulation 8 and with the provisions set out in a Notice issued by the Director.

Licensing of maintenance engineers.

11. (1) The Director may grant to any person an aircraft maintenance engineer's licence, subject to such conditions as he thinks fit, upon being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Director may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering. The Director may include a rating in the licence limiting the licence to particular types of aircraft or equipment as detailed in paragraph 2 of the Third Schedule.

(2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence, to issue —

(a) certificates of maintenance review in respect of such aircraft as may be so specified;

(b) certificates of release to service in respect of such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified;

(c) certificates of fitness for flight pursuant to sub-regulation (1) of regulation 10 and under the "A" Conditions set out in the Second Schedule in respect of such aircraft as may be so specified.

(3) A licence shall, subject to regulation 78, remain in force for the period specified therein, and may be renewed by the Director from time to time upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(4) Upon receiving a licence granted under this regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(5) An applicant for the grant of a licence shall be able to read, write and converse in the English language and comply with the visual acuity requirements, and not be suffering from any disability likely to affect his technical skill or judgment.

(6) A person shall not, when exercising the privileges of a maintenance engineer's licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges, or if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

Approval of aircraft maintenance organisations.

12. (1) An organisation engaged, or intending to engage, in any stage of the design, manufacture, distribution or maintenance of aircraft, aircraft components or aircraft materials, or in training activities associated therewith may apply to the Director for a certificate of approval in respect of those activities. An aircraft maintenance organisation within Brunei Darussalam shall obtain the approval of the Director before commencing operations.

(2) An aircraft maintenance organisation outside Brunei Darussalam shall not carry out maintenance or modify or repair an aircraft registered in Brunei Darussalam unless approval for such work has been given by the Director. In granting such approval, the Director may accept, in relation to such organisation, the possession of a certificate of approval issued by the manufacturer of the aircraft, components or materials and by the appropriate authority of the country or territory in which the organisation is located.

(3) The Director shall issue a Certificate of Approval to an organisation which complies with his approved requirements as to facilities, resources, tools and equipment, data and documentation, and systems of quality control, adequate for the activities applied for.

(4) The organisation shall have in place a Maintenance Organisation Exposition approved by the Director that lays out the processes, procedures and quality systems applicable to its activities.

(5) A Certificate of Approval shall be in such form, be subject to such conditions and contain such particulars as may be determined by the Director.

(6) A Certificate of Approval shall, subject to this regulation and to regulation 78, remain in force for the period specified therein, and may be renewed from time to time and subject to such conditions, including the issue by the Director of satisfactory audit reports, as the Director may think fit.

Approval of training etc.

13. Without prejudice to any other provision of these Regulations, the Director may, for the purposes of these Regulations, either absolutely or subject to such conditions as he thinks fit —

(a) approve any course of training or instruction;

(b) authorise any person to conduct such examinations or tests as he may specify;

(c) approve any person to provide or conduct any course of training or instruction; and

(d) approve any person as qualified to furnish reports to him.

Maintenance authority.

14. An approved aircraft maintenance organisation shall be entitled to issue to any person an authorisation pursuant to its JAR-145 approval conferring upon that person the right to exercise inspection or maintenance privileges, including special inspections, welding, non-destructive testing and weight and balance calculations.

Equipment of aircraft.

15. (1) An aircraft shall not fly in or over Brunei Darussalam unless it is so equipped as to comply with the law of the country or territory in which it is registered.

(2) In the case of any aircraft registered in Brunei Darussalam, the equipment required to be provided (in addition to any other equipment required by these Regulations) shall be that specified in such parts of the Fourth Schedule as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment shall be of a type approved by the Director either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case, the Director may direct that an aircraft registered in Brunei Darussalam shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of that aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in that aircraft.

(4) The equipment carried in compliance with this regulation shall be so installed or stowed so as to prevent injury to passengers or crew in the event of an

accident or severe turbulence and kept securely stowed, and shall be maintained as to be readily accessible and capable of being used by any person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular, in every public transport aircraft registered in Brunei Darussalam there shall be —

(a) provided individually for each passenger; and

(b) if the Director so permits in writing, exhibited in a prominent position in every passenger compartment,

a notice relevant to the aircraft containing pictorial —

(i) instructions on the brace position to be adopted in the event of an emergency landing;

(ii) instructions on the method of use of the safety belts and safety harnesses, as appropriate;

(iii) information as to where emergency exits are to be found and instructions as to how they are to be used; and

(iv) information as to where the life-jackets, escape slides, life-rafts and oxygen masks, if required to be provided by sub-regulation (2), are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with these Regulations, shall be so installed or stowed and so maintained as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to sub-regulation (2), all navigational equipment (other than radio apparatus) of any of the following types, —

(a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and

(b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in Brunei Darussalam (whether or not in compliance with these Regulations) shall be of a type approved by the Director

either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) An aircraft registered in Brunei Darussalam engaged on a flight for the purpose of public transport shall carry navigational equipment approved by the Director and used in accordance with any conditions subject to which that approval may have been given.

Radio equipment of aircraft.

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

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

(3) In any particular case, the Director may direct that an aircraft registered in Brunei Darussalam shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be approved by the Director, the radio and radio navigation equipment provided in compliance with this regulation in an aircraft registered in Brunei Darussalam shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in Brunei Darussalam or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with these Regulations or any other regulations) shall be of a type approved by the Director in relation to the purpose for which it is to be used and shall be installed in a manner approved by the Director.

(6) Neither the equipment referred to in this regulation nor the manner in which it is installed shall be modified, except with the approval of the Director.

Minimum equipment requirements.

17. (1) This regulation does not apply to equipment required to be carried by virtue of sub-regulations (2) and (3) of regulation 44.

(2) Subject to sub-regulation (1), the Director may, subject to such conditions as he thinks fit, grant to the operator in respect of any aircraft or class of aircraft registered in Brunei Darussalam permission permitting the pilot in command of such aircraft to commence a flight in specified circumstances, notwithstanding that any specified item of equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(3) An aircraft registered in Brunei Darussalam shall not commence a flight if any of the equipment (including radio apparatus) required by these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use —

(a) otherwise than under and in accordance with the terms of any permission under sub-regulation (2) granted to the operator;

(b) unless in the case of an aircraft to which regulation 32 applies, the flight and operations manuals required thereby contain the particulars specified in paragraph (xvii) of Part A of the Eighth Schedule; or

(c) except in accordance with a minimum equipment list approved by the Director identifying the minimum equipment and condition for an aircraft to maintain the certificate of airworthiness in force and defining operational procedures necessary to deal with inoperative equipment and prescribing maintenance procedures necessary to maintain the required level of safety and secure any inoperative equipment.

Aircraft, engine and propeller log books.

18. (1) In addition to any other log books required by these Regulations, the following log books shall be kept in respect of aircraft registered in Brunei Darussalam —

(a) an aircraft log book;

(b) a separate log book in respect of each engine fitted in the aircraft;
and

(c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall be in such form as shall be approved by the Director, including computerised records, and shall include the particulars respectively specified in the Sixth Schedule and shall be of a type approved by the Director.

(2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraph (d)(ii) of paragraph 1, (d)(ii) of paragraph 2 or (a)(ii) of paragraph 3, of the Sixth Schedule, shall be made as soon as practicable after the occurrence to which it relates, and in relation to maintenance within 7 days of the completion of maintenance.

(b) Each entry in the log book, being such an entry as is referred to in sub-paragraph (d)(ii) of paragraph 2 or (d)(ii) of paragraph 3, of the Sixth Schedule, shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller, as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed for the purposes of these Regulations to be part of the log book.

(4) It shall be the duty of the owner or operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this regulation.

(5) Subject to regulation 71, a log book shall be preserved by the operator of the aircraft until a date 2 years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule.

19. (1) Every aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Director may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed, the operator of the aircraft shall prepare a weight schedule showing —

(a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Director in the case of that aircraft; and

(b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Director in the case of that aircraft.

(3) Subject to regulation 71, the weight schedule shall be preserved by the operator of the aircraft until a date 6 months following the next occasion on which the aircraft is weighed for the purposes of this regulation.

Access and inspection for airworthiness purposes.

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

(2) The Director and any person authorised by him shall, without prejudice to the generality of sub-regulation (3) of regulation 92, have the right of access at all reasonable times —

(a) to any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document which he has power, under these Regulations, to demand, or for the purpose of detaining the aircraft under these Regulations;

(b) to any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document which he or such person has power, under these Regulations, to demand, or for the purpose of detaining the aircraft under these Regulations;

(c) to any aircraft, for the purpose of checking, whilst in flight, the performance of the aircraft or any of its equipment and the efficiency of flight crew members in the performance of their duties:

Provided that the commercial operations of the aircraft shall not be unduly prejudiced by the exercise of the right of access in terms of this regulation.

PART IV

AVIATION PERSONNEL LICENSING

Composition of crew of aircraft.

21. (1) An aircraft shall not fly in or over Brunei Darussalam unless it carries a flight crew of the number and description required by the law of the country or territory in which it is registered.

(2) An aircraft registered in Brunei Darussalam shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under these Regulations or, if no certificate of airworthiness is required under these Regulations to be in force, the certificate of airworthiness, if any, last in force under these Regulations, in respect of that aircraft.

(3) An aircraft registered in Brunei Darussalam and flying for the purpose of public transport having a maximum total weight authorised exceeding 5,700 kilograms shall carry not less than 2 pilots as members of the flight crew thereof.

(4) If it appears to him to be expedient to do so in the interests of safety, the Director may direct any particular operator of any aircraft registered in Brunei Darussalam that the aircraft operated by him shall not fly in such circumstances as the Director may specify, unless that aircraft carries, in addition to the flight crew required to be carried therein by the foregoing provisions of this regulation, such additional persons as members of the flight crew as he may specify in that direction.

(5) (a) This sub-regulation applies to any flight for the purpose of public transport by an aircraft registered in Brunei Darussalam –

(i) on which is carried 20 or more passengers; or

(ii) which may in accordance with its certificate of airworthiness carry more than 35 passengers and on which at least one passenger is carried.

(b) The crew of an aircraft on a flight to which this sub-regulation applies shall include cabin attendants carried for the purposes of performing, in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.

(c) On a flight to which this sub-regulation applies, there shall be carried not less than one cabin attendant for every 50, or fraction of 50, passenger seats installed in the aircraft:

Provided that the number of cabin attendants calculated in accordance with this paragraph need not be carried where the Director has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission was granted.

(6) If it appears to him to be expedient to do so in the interests of safety, the Director may direct any particular operator of any aircraft registered in Brunei

Darussalam that the aircraft operated by him shall not fly in such circumstances as the Director may specify, unless that aircraft carries, in addition to the cabin attendants required to be carried therein by the foregoing provisions of this regulation, such additional persons as cabin attendants as he may specify in that direction.

Members of flight crew, requirement of licences.

22. (1) Subject to this regulation, a person shall not act as a member of the flight crew of an aircraft registered in Brunei Darussalam unless he is the holder of an appropriate licence granted or rendered valid under these Regulations:

Provided that a person may within Brunei Darussalam, without being the holder of such a licence —

(a) act as a flight radiotelephony operator if —

- (i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in Brunei Darussalam to perform duties as a member of the flight crew of an aircraft;
- (ii) he is authorised to operate the radiotelephony station by the holder of a licence granted in respect of that station under any written law;
- (iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
- (iv) messages are transmitted only on a frequency exceeding 60 megahertz assigned by the Director for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (a)(i) of this proviso;
- (v) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency;
- (vi) the operation of the transmitter requires the use only of external switches; or
- (vii) the stability of the frequency radiated is maintained automatically by the transmitter;

(b) subject to sub-regulation (9) of regulation 23, act as pilot in command of an aircraft for the purpose of becoming qualified for the grant

or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if —

- (i) he is at least 17 years of age;
- (ii) he is the holder of a medical certificate to the effect that he is fit so to act issued by a person approved by the Director;
- (iii) he complies with any conditions subject to which that medical certificate was issued;
- (iv) no other person is carried in the aircraft;
- (v) the aircraft is not flying for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
- (vi) he so acts in accordance with instructions given by a person holding a pilot's licence validated under these Regulations, or a JAA licence, being a licence which includes a flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;

(c) subject to sub-regulation (8) of regulation 23, act as pilot of an aircraft in respect of which the flight crew required to be carried by these Regulations does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if —

- (i) the aircraft is not flying for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under these Regulations, or a JAA or equivalent licence, being a licence which includes a flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
- (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the instructor who is seated at the other set of controls, or the aircraft is fitted with controls designed for and capable of use by 2 persons and he is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls;

(d) subject to sub-regulation (8) of regulation 23, act as pilot in command of an aircraft at night if —

- (i) he is the holder of an appropriate licence granted or rendered valid under these Regulations in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
- (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under these Regulations, or a JAA or equivalent licence, being a licence which includes a flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown by night;
- (iii) no person other than one specified in sub-paragraph (ii) is carried; or
- (iv) the aircraft is not flying for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;

(e) subject to sub-regulation (8) of regulation 23, act as pilot in command of a balloon if —

- (i) he is the holder of an appropriate licence granted or rendered valid under these Regulations in all respects save that he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 flights each of not less than 5 minutes duration;
- (ii) he so acts in accordance with instructions given by a person authorised by the Director to supervise flying in the type of balloon being flown;
- (iii) no person other than one specified in sub-paragraph (ii) is carried; and
- (iv) the balloon is not flying for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

(2) Subject to sub-regulation (1), a person shall not act as a member of the flight crew required by these Regulations to be carried in an aircraft registered in a country or territory other than Brunei Darussalam unless —

(a) in the case of an aircraft flying for the purpose of public transport or aerial work, he is the holder of an appropriate licence granted or rendered valid under the law of the country or territory in which the aircraft is registered or in which the operator carries on business; or

(b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under these Regulations or under the law of the country or territory in which the aircraft is registered, and the Director does not in the particular case give a direction to the contrary.

(3) For the purposes of this regulation, a licence granted under the law of a Contracting State other than Brunei Darussalam purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only shall, unless the Director in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under these Regulations.

(4) Notwithstanding sub-regulation (1), any person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Brunei Darussalam for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence, if the following conditions are complied with —

(a) no other person shall be carried in the aircraft or in an aircraft being towed thereby, except a person carried as a member of the flight crew in compliance with these Regulations, a person authorised by the Director to witness the training or tests or to conduct the tests or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and

(b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence holds a pilot's or a flight engineer's licence granted under regulation 23, and the purpose of the training or test is to enable him to qualify under these Regulations for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(5) Notwithstanding regulation (1), any person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in Brunei Darussalam for the purpose of undergoing training or tests for the grant or renewal of a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence, if he acts under the supervision and in the presence of another person who is the holder of

the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

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

(7) This regulation does not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(8) Notwithstanding anything in this regulation —

(a) the holder of a licence granted or rendered valid under these Regulations, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in Brunei Darussalam in or over the territory of a Contracting State other than Brunei Darussalam except in accordance with permission granted by the competent authority of that State;

(b) the holder of a licence granted or rendered valid under the law of a Contracting State other than Brunei Darussalam, being a licence so endorsed, shall not act as a member of the flight crew of any aircraft in or over Brunei Darussalam except in accordance with permission granted by the Director, whether or not the licence is or is deemed to be rendered valid under these Regulations.

Grant, renewal and effect of flight crew licences.

23. (1) (a) The Director may grant or render valid any licence subject to such conditions as he thinks fit in accordance with ICAO Annex 1, JAR-FCL or both, authorising the holder to act as a member of the flight crew of an aircraft registered in Brunei Darussalam, upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including medical examinations) and undertake such courses of training as the Director may require of him.

(b) A licence of any class shall not be granted to any person who is under the minimum age specified in ICAO Annex 1 for that class of licence or unable to read, write and converse fluently in the English language.

(c) A licence granted under this section shall not be valid unless the holder has signed his name thereon in ink with his ordinary signature.

(d) Subject to paragraph *(a)* and to regulation 78, a licence shall remain in force for the period indicated in it.

(2) The Director may include in a licence a rating, subject to such conditions as he thinks fit in accordance with ICAO Annex 1, upon being satisfied that the applicant is so qualified to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(3) Subject to any conditions of the licence and to these Regulations, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating.

(4) *(a)* Subject to sub-paragraph *(b)*, the holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Sub-Part C of the Seventh Schedule and shall otherwise comply with that Part:

Provided that the holder of a Private Pilot's Licence (Balloons and Airships) or a Commercial Pilot's Licence (Balloons) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.

(b) The holder of a Private Pilot's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by sub-paragraph *(a)* is included in the personal flying log book required to be kept by him under regulation 25.

(5) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters) or a flying instructor's rating (aeroplanes and helicopters) entitle him unless his licence bears a valid certificate of test appropriate to the functions to which the rating relates in accordance with Sub-Part C of the Seventh Schedule and shall otherwise comply with that Part.

(6) A person who, on the last occasion when he took a test for the purposes of sub-regulation (4) or (5), failed that test shall not be entitled to fly in the capacity for which passing that test would have qualified him.

(7) (a) The holder of a licence granted under this regulation shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.

(b) Every applicant for and every holder of such a licence shall upon such occasions as the Director may require submit himself to a medical examination by a person approved by the Director, either generally or in a particular case or class of case, who shall make a report to the Director in such form as the Director may require.

(c) On the basis of such medical examination the Director, or any person approved by him as competent to do so, may issue a medical certificate subject to such conditions as he thinks fit to the effect that he has assessed the holder of the licence as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to sub-regulation (8), be valid for such period as is therein specified and shall be deemed to form part of the licence.

(8) (a) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in Brunei Darussalam if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(b) Every holder of a medical certificate issued under these Regulations who —

- (i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
- (ii) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or
- (iii) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director in writing as soon as possible in the case of personal injury or pregnancy, and as soon as the period of 20 days has elapsed in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such personal injury or the elapse of such period of illness or the confirmation of the pregnancy, and —

- (aa) in the case of personal injury or illness, the suspension shall cease upon the holder being medically examined

under arrangements made by the Director and pronounced fit to resume his functions as a member of the flight crew or upon the Director exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination; and

(bb) in the case of pregnancy, the suspension may be lifted by the Director for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Director after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(9) Nothing in these Regulations shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the Director, he is testing any person for the purposes of sub-regulation (1), (2), (4) or (5), notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.

(10) Where any provision of Sub-Part C of the Seventh Schedule or Part B of the Eighth Schedule to these Regulations permits or requires a test to be conducted in a flight simulator approved by the Director, that approval may be granted subject to such conditions as the Director thinks fit.

(11) Without prejudice to any other provision of these Regulations, the Director may, for the purpose of this regulation, either absolutely or subject to such conditions as he thinks fit —

(a) approve any course of training or instruction, and any institution at which instruction is provided;

(b) authorise a person to conduct such examinations or tests as he may specify;

(c) approve a person to provide any course of training or instruction; and

(d) approve a person as qualified to furnish reports to him and to accept such reports.

Validation of licences.

24. The Director may issue a certificate of validation rendering valid for the purposes of these Regulations any licence as a member of the flight crew of an aircraft granted under the law of any country or territory other than Brunei Darussalam. A certificate of validation may be issued subject to such conditions and for such periods as the Director thinks fit.

Personal flying log book.

25. (1) Every member of the flight crew of an aircraft registered in Brunei Darussalam and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations shall keep a personal flying log book in which the following particulars shall be recorded –

(a) the name and address of the holder of the log book;

(b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and

(c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under these Regulations, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including –

(a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;

(b) the type and registration marks of the aircraft;

(c) the capacity in which the holder acted in flight;

(d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and

(e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this regulation, a helicopter shall be deemed to be in flight from the moment it first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including —

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

Instruction in flying.

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

(a) he holds a licence, granted or rendered valid under these Regulations, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and

(b) his licence includes a flying instructor's rating entitling the holder to give the instruction.

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

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

Provided that this regulation does not apply to any instruction in flying to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engine aircraft, or of an aircraft of any class appearing in column 4 of the Table of General Classification of Aircraft set out in Part A of the First Schedule if that person has previously been entitled to act as pilot of multi-engine aircraft, or of an aircraft of that class, as the case may be.

Flight operations officers.

27. A person shall not act as a flight operations officer in accordance with sub-regulations (1) and (4) of regulation 35 unless he has been approved by the Director on the basis of his training, qualifications and experience as determined by the Director in accordance with the provisions of Annex 6 to the Chicago Convention and in accordance with Part I of the Seventh Schedule.

Licensing of air traffic controllers.

28. (1) The Director shall, upon being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness so to act, grant a licence, subject to such conditions as he thinks fit, to any person to act as —

- (a) an air traffic controller; or
- (b) a student air traffic controller:

Provided that he shall not grant —

- (i) a student air traffic controller's licence to any person under the age of 18 years; or
- (ii) an air traffic controller's licence to any person under the age of 20 years.

(2) For the purpose of satisfying the Director under sub-regulation (1), an applicant for a licence shall furnish such evidence and undergo such examinations and tests, including medical examinations, as the Director may require.

(3) Every licence to act as an air traffic controller shall include —

(a) ratings, of one or more of the classes set out in Part III of the Seventh Schedule, specifying the type of air traffic control service which the holder is competent to provide;

(b) a list of the places at which he may provide the service; and

(c) the type of radar equipment, if any, with the aid of which he may provide the service.

(4) If, throughout any period of 90 days, the holder of a licence to act as an air traffic controller has not at any time provided at a particular place the type of air traffic control services specified in the rating, the rating shall, without prejudice to the Director's powers under regulation 78, cease to be valid for that place at the end of that period.

(5) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating contained in the licence at any place or with any type of radar equipment unless the licence includes a valid certificate of competence in respect of that rating which is appropriate to that place and that equipment, which certificate shall be signed by the person authorised by the Director to sign certificates of that kind.

(6) Upon a rating ceasing to be valid for a place, the holder of the licence shall —

(a) forthwith inform the Director to that effect; and

(b) forward the licence to the Director to enable the Director to endorse it accordingly.

(7) A licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control services under the direct supervision of another person who is the holder of a valid air traffic controller's licence.

(8) A licence granted under of sub-regulation (1) shall not be valid unless the holder has signed his name thereon in ink with his ordinary signature.

(9) Subject to regulation 78, a licence granted in terms of sub-regulation (1) shall remain in force for the period indicated in it and may from time to time be renewed by the Director, if he is satisfied that the applicant is a fit person and remains qualified under sub-regulation (1).

Air traffic controllers, medical and other examinations.

29. (1) Every applicant for and every holder of an air traffic controller's licence or a student air traffic controller's licence shall, upon such occasion as the Director may require —

(a) submit himself to a medical examination, in accordance with Class 3 Medical Assessment pursuant to Annex 1 to the Chicago Convention, by a medical practitioner approved either generally or in a particular case who shall —

(i) ascertain whether the applicant or holder complies with the standards of fitness specified by the Director in respect of the licence applied for or held; and

(ii) report to the Director in such form as the Director may require; and

(b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Director may require.

(2) In any case where the medical practitioner referred to in sub-regulation (1) reports that any person whom he has examined does not comply with the standards of fitness specified, the Director shall, if so requested by such person, refer him for further examination by another medical practitioner or by a panel of

medical practitioners, who shall report to the Director in such form as the Director may require.

(3) On the basis of any medical examination referred to in sub-regulation (1) or (2), the Director or any person approved by him as competent to do so may, subject to such conditions as he or such person thinks fit, issue a medical certificate to the effect that the applicant for or holder of the licence has been assessed as fit to perform the functions to which the licence relates:

Provided that if the applicant for or the holder of a licence does not comply with the standards of fitness specified, a medical certificate shall not be issued unless —

(a) the medical examination indicates that the failure to meet any of such standards is such that the exercise of the privileges of the licence is not likely to jeopardise flight safety; and

(b) due consideration has been given to the ability, skill and experience of the applicant or holder and the conditions in which he is likely to operate.

(4) A medical certificate issued under sub-regulation (3) shall, subject to regulation 78, be valid for the period specified therein and shall be deemed to form part of the licence.

(5) The holder of an air traffic controller's licence or student air traffic controller's licence shall not provide any type of air traffic control service unless his licence includes a medical certificate issued and in force under this regulation.

Prohibitions of unlicensed air traffic controllers.

30. (1) No person shall provide at any place any type of air traffic control service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless, in the case of any air traffic control service, he is the holder of and complies with the terms of —

(a) a student air traffic controller's licence granted under this Part and is supervised in accordance with sub-regulation (7) of regulation 28;

(b) an air traffic controller's licence so granted authorising him to provide that type of service at that place; or

(c) an air traffic controller's licence so granted which does not authorise him to provide that type of service at that place, but he is directly supervised by a person who is the holder of an air traffic controller's licence so granted which authorises him to provide that type of service at that place.

(2) The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in the Eighth Schedule in respect of a rating at any place unless —

(a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are to be performed; or

(b) he is directly supervised by a person who is the holder of an air traffic controller's licence which authorises him to provide at that place the type of air traffic control service which is being provided.

(3) No person shall provide any type of air traffic control service unless he identifies himself in such a manner as may be notified to him by the Director.

Incapacity of air traffic controllers.

31. (1) Every holder of a air traffic controller's licence granted under this Part who —

(a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 days; or

(b) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director, in writing, of such injury, illness or pregnancy as soon as is reasonably practicable.

(2) An air traffic controller's licence shall be deemed to be suspended on the expiry of the period of injury or illness referred to in paragraph (a) of sub-regulation (1).

(3) The suspension of a licence in terms of sub-regulation (2) shall cease —

(a) if the holder is medically examined under arrangements made by the Director and is pronounced fit to resume his functions under the licence; or

(b) if the Director, subject to such conditions as he thinks fit, exempts the holder from the requirements for a medical examination.

(4) If the pregnancy of the holder of an air traffic controller's licence is confirmed, her licence shall be deemed to be suspended with effect from a date upon which she is medically certified as being unfit to discharge the functions under her licence by reason of her pregnancy.

(5) The suspension of a licence under sub-regulation (4) —

(a) may be lifted by the Director on such conditions as he thinks fit; and

(b) shall cease if the holder is medically examined under arrangements made by the Director after the pregnancy has ended and she is pronounced fit to resume her functions under the licence.

(6) A person shall not, when exercising the privileges of an air traffic controller's licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

(7) A person holding an air traffic controller's licence shall not act as such if he knows or suspects that he is suffering from or, having regard to the period of duty to be undertaken, is likely to suffer from fatigue as to endanger the safety of any aircraft to which the air traffic control service may be provided.

PART V

OPERATION OF AIRCRAFT

Operations manual.

32. (1) This section applies to public transport aircraft registered in Brunei Darussalam.

(2) (a) The operator of every aircraft to which this regulation applies shall —

- (i) make an operations manual available to each member of his operating staff;
- (ii) ensure that each copy of that operations manual is kept up to date; and
- (iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(b) Each operations manual shall be in the form prescribed by Annex 6 to the Chicago Convention and ICAO Document 9376-AN/914 or Sub-part P to JAR-OPS 1, as the Director shall determine, and contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such, including information and instructions relating to the matters specified in Part A of the Eighth Schedule:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(3) (a) An aircraft to which this regulation applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Director a copy of the whole of the operations manual in effect in respect of that aircraft and has obtained the approval of the Director thereto.

(b) Any amendments or additions to the operations manual shall be furnished by the operator to the Director and approved by the Director before they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to and approved by the Director.

(c) Without prejudice to the foregoing paragraphs of this sub-regulation, the operator shall make such amendments or additions to the operations manual as the Director may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

Training manual.

33. (1) The operator of every aircraft registered in Brunei Darussalam and flying for the purpose of public transport shall —

(a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under sub-regulation (2) of regulation 34; and

(b) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under sub-regulation (2) of regulation 34 to perform his duties as such, including information and instructions relating to the matters specified in Part C of the Eighth Schedule.

(3) (a) An aircraft to which this regulation applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Director a copy of the whole of his training manual relating

to the crew of that aircraft and has obtained the approval of the Director thereto.

(b) Any amendments or additions to the training manual shall be furnished by the operator to the Director and approved by the Director before they come into effect:

Provided that where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to and approved by the Director.

(c) Without prejudice to the foregoing paragraphs of this sub-regulation, the operator shall make such amendments or additions to the training manual as the Director may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

Public transport, operator's responsibilities.

34. (1) The operator of an aircraft registered in Brunei Darussalam shall not permit the aircraft to fly for the purpose of public transport without first —

(a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;

(b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and

(c) satisfying himself by every reasonable means that the aerodromes at which the aircraft is intended to take off or land and any alternate aerodrome at which a landing may be made are suitable for the purpose and are adequately manned and equipped to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in Brunei Darussalam shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience,

practice and periodical tests specified in Part B of the Eighth Schedule in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the Eight Schedule.

(3) The operator of an aircraft registered in Brunei Darussalam shall not permit any member of the flight crew thereof, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading, public transport aircraft and suspended loads.

35. (1) The operator of an aircraft registered in Brunei Darussalam shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a flight operations officer whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that —

(a) the load may safely be carried on the flight; and

(b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in regulation 19) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight:

Provided that this sub-regulation shall not apply in relation to a flight if —

(a) the aircraft's maximum total weight authorised does not exceed 1,150 kilograms;

(b) the aircraft's maximum total weight authorised does not exceed 2,730 kilograms and the flight is intended not to exceed 60 minutes in duration and is either —

(i) a flight solely for training persons to perform duties in an aircraft; or

(ii) a flight intended to begin and end at the same aerodrome; or

(c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3,000 kilograms, and the total seating capacity of which does not exceed 5 persons.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in sub-regulation (1).

(4) The flight operations officer (or any other person approved by the Director) supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon:

Provided that the foregoing requirements of this sub-regulation do not apply if —

(a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

(b) sub-regulation (2) does not apply in relation to that flight.

(5) One copy of the load sheet shall be carried in the aircraft when regulation 67 so requires until the flights to which it relates have been completed, and one copy of that load sheet and of the instructions referred to in this regulation shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft:

Provided that in the case of an aeroplane or helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in that aeroplane or helicopter in a container approved by the Director for that purpose.

(6) The operator of an aircraft registered in Brunei Darussalam and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than 30 passengers, such baggage shall not exceed the capacity of the spaces in the passenger compartment approved by the Director for the purpose of stowing baggage unless carried in accordance with the terms of a written

permission granted by the Director, which permission may be granted subject to such conditions as the Director thinks fit.

Public transport, operating conditions.

36. (1) An aircraft registered in Brunei Darussalam shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements as may be directed by the Director in respect of its weight and related performance and flight in specified meteorological conditions, or at night, are complied with.

(2) The assessment of the ability of an aircraft to comply with sub-regulation (1) shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose, such assessment shall be based on the best information available to the commander of the aircraft.

(3) An aircraft registered in Brunei Darussalam when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft to reach a place at which it can safely land, at a height sufficient to enable it to do so —

(a) if it has only one engine, in the event of the failure of that engine; or

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft.

(4) An aircraft registered in Brunei Darussalam when being operated on Extended Range Twin Engine Operations shall be operated in accordance with ICAO Annex 6 Part I Paragraph 4.7 and Attachment E or such other requirements issued by ICAO, the JAA or both.

Aircraft registered in Brunei Darussalam, aerodrome operating minima.

37. (1) (a) The operator of every aircraft to which regulation 32 applies shall establish and include in the operations manual relating to that aircraft such particulars of such aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that, in relation to any flight wherein it is not practicable to include such information in the operations manual, the operator of the aircraft shall, prior to the commencement of that flight, cause to be furnished in writing, to the

commander of the aircraft such particulars of the aerodrome operating minima calculated in accordance with the specified method; and the operator shall cause a copy of those particulars to be retained outside the aircraft for a minimum period of 3 months.

(b) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate such aerodrome operating minima as are appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.

(2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the Director, unless the Director otherwise permits in writing.

(3) In establishing aerodrome operating minima for the purposes of this regulation, the operator of the aircraft shall take into account —

(a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;

(b) the composition of its crew;

(c) the physical characteristics of the relevant aerodrome and its surroundings;

(d) the dimensions of the runways which may be selected for use; and

(e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids,

and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

(4) An aircraft to which this regulation applies shall not commence a flight at a time when —

(a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or

(b) according to the information available to the commander of the aircraft, he would not be able, without contravening sub-regulation (5) or (6),

to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(5) An aircraft to which regulation 32 applies, when making a descent to an aerodrome, shall not —

(a) descend below 1,000 feet above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(ii) descend below the relevant specified minimum descent height,

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

(6) In this regulation, "specified", in relation to aerodrome operating minima, means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to the proviso to paragraph (a) of sub-regulation (1).

Aircraft not registered in Brunei Darussalam, aerodrome operating minima.

38. (1) A public transport aircraft registered in a country or territory other than Brunei Darussalam shall not fly in or over Brunei Darussalam unless the operator thereof shall have furnished to the Director such particulars as he may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Brunei Darussalam for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not fly in or over Brunei Darussalam unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Director may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(2) The aircraft shall not take off or land at an aerodrome in Brunei Darussalam in contravention of the specified aerodrome operating minima or the specified instructions.

(3) Without prejudice to the provisions of sub-regulation (2), a public transport aircraft registered in a country or territory other than Brunei Darussalam, when making a descent to an aerodrome, shall not —

(a) descend below 1,000 feet above the height of an aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or

(ii) descend below the relevant specified minimum descent height,

unless from that height the specified visual reference for landing is established and is maintained.

(4) In this regulation, "specified", in relation to an aircraft, means specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Director pursuant to sub-regulation (1).

Non-public transport aircraft, aerodrome operating minima.

39. (1) This regulation applies to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this regulation applies, when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure, shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(3) An aircraft to which this regulation applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not —

(a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

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

(4) In this regulation, "specified", in relation to aerodrome operating minima, means such particulars of aerodrome operating minima as have been

notified in respect of the aerodrome or, if the relevant minima have not been notified, such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

Pre-flight action by commander of aircraft.

40. The commander of an aircraft registered in Brunei Darussalam shall reasonably satisfy himself before the aircraft takes off —

(a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;

(b) (i) that the equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or

(ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator pursuant to regulation 17;

(c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by sub-regulation (1) of regulation 8 to be in force, it is in force and will not cease to be in force during the intended flight;

(d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

(e) in the case of an aircraft or airship, taking into account meteorological conditions and any delays that are expected in flight, that sufficient fuel, oil and engine coolant (if required) are carried to enable it to complete the intended flight and that a safe margin (as determined in accordance with the appropriate part of Chapter 4.3.6. of Annex 6 to the Chicago Convention) has been allowed for contingencies and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;

(f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;

(g) in the case of an aircraft that, having regard to the performance of the aircraft in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on

the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination; and

(h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Pilots to remain at controls.

41. (1) The commander of an aircraft registered in Brunei Darussalam, being an aircraft or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under these Regulations to carry 2 pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. If the aircraft carries 2 or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers, the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness, except that during take-off and landing a safety harness shall be worn if it is required by regulation 15 to be provided.

Wearing of survival suits by crew.

42. Each member of the crew of an aircraft registered in Brunei Darussalam shall wear a survival suit if it is required by regulation 15 to be carried.

Public transport of passengers, duties of commander.

43. (1) This regulation applies to flights for the purpose of the public transport of passengers by aircraft registered in Brunei Darussalam.

(2) In relation to every flight to which this regulation applies, the commander of the aircraft shall —

(a) before the aircraft takes off, take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harnesses, and (where required to be carried) oxygen equipment, life jackets and the floor path lighting system and all other devices required by these Regulations and intended for use by passengers individually in case of an emergency occurring to the aircraft;

(b) (i) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are given a demonstration of the method of use of the lifejackets required by these Regulations for the use of passengers;

(ii) if the aircraft is not a seaplane but is required by sub-regulation (5) of regulation 21 to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight –

(aa) which is intended to proceed beyond gliding distance from land; or

(bb) on which, in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination, it is reasonably possible that the aircraft would be forced to land on water,

all passengers are given a demonstration of the method of use of the lifejackets required by these Regulations for the use of passengers:

Provided that where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land on water at one or more of the likely alternate destinations, the demonstration need not be given until after the decision has been taken to divert to such a destination;

(c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a demonstration of the method of use of the equipment referred to in that paragraph (b);

(d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with sub-regulation (5) of regulation 21 are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;

(e) from the moment when, after the embarkation of its passengers, the aircraft first moves until after it has taken off, and before it lands until it comes to rest for the purpose of disembarkation of its passengers, and

whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary —

- (i) take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses, and that all passengers under the age of 2 years are properly secured by suitable means; and
- (ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought, by virtue of their size, weight or nature, to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is either stowed in the passenger compartment stowage spaces approved by the Director for the purpose of stowing baggage or carried in accordance with the terms of a written permission granted by the Director which permission may be granted subject to such conditions as the Director thinks fit;

(ff) in an emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take.

Operation of radio in aircraft.

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

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

Provided that —

- (a) the radio watch may be discontinued or continued on another frequency to the extent that such a message permits; and
- (b) the watch may be kept by a device installed in the aircraft if —

- (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
- (ii) that station is notified, or in the case of a station situated in a country or territory other than Brunei Darussalam, otherwise designated as transmitting a signal suitable for that purpose.

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

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

(a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;

(b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;

(c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and

(d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in sub-regulation (1).

(5) In any aircraft registered in Brunei Darussalam which is engaged on a flight for the purpose of public transport, the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

Minimum navigation performance.

45. An aircraft registered in Brunei Darussalam shall not fly in airspace designated for the purposes of this regulation unless —

(a) it is equipped with navigation systems which enable it to maintain the required navigation performance capability set out in Part E of the Eighth Schedule;

(b) the navigation systems required by paragraph (a) are approved by the Director and installed and maintained in a manner approved by him;

(c) the operating procedures for the navigation systems required by paragraph (a) are approved by the Director; and

(d) the equipment is operated in accordance with the approved procedures while it is flying in such airspace.

Use of flight recording systems and preservation of records.

46. (1) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice and flight data recorder is required by the Fourth Schedule to be carried in an aircraft, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aircraft shall at all times, subject to regulation 71, preserve —

(a) the last 25 hours of recording made by any flight data recorder required by these Regulations to be carried in the aircraft; and

(b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates,

and shall preserve such records for such period as the Director may in a particular case direct.

(3) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder and flight data recorder is required by the Fourth Schedule to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(4) The operator of the helicopter shall at all times, subject to regulation 71, preserve —

(a) the last 8 hours of recording made by any flight data recorder specified in the Fourth Schedule and required by these Regulations to be carried in the helicopter;

(b) in the case of a combined cockpit voice recorder and flight data recorder required by these Regulations to be carried in a helicopter, either —

- (i) the last 8 hours of recording; or
- (ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater, in this regulation referred to as the required recording,

together with an additional period of recording for either —

- (aa) the period immediately preceding the required recording; or
- (bb) such period or periods as the Director may direct in any particular case or class of case or generally.

(5) The additional recording retained pursuant to sub-paragraphs (ii)/(aa) and (bb) of paragraph (b), and sub-paragraph (bb), of sub-regulation (4) shall, together with the required recording total a period of 8 hours and shall be retained in accordance with arrangements approved by the Director.

(6) Any approval or direction of the Director for the purposes of this regulation shall be in writing and may be subject to such conditions as he thinks fit.

Towing of gliders.

47. (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country or territory in which that aircraft is registered includes an express provision that it may be used for that purpose.

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

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

(a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;

(b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and

(c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

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

Towing, picking up and raising of persons, articles etc.

48. (1) Subject to this regulation, an aircraft in flight over Brunei Darussalam shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country or territory in which the aircraft is registered includes an express provision that it may be used for that purpose.

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

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

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

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

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

(7) Nothing in this regulation shall —

(a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by these Regulations to be towed or displayed by an aircraft in flight;

(b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

(c) be taken to permit the towing or picking up of a glider otherwise than in accordance with regulation 47.

Dropping of animals and articles.

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

(2) Except under and in accordance with the terms of an aerial application certificate granted under regulation 51, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Brunei Darussalam:

Provided that this regulation does not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances —

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

(3) Nothing in this regulation shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of that helicopter under the law of the country or

territory in which it is registered includes an express provision that it may be used for that purpose.

(4) In this regulation, "dropping" includes projecting and lowering.

Dropping of persons.

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

(2) Notwithstanding the grant of permission under sub-regulation (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

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

(4) Every applicant for and every holder of permission shall make available to the Director if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Director may require. The holder of such permission shall make available to every employee or person who is or may engage in parachuting activities conducted by him, the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(5) Without prejudice to any other provision to these Regulations the Director may, for the purpose of this regulation, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

(6) Nothing in this regulation applies to the descent of persons by parachute from an aircraft in an emergency.

(7) Nothing in this regulation prohibits the lowering of any person in an emergency or for the purpose of saving life.

(8) Nothing in this regulation prohibits the lowering of any person from a helicopter to the surface in Brunei Darussalam, if the certificate of airworthiness issued or rendered valid in respect of that helicopter under the law of the country or territory in which it is registered includes an express provision that it may be used for that purpose.

(9) In this regulation, "dropping" includes projecting and lowering.

Grant of aerial application certificates.

51. (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under sub-regulation (2).

(2) The Director may grant to any person applying therefor an aerial application certificate if he is satisfied that such person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in sub-regulation (1). The certificate may be granted subject to such conditions as the Director thinks fit, including without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere, and shall, subject to regulation 78, remain in force for the period specified in the certificate.

(3) Every applicant for and every holder of an aerial application certificate shall make available to the Director upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to that manual as the Director may require.

Carriage of weapons and of munitions of war.

52. (1) An aircraft shall not carry any munitions of war unless —

(a) such munitions of war are carried with the written permission of the Director and in accordance with any conditions relating thereto; and

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

(2) Notwithstanding sub-regulation (1), it shall be unlawful for an aircraft to carry any weapon or munitions of war in any compartment or apparatus to which passengers have access.

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

(a) the weapon or munitions of war —

(i) are either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon;

(ii) are carried in a part of the aircraft, or in any apparatus attached to the aircraft, inaccessible to passengers; or

(iii) in the case of a firearm, is unloaded;

(b) particulars of the weapon or munitions of war have been furnished by that passenger, or by the consignor, to the operator before the flight commences; and

(c) without prejudice to sub-regulation (1), the operator consents to the carriage of such weapon or munitions of war by the aircraft.

(4) Nothing in this regulation shall apply to any weapon or munitions of war taken or carried on board an aircraft in Brunei Darussalam registered in a country or territory other than Brunei Darussalam, if the weapon or munitions of war, as the case may be, may under the law of that country or territory be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) In this regulation, "munitions of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

Carriage of dangerous goods.

53. (1) Without prejudice to any other provision of these Regulations, the conditions for the carriage of dangerous goods contained in the Tenth Schedule shall be complied with.

(2) The provisions of this regulation shall be additional to and not in derogation from the provisions of regulation 52.

Method of carriage of persons.

54. A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons. A person shall not be in or on any object, other than a glider or aircraft, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to —

(a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and

(b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings.

55. (1) This regulation applies to every public transport aircraft registered in Brunei Darussalam.

(2) Whenever an aircraft to which this regulation applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers:

Provided that —

(a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Director either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;

(b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment;

(c) nothing in this sub-regulation shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft shall be marked with the words "Exit" or "Emergency Exit" in the English language.

(4) (a) Every exit from the aircraft shall be marked with instructions in the English language and with diagrams, to indicate the correct method of opening the exit.

(b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is operable from the outside of the aircraft, on or near the exterior surface.

(5) (a) Every aircraft to which this regulation applies, being an aircraft of which the maximum total weight authorised exceeds 3,600 kilograms shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this regulation referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(b) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.

(c) The words "Cut Here in Emergency" shall be marked across the centre of each break-in area in the English language.

(6) On every flight by an aircraft to which this regulation applies, being an aircraft of which the maximum total weight authorised exceeds 5,700 kilograms, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

(7) The markings required by this regulation shall —

(a) be painted, or affixed by other equally permanent means;

(b) except in the case of the markings required by sub-regulation (6), be red in colour, and in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;

(c) in the case of the markings required by sub-regulation (6), be of a colour clearly contrasting with the background on which it appears; and

(d) be kept clean and unobscured at all times.

(8) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this regulation shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that —

(a) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Director, either in relation to that particular aircraft or to a class of aircraft; and

(b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words in the English language "Exit" or "Emergency Exit" are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "No Exit" in red letters.

Imperilling safety of aircraft.

56. A person shall not wilfully, recklessly or negligently act in a manner likely to endanger the safety or security of any aircraft, or the safety, security or comfort of any person therein.

Imperilling safety of any person or property.

57. A person shall not wilfully, recklessly or negligently cause or permit any aircraft to endanger any person or property.

Drunkenness and disorderly conduct in aircraft.

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

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act, or consume alcohol within a minimum period of 8 hours prior to reporting for duty for the purposes of operating a flight.

(3) No person shall, while in an aircraft, use any threatening, abusive or insulting words towards a member of the crew of an aircraft, nor behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of an aircraft.

Smoking in aircraft.

59. (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Brunei Darussalam so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in Brunei Darussalam at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft or by a verbal prohibition from a member of the crew of the aircraft.

Authority of commander of aircraft.

60. Every person in an aircraft registered in Brunei Darussalam shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation, and the commander shall be entitled to authorise the restraining by the cabin attendants of any passenger who is in breach of any of the provisions of regulation 56, 57, sub-regulation (1) or (3) of regulation 58 or sub-regulation (1) or (2) of regulation 62.

Stowaways.

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

Safeguarding against acts of unlawful interference.

62. (1) No person shall interfere in any manner with the performance of the duties of a member of the flight crew of an aircraft in Brunei Darussalam.

(2) No person on board an aircraft shall carry or have in his charge any weapons, except that a weapon that is not a munition of war may be carried as passenger's baggage provided that it is declared to the operator's staff and is stowed so as to be inaccessible to passengers during flight and, if it is a firearm, it is unloaded.

(3) A public air transport aircraft registered in Brunei Darussalam that has a flight crew compartment separate from the passenger compartment and fitted with a door shall have a lock on that door which is operated from within the flight crew compartment.

(4) The holder of an air operator's certificate issued in Brunei Darussalam shall provide the flight crew with a check-list to be followed in searching for a bomb or other device when sabotage is suspected.

(5) The holder of an air operator's certificate issued in Brunei Darussalam shall establish and maintain a training programme designed to assist flight crew members to minimise the consequences of acts of unlawful interference.

(6) The commander of an aircraft registered in Brunei Darussalam which is subjected to an act of unlawful interference shall submit, as soon as practicable, a full report on the incident to the Director and to such other person as the Director may designate.

(7) The commander of an aircraft which is being subjected to unlawful interference shall endeavour to notify the appropriate air traffic services unit of this fact, together with such information regarding deviation from the current flight plan as will enable the air traffic services unit to minimise the risk of conflict with other aircraft.

PART VI

AIRCREW FATIGUE AND FLIGHT LIMITATIONS

Application and interpretation of Part VI.

63. (1) Regulations 64 and 65 apply in relation to any aircraft registered in Brunei Darussalam which is either —

- (a) engaged on a flight for the purpose of public transport; or
- (b) operated by an air transport undertaking;

Provided that those regulations do not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or by a person who is not an air transport undertaking.

(2) In this Part, unless the context otherwise requires —

(a) "day" means a continuous period of 24 hours beginning at midnight;

(b) "flight duty period", in relation to any person, means a continuous period of duty which includes a flight or series of flights together with all duties that a flight crew member may be required to carry out from the moment that he reports at his place of employment on the day of the flight

until he is relieved of his duties, having completed the flight or series of flights as a member of the crew thereof.

(3) For the purposes of this Part, a helicopter shall be deemed to be in flight from the moment it first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew, operator's responsibilities.

64. (1) The operator of an aircraft to which this regulation applies shall not cause or permit that aircraft to make a flight unless —

(a) he has established a scheme for the regulation of flight duty periods for every person flying in that aircraft as a member of its crew;

(b) the scheme has been approved by the Director subject to such conditions as he thinks fit;

(c) either —

(i) the scheme has been incorporated in the operations manual required by regulation 32; or

(ii) in any case where an operations manual is not required by that regulation, the scheme has been incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and

(d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

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

(3) The operator of an aircraft to which this regulation applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing —

(a) all his flight duty periods; and

(b) brief particulars of the nature of the functions performed by him in the course of his flight duty periods.

(4) The record referred to in sub-regulation (3) shall, subject to regulation 71, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that sub-regulation.

Fatigue of crew, responsibilities of crew.

65. (1) A person shall not act as a member of the crew of an aircraft to which this regulation applies if he knows or has reason to believe that he is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this regulation applies unless he has ensured that the operator of the aircraft is aware of his flight duty periods during the period of 28 days preceding the flight.

Flight times, responsibilities of flight crew.

66. A person shall not act as a member of the flight crew of an aircraft registered in Brunei Darussalam if at the beginning of the flight the aggregate of all his previous flight duty periods during the period of 28 consecutive days, expiring at the end of the day on which the flight begins, exceeds 190 hours, unless expressly authorised by the Director.

PART VII

DOCUMENTS AND RECORDS

Documents to be carried.

67. (1) An aircraft shall not fly in or over Brunei Darussalam unless it carries the documents which it is required to carry under the law of the country or territory in which it is registered.

(2) An aircraft registered in Brunei Darussalam shall, when in flight, carry the documents set out in the Ninth Schedule:

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country or territory other than Brunei Darussalam, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Records to be kept.

68. The operator of a public transport aircraft registered in Brunei Darussalam shall, in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during that flight.

Production of documents and records.

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

(a) the certificates of registration and airworthiness in force in respect of the aircraft;

(b) the licences of its flight crew; and

(c) such other documents as the aircraft is required by regulation 67 to carry when in flight.

(2) The operator of an aircraft registered in Brunei Darussalam shall, within a reasonable time after being required to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been required by that person, being documents or records which are required by these Regulations to be in force or to be carried, preserved or made available —

(a) the documents set out in the Ninth Schedule;

(b) the aircraft log book, engine log books and variable pitch propeller log books required by these Regulations to be kept;

(c) the weight schedule, if any, required to be preserved under regulation 19;

(d) any records of flight times, duty periods and rest periods which he is required by sub-regulation (4) of regulation 64 to preserve, and such other documents and information in the possession or control of the operator as the authorised person may require for the purpose of determining whether those records are complete and accurate;

(e) any such flight or operations manuals as are required to be made available under paragraph (a)(i) of sub-regulation (2) of regulation 32;

(f) the record made by any flight data recorder required to be carried by these Regulations;

(g) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept by regulation 68.

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

(b) This regulation also applies to a medical certificate issued pursuant to paragraph (b)(ii) of sub-regulation (1) of regulation 22 as they apply to a licence granted or rendered valid under these Regulations.

(4) Every person required by regulation 25 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within 2 years after the date of the last entry therein.

Power to inspect and copy documents and records.

70. An authorised person shall have the power to inspect and copy any certificate, licence, log book or other document or record which he has the power pursuant to these Regulations to require to be produced to him.

Preservation of documents etc.

71. A person required by these Regulations to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve that document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve that document or record shall fall upon his personal representative:

Provided that —

(a) if another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificates of maintenance release and compliance, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with sub-regulation (2) of regulation 46 which are in force or required to be preserved in respect of that aircraft;

(b) if an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person, the first-

mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller; or

(c) if any person in respect of whom a record has been kept by the first-mentioned operator in accordance with sub-regulation (4) of regulation 64 becomes a member of the flight crew of a public transport aircraft registered in Brunei Darussalam and operated by another person, the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand,

and it shall be the duty of that other person referred to paragraph (a), (b) or (c) to deal with the document or record delivered to him as if he were the first-mentioned operator.

PART VIII

MOVEMENT OF AIRCRAFT

Rules of the Air Regulations.

72. (1) Without prejudice to any other provision of these Regulations, the Rules of the Air Regulations may prescribe the manner in which aircraft may move or fly, the lights and other signals to be shown or made by aircraft or persons, the lighting and marking of aerodromes and any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the ground.

(2) Subject to sub-regulation (3), any person who contravenes, permits the contravention of, or who fails to comply with the Rules of the Air Regulations is guilty of an offence.

(3) It shall be lawful for the Rules of the Air Regulations to be departed from to the extent necessary for avoiding immediate danger, for complying with the law of any country or territory other than Brunei Darussalam within which the aircraft then is.

(4) If any departure from the Rules of the Air Regulations is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the Director or to the competent authority of the country or territory in whose territory the departure was made.

No exoneration.

73. Nothing in the Rules of the Air Regulations shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of

any precautions required by ordinary aviation practice or by the special circumstances of the case.

Balloons, kites, airships, gliders and parascending parachutes.

74. (1) This regulation applies only to or in relation to aircraft within Brunei Darussalam.

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

(b) (i) A glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;

(ii) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

(iii) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;

(iv) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

(v) a kite shall not be flown at a height of more than 60 metres above ground level; and

(vi) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,

without the permission in writing of the Director and in accordance with any conditions subject to which that permission may have been granted.

(3) In this regulation, "notified aerodrome" means an aerodrome notified as such by the Director, and the "notified operating hours" means the times notified in respect of an aerodrome by the Director.

Air traffic services.

75. No person in charge of the provision of an air traffic control service shall provide such a service otherwise than under and in accordance with the terms of the approval granted to him by the Director, and the Director shall grant an approval to any person applying therefore if he is satisfied that such person is competent, having regard to his equipment, organisation, staffing, maintenance and other arrangements, to provide a service that is safe for use by aircraft.

Manual of air traffic services.

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

(a) the service is provided in accordance with the standards and procedures specified in the manual of air traffic services in respect of that place;

(b) the manual is produced to the Director for approval; and

(c) such amendments or additions have been made to the manual as the Director may require.

Provision of air traffic services.

77. (1) In the case of an aerodrome in respect of which there is equipment for providing holding aid, let-down aid or approach aid by radio or radar, the person in charge of the aerodrome shall inform the Director in advance of the periods during and the times at which such equipment is to be in operation and during such periods and at such times as are notified shall cause an approach control service to be provided.

(2) The Director may direct that there shall be provided in respect of any aerodrome such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Director considers appropriate in respect thereof. The Director may specify in the direction the periods during and the times at which such a service shall be provided and the person in charge of the aerodrome shall cause such a service or such means to be provided in accordance with such direction.

PART IX

ENFORCEMENT AND OFFENCES

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

78. (1) The Director may, in the interests of safety, provisionally suspend (for a period of up to 30 days) or vary any certificate, licence, approval, permission,

exemption, authorisation or other document issued, granted or having effect under these Regulations, pending inquiry into or consideration of the case or pending examination. The Director may, on sufficient grounds being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

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

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

(4) Where it is proposed to refuse, revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating otherwise than on the application of the holder, the Director shall serve on the person concerned notice of the proposal together with the reasons for it and the person concerned may within 14 days of the date of service of that notice request that the case be decided by a panel convened by the Director and not by a person authorised on his behalf. The panel shall sit with such technical assessors to advise it as he may appoint, but the panel shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing the test or examination which is to be the subject of the panel's decision and the panel shall issue a determination of the application within 30 days.

(5) Notwithstanding sub-regulation (1), a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Director.

Offences in relation to documents and records.

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

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

(b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or

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

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

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

(3) All entries made in writing in any log book or record referred to in sub-regulation (2) shall be made in ink or indelible pencil. Any entries requiring correction shall be deleted in ink and re-written in ink or indelible pencil.

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

(5) A person shall not purport to issue any certificate for the purposes of these Regulations unless he is authorised to do so under these Regulations.

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

PART X

GENERAL AND ADMINISTRATION

Restriction with respect to carriage for hire or reward in aircraft registered outside Brunei Darussalam.

80. (1) An aircraft registered in a country or territory other than Brunei Darussalam shall not take on board or discharge any passengers or cargo in

Brunei Darussalam, being passengers or cargo carried or to be carried for hire or reward, except with the permission of the Director granted under this regulation to the operator or charterer of the aircraft or to the government of the country or territory in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

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

(3) The holder of an air operator's certificate issued in Brunei Darussalam shall not operate an aircraft registered in another Contracting State unless the Director has been provided with information concerning —

(a) the aircraft type and serial number;

(b) the name and address of the registered owner;

(c) the country or territory of registry and the registration marks;

(d) the certificate of airworthiness, together with a statement from the registered owner that the aircraft fully complies with the airworthiness requirements of that country or territory;

(e) the name and address of the operator, or the person responsible for operational control of the aircraft under the agreement, including a statement that such person together with the other parties to the agreement fully understand their respective responsibilities under the applicable regulations;

(f) a copy of the agreement; and

(g) the duration of the arrangements,

and unless an agreement has been reached between Brunei Darussalam and the country or territory of registry of the aircraft, which delineates the respective areas of responsibility in the supervision of flight operations and the maintenance of airworthiness:

Provided that, in the case of an ad hoc or other charter of less than 7 days duration, the operator shall provide such information as the Director shall reasonably require.

Restriction with respect to aerial photography and survey from aircraft registered outside Brunei Darussalam.

81. (1) An aircraft registered in a Contracting State other than Brunei Darussalam shall not fly over Brunei Darussalam for the purpose of aerial photography or aerial survey (whether or not hire or reward is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Director granted under this regulation to the operator or charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

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

Flights over any foreign country or territory.

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

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

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

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

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

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

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

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

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

Mandatory reporting.

83. (1) Subject to this regulation, every person who —

(a) is the owner, operator or commander of an aircraft which is registered in Brunei Darussalam;

(b) carries on the business of manufacturing, or of maintaining repairing or overhauling, such an aircraft or any equipment or part thereof;

(c) signs a certificate of maintenance review, or certificate of release to service, in respect of such an aircraft, equipment or part;

(d) performs a function for which he requires an air traffic controllers' licence; or

(e) is the licensee or manager of a licensed aerodrome,

shall —

(i) make a report to the Director of any notifiable occurrence of which he knows and which is of such a description as may be designated by the Director; the report shall be made within such time, by such means, and shall contain such information as is so designated and it shall be presented in such form as the Director may in any particular case approve; and

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

(2) Subject to paragraph (ii) of sub-regulation (1), nothing in this regulation shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Director in accordance with this regulation.

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

(4) Without prejudice to sub-regulations (2), (3) and (4) of regulation 46 and subject to regulation 69, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a flight data recorder or a combined cockpit voice recorder and flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Director or for such longer period as the Director may in a particular case direct:

Provided that the record may be erased if the aircraft is outside Brunei Darussalam and it is not reasonably practicable to preserve the record until the aircraft reaches Brunei Darussalam.

(5) In this regulation, "notifiable occurrence" means —

(a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part, equipment or material of such an aircraft, being an incident, defect or malfunctioning endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person; or

(b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.

Power to prevent aircraft flying.

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

(a) in such circumstances that any provision of regulation 2, 3, 4, 6, 21, 22, 35, 46, 52 or 53 would be contravened in relation to the flight;

(b) in such circumstances that the flight would be in contravention of any other provision of these Regulations and be a cause of danger to any person or property whether or not in the aircraft; or

(c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations,

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

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

(3) If it appears to the Director or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of regulation 64 or 65 or any provision relating to the licensing of air transport in Brunei Darussalam would be contravened in relation to that flight, the Director or that authorised person may direct the operator or commander of that aircraft that he is not to permit the aircraft to make that particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked, the Director or any authorised person, may take such steps as are necessary to detain the aircraft.

(4) For the purposes of sub-regulation (3), the Director or any authorised person may enter upon any aerodrome or other place at which an aircraft is located, and may enter upon and inspect any aircraft.

Obstruction of persons.

85. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations.

Power to issue and enforce directions.

86. The Director may by means of Aviation Information Circulars, Airworthiness Notices, Aeronautical Information Publications, Notices to Airmen, Notices of Non Compliance and other documents issue directions, requirements or instructions, not inconsistent with the provisions of the Order and of these Regulations, relating to the operation, use, possession, maintenance or navigation of aircraft flying in or over Brunei Darussalam or of aircraft registered in Brunei Darussalam. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of these Regulations or with any requirements made thereunder shall be deemed for the purposes of these Regulations to have contravened that provision.

Offences.

87. (1) Any person who contravenes, permits the contravention of or fails to comply with any provision of these Regulations is guilty of an offence and liable

on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

(2) This regulation shall apply equally to the owner and operator of an aircraft, unless such owner or operator proves that the contravention or failure occurred without his order, permission or command, and that he could not have prevented it.

(3) An offence under these Regulations and an offence committed on an aircraft registered in Brunei Darussalam shall, for all purposes in relation to the jurisdiction of a court to try the offence, be deemed to have been committed in any place where the accused happens to be, provided that if such offence is committed in Brunei Darussalam, it may be tried by any court having jurisdiction where it was committed.

(4) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or any similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Extra-territorial effect of Regulations.

88. Unless the context otherwise requires, these Regulations —

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

(b) in so far as they apply as aforesaid to any other aircraft, shall apply to such other aircraft when it is within Brunei Darussalam;

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

(d) in so far as they prohibit, require or regulate as aforesaid the doing of any thing in relation to any aircraft registered in Brunei Darussalam by other persons shall, where such persons are citizens, apply to them wherever they may be.

Application of Regulations to Brunei Darussalam-controlled aircraft not registered in Brunei Darussalam.

89. The Director may direct that such of the provisions of these Regulations and of any direction made or having effect thereunder, as may be specified in the direction, shall have effect as if reference in those provisions to aircraft registered in Brunei Darussalam included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Brunei Darussalam.

Exemption from Regulations.

90. The Minister may exempt from any of the provisions of these Regulations (other than regulations 80 and 81) any aircraft or person or class of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Directions by Director and fees.

91. (1) The Director may issue directions establishing requirements, policies, standards and recommended practices and procedures for in respect of any thing which, under the Order and these Regulations, is to be designated.

(2) Without prejudice to the generality of sub-regulation (1), such directions may prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval required by or for the purpose of, these Regulations or of any directions made thereunder.

(3) Upon an application being made in connection with which any fee is chargeable in accordance with any such provisions, the applicant may be required before the application is considered to pay the whole or to deposit a portion of the fee so chargeable. If, after such payment or deposit has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Director, the Director may, subject as hereinafter provided, refund the amount of such payment or deposit. Where the amount paid or deposited is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cessation or refusal, the Director may refund the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Director is reasonable having regard to the stage to which

the investigation has progressed at the time of such withdrawal, cessation or refusal:

Provided that if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application was withdrawn by him or otherwise ceases to have effect or was refused by the Director, the amount representing the balance of such fee shall be payable by the applicant.

Authorised persons, powers and duties.

92. (1) The Director and any authorised person shall have the right to carry out audits or surveillance or to require any person to produce documents or any other article for the purpose of detecting any contravention of these Regulations.

(2) Any person who, having been required under sub-regulation (1) to produce any document or other article, without lawful cause makes a statement that is false in any material particular, or who fails to produce any document or other article which is in his possession or control or to which he has access, is guilty of an offence.

(3) An authorised person has the right to enter and inspect any aerodrome, hanger or other place at which an aircraft is located or stored, aircraft or any servicing or manufacturing organisation and to inspect any aircraft, aircraft equipment, components or materials for the purpose of ensuring that the provisions of the Order and these Regulations have been or are being complied with.

(4) Where it appears to the Director or an authorised person that any unlicensed aircraft or any model aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to any person or property on the ground, he may take such action by way of detention of that aircraft or such other action necessary for the purpose of inspecting the aircraft or causing the circumstances of the flight to be investigated.

(5) Where an aircraft has been detained pursuant to sub-regulation (4), such aircraft shall not be operated until the Director, upon being satisfied that these Regulations are being complied with, approves or until such modifications or repairs have been effected as the Director considers necessary to render the aircraft fit for flight.

(6) For the purpose of exercising his responsibilities under these Regulations, an authorised person shall be issued with and carry at all times a means of identification.

Approval of persons to furnish reports.

93. In relation to any of his functions pursuant to any provision of these Regulations, the Director may, either absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish reports to him and may accept such reports.

FIRST SCHEDULE
(regulations 2(6), 2(8), 3(2) and 26(2))

PART A

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

Column 1	Column 2	Column 3	Column 4
			Free Balloon
		Non-power driven	
			Captive Balloon
	Lighter than air aircraft		
		Power driven	Airship
Aircraft			Glider
		Non-power driven	
			Kite
	Heavier than air aircraft		
		Power driven flying machines	Aeroplane (landplane) Aeroplane (seaplane) Aeroplane (amphibian) Aeroplane (self-launching motor glider) Rotorcraft-helicopter Gyroplane

PART B

**NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT
REGISTERED IN BRUNEI DARUSSALAM**

1. The nationality mark of the aircraft shall be "V8" and the registration mark shall be a group of capital letters in Roman characters assigned by the Director on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.
2. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.
3. The letters constituting each group of marks shall be of equal height and they, and the hyphen, shall be of a single colour which shall clearly contrast with the background on which they appear.
4. The nationality and registration marks shall also be inscribed on a fire-proof metal plate affixed in a prominent position —
 - (a) in the case of a micro-light aeroplane, either in accordance with sub-paragraph (c) of this paragraph or on the wing;
 - (b) in the case of a balloon, on the basket;
 - (c) in the case of any other aircraft, on the fuselage, as stipulated in sub-regulation (1) of regulation 3.
5. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner —

Section I - Position and size of marks.

- (a) Heavier than air aircraft (excluding kites) —
 - (i) Horizontal surfaces of the wings —
 - (aa) On aircraft having a fixed wing surface, the marks shall appear on the lower surface of the wing structure, and shall be on the port wing unless they extend across the whole surface of both wings. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(bb) The height of the letters shall be at least 50 centimetres:

Provided that if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed.

(ii) Fuselage (or equivalent structure) and vertical tail surfaces

(aa) The marks shall also appear either —

(A) On each side of the fuselage (or equivalent structure), and shall, in the case of fixed wing aircraft, be located between the wings and the horizontal tail surface; or

(B) On the vertical tail surfaces.

(bb) When located on a single vertical tail surface, the marks shall appear on both sides. When located on multi-vertical tail surfaces the marks shall appear on the outboard sides of the outer surfaces. Subject to subparagraphs *(dd)* and *(ee)*, the height of the letters constituting each group of marks shall be at least 30 centimetres.

(cc) If one of the surfaces authorised for displaying the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with subparagraph *(ee)*), and the other is not, marks of 30 centimetres in height shall be placed on the largest authorised surface.

(dd) If neither surface is large enough for marks of 30 centimetres in height (whilst complying with subparagraph *(ee)*), marks of the greatest height practicable in the circumstances shall be displayed on the larger of the two surfaces.

(ee) The marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface.

(ff) On rotary wing aircraft, where owing to the structure of the aircraft the greatest height practicable for the marks on the sides of the fuselage (or equivalent structure) is less than 30 centimetres, the marks shall also appear on the lower surface of the fuselage as close to the line of

symmetry as is practicable and shall be placed with the tops of the letters towards the nose. The height of the letters constituting each group of marks shall be at least 50 centimetres:

Provided that if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed.

- (iii) Wherever in sub-paragraph (a), marks of the greatest height practicable in the circumstances are required, that height shall be such as is consistent with compliance with Section II of this Part of this Schedule.

(b) Airships and free balloons —

- (i) *Airships.* The marks shall be on each side of the airship. They shall be placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser.
- (ii) *Free balloons.* The marks shall be in two places on diametrically opposite sides of the balloon.
- (iii) In the case of both airships and free balloons, the side marks shall be so placed as to be visible both from the sides and from the ground. The height of the letters shall be at least 50 centimetres.

Section II - Width, spacing and thickness of marks.

- (a) (i) For the purposes of this Section, "standard letter" shall mean any letter other than the letters I, M and W.
- (ii) The width of each standard letter and the length of the hyphen between the nationality mark and the registration mark shall be two-thirds of the height of a letter.
- (iii) The width of the letters "M" and "W" shall be neither less than two-thirds of their height nor more than their height.
- (iv) The width of the letter "I" shall be one-sixth of the height of the letters forming the marks.

(b) The thickness of each letter and hyphen shall be one-sixth of the height of the letters forming the marks.

(c) Each letter and hyphen shall be separated from the letter or hyphen which it immediately precedes or follows by a space equal to either one-quarter or one-half of the width of a standard letter, each such space shall be equal to every other such space within the marks.

SECOND SCHEDULE
(regulations 6(1)(c) and 11(2)(c))

"A" CONDITIONS

1. The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under these Regulations, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

2. The aircraft shall fly in accordance with a permit to fly issued by the Director and, unless otherwise specifically authorised by the Director, only for the purpose of enabling it to —

(a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval, as the case may be;

(b) proceed to or from a place at which any inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph *(a)*, after such an application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken;

(c) proceed to or from a place at which the aircraft is to be or has been stored;

(d) be demonstrated, with a view to the sale thereof; or

(e) be tested with its equipment.

3. The aircraft shall be certified as fit for flight by the holder of an aircraft maintenance engineer's licence granted under these Regulations, being a licence which entitles him to issue that certificate, or by a person approved by the Director for the purpose of issuing certificates under this condition, and in accordance with that approval.

4. The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation, which has previously been in force under these

Regulations in respect of that aircraft, or which is or has previously been in force in respect of any other aircraft of identical design.

5. The aircraft shall not carry any persons or cargo, except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph 2.

6. The aircraft shall not fly over any congested area except to the extent that it is necessary to do so to take off from or land at a Government aerodrome or an aerodrome managed by the Director, or a licensed aerodrome, in accordance with normal aviation practice.

7. Without prejudice to the provisions of sub-regulation (2) of regulation 21, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

THIRD SCHEDULE
(regulations 10(2) and 11(1))

AIRWORTHINESS AND MAINTENANCE REQUIREMENTS

Aircraft maintenance engineers licence categories and ratings.

1. Pursuant to regulation 11, the Director shall prescribe requirements for the grant, renewal or extension of aircraft maintenance engineers licences in accordance with the requirements specified in Annex 1 to the Chicago Convention, JAR-66 or both.

2. The Director may grant an aircraft maintenance engineers licence in the following categories —

Category "A", for airframes

Category "C", for engines (including propellers)

Category "I", for aircraft instruments

Category "E", for electrical systems

Category "R", for radio

Category A and C, for rotocraft,

and each category may be rated as determined by the Director.

Certificate of airworthiness, special category and very light aircraft.

3. (1) A certificate of airworthiness in the special category may be issued in respect of military, historic or home-built aircraft.

(2) The issue of a certificate of airworthiness in the special category shall be subject to such special limitations as to use and operating conditions as the Director shall think fit.

(3) A very light aircraft which has been type certificated and to which the Director has issued a certificate of airworthiness may only be flown by day in Visual Flight Rules conditions, unless expressly authorised by the Director.

(4) A very light aircraft that has been commercially produced for the purposes of resale or operation for public transport or aerial works shall require a type certificate and certificate of airworthiness. A home-built very light aircraft to be used for private, sport or recreation purposes only shall not require a type certificate and shall be operated under a permit to fly.

Permit to fly.

4. (1) The Director may issue a permit to fly in respect of very light aircraft that are not type certificated and in respect of which the Director is unable to issue a certificate of airworthiness.

(2) A permit to fly shall be issued subject to such limitations as to use and operating conditions as the Director shall think fit.

(3) Without prejudice to the generality of sub-paragraph (2), an aircraft to which the Director has issued a permit to fly may be used only for private, sport or recreational purposes or for remunerated flying training and may not be used for any form of public air transport.

(4) Without prejudice to the generality of sub-paragraph (2), an aircraft to which the Director has issued a permit to fly may not be used for the purposes of aerial work unless expressly authorised by the Director.

FOURTH SCHEDULE

(regulations 10(3)(a), 15(2), 46(3) and 46(4)(a))

EQUIPMENT OF AIRCRAFT

1. The equipment to be carried by an aircraft registered in Brunei Darussalam, pursuant to regulation 15, shall be that specified, as appropriate to the circumstances of the flight to be undertaken, in Annex 6 Part I Chapter 6 and

Attachment B, Annex 8 Part III Chapter 8 and ICAO Document 9388-AN/918 Part 4 Section 2, as amended and reissued from time to time by ICAO, JAR-OPS Sub-Part K or both, as shall be determined by the Director.

2. All aircraft registered in Brunei Darussalam that are operated on long range over water flights (as described in Chapter 6 paragraph 6.5.3. of Annex 6) shall be equipped with at least 2 emergency locator transmitters. Aircraft on flights over designated land areas as described in Chapter 6 paragraph 66 of Annex 6 shall be equipped with at least one emergency locator transmitter.

3. Requirements for the mandatory carriage by an aircraft registered in Brunei Darussalam of airborne collision avoidance systems shall be determined on the basis of regional air navigation agreements which shall specify the airspace and the airborne implementation time-scales. The airborne collision avoidance system shall be operated in accordance with the relevant provisions of Annex 10 Volume IV.

4. Unless exempted by the Director, an aircraft registered in Brunei Darussalam shall be equipped with a pressure-altitude reporting transponder to fly in designated airspace.

FIFTH SCHEDULE
(regulation 16(2))

RADIO AND RADIO NAVIGATION EQUIPMENT TO BE CARRIED IN AIRCRAFT

1. Every aircraft shall be provided, when flying in the circumstances specified in the first column of the following Table, with the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

TABLE

Aircraft and Circumstances of Flight	Scale of Equipment Required							
	A	B	C	D	E	F	G	H
(1) All aircraft within Brunei Darussalam –								
(a) when flying under Instrument Flight Rules within controlled airspace;	A*				E*	F*		
(b) when making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph;							G*	

TABLE – *continued*

Aircraft and Circumstances of Flight	Scale of Equipment Required							
	A	B	C	D	E	F	G	H
(2) All aircraft (other than gliders) with Brunei Darussalam –								
(a) when flying at or above level 245;	A*				E*	F*		
(b) when flying at or above level 100.					E			
(3) All aircraft registered in Brunei Darussalam, wherever they may be –								
(a) when flying for the purpose of public transport under Instrument Flight Rules –								
(i) while making an approach to landing;	A		C	D				H
(ii) on all other occasions;	A		C					H
(b) multi-engined aircraft, when flying for the purpose of public transport under Visual Flight Rules;	A							
(c) single-engined aircraft, when flying for the purpose of public transport under Visual Flight Rules –								
(i) over a route on which navigation is effected solely by visual reference to landmarks;	A							
(ii) on all other occasions;	A	B						
(d) when flying under Instrument Flight Rules within controlled airspace and not required to comply with paragraph 3(a).	A							

*Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

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

Scale A:

Radio equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio stations.

Scale B:

Radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including such equipment as may be determined by the Director.

Scale C:

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D:

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E:

Secondary surveillance radar equipment.

Scale F:

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

- (a) (i) automatic direction finding equipment; and
- (ii) distance measuring equipment; and
- (iii) VHF omni-range equipment; or

(b) equipment, including the Decca Flight Log, which will enable the aircraft to be navigated by means of signals received from radio navigation land stations forming part of the Decca radio navigation system and which provides the pilot with a visual indication of the aircraft's position relative to the intended route.

Scale G:

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

Scale H:

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including —

- (a)* automatic direction finding equipment;
- (b)* distance measuring equipment;
- (c)* duplicated VHF omni-range equipment; and
- (d)* a 75 megahertz marker beacon receiver,

except that an aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternate radio navigation equipment or navigational equipment approved by the Director in writing in accordance with sub-regulation (7) of regulation 15.

Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if —

- (i)* it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;
- (ii)* the aircraft has not made more than one flight since the item was last serviceable; and
- (iii)* the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

3. In this Schedule —

"automatic direction finding equipment" means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

"distance measuring equipment" means radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate aeronautical radio stations;

"secondary surveillance radar equipment" means such type of radio equipment as may be notified as being capable of —

(a) replying to an interrogation from secondary surveillance radar units on the surface; and

(b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;

"VHF omni-range equipment" means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

SIXTH SCHEDULE
(regulation 18)

AIRCRAFT, ENGINE AND PROPELLER LOG BOOKS

1. *Aircraft Log Book.*

The Instructions for Use in the aircraft log book shall be complied with and the following entries shall be included in the aircraft log book —

(a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;

(b) the nationality and registration marks of the aircraft;

(c) the name and address of the owner or operator of the aircraft;

(d) either —

(i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair,

replacement, modification or inspection was undertaken on the aircraft;

(e) particulars of all maintenance work carried out on the aircraft or its equipment and of the certificate of compliance in respect thereof;

(f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under these Regulations, and of the action taken to rectify such defects, including a reference to the relevant entries in the technical log required by sub-regulations (2) and (3) of regulation 9;

(g) particulars and results of all inspections, overhauls, repairs, replacements (including the serial numbers of components) and modifications relating to the aircraft or any such equipment, and record of tests;

(h) a listing of, and particulars of compliance with, Airworthiness Directives and Mandatory Service Bulletins:

Provided that entries shall not be required to be made under subparagraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

2. *Engine Log Book.*

The Instructions for Use in the engine log book shall be complied with and the following entries shall be included in the engine log book —

(a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;

(b) the nationality and registration marks of each aircraft in which the engine is fitted;

(c) the name and address of the owner or operator of each such aircraft;

(d) either —

(i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately

preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine;

(e) particulars of all maintenance work carried out on the engine and of the certificate of compliance in respect thereof;

(f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by sub-regulations (2) and (3) of regulation 9;

(g) particulars of all overhauls, repairs, replacements (including the serial numbers of components) and modifications relating to the engine or any of its accessories.

3. *Variable Pitch Propeller Log Book.*

The Instructions for Use in the variable pitch propeller log book shall be complied with and the following entries shall be included in the variable pitch propeller log book —

(a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;

(b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;

(c) the name and address of the owner or operator of each such aircraft;

(d) either —

(i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the propeller;

(e) particulars of all maintenance work carried out on the propeller and of the certificate of compliance in respect thereof;

(f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by sub-regulations (2) and (3) of regulation 9;

(g) particulars of all overhauls, repairs, replacements (including the serial numbers of components) and modifications relating to the propeller.

SEVENTH SCHEDULE
(regulations 23, 27 and 28)

PART I

FLIGHT CREW OF AIRCRAFT: LICENCES AND RATINGS

SUB-PART A - LICENCES

1. *Aeroplane Pilots*

Private Pilot's Licence (Aeroplanes)

Minimum Age – 17 years

Period of Validity – 5 years

Privileges: The holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of an aircraft of any of the types specified or otherwise falling within the aircraft rating included in the licence, being aircraft having a maximum total weight of not more than 5,700 kilograms save with specific authorisation of the Director:

Provided that —

(a) he shall not fly such an aeroplane for the purpose of public transport or aerial work, save as hereinafter provided —

(i) he may fly such an aeroplane for the purpose of aerial work which consists of —

(aa) the giving of instruction in flying, if his licence includes a flying instructor's rating; or

(bb) the conducting of flying tests for the purposes of these Regulations,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the

person receiving the instruction or undergoing the test are both members;

- (ii) he may fly such an aeroplane for the purpose of aerial work which consists of —

(aa) towing a glider in flight; or

(bb) a flight for the purpose of dropping of persons by parachute,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members;

(b) he shall not receive any remuneration for his services as a pilot on a flight, save that if his licence includes a flying instructor's rating by virtue of which he is entitled to give instruction in flying micro-light aircraft or self-launching motor gliders, he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph *(a)(i)* of this proviso in a micro-light aircraft or a self-launching motor glider;

(c) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command of such an aeroplane —

- (i) on a flight outside controlled airspace —

(aa) when the flight visibility is less than one and one-half nautical miles; or

(bb) when any passenger is carried, and the aeroplane is flying either above 3,000 feet above ground level in Instrument Meteorological Conditions or at or below 3,000 feet above ground level in a flight visibility of less than 3 nautical miles;

- (ii) out of sight of the surface; and

(d) he shall not fly as pilot-in-command of such an aeroplane at night unless —

- (i) his licence includes a night rating (aeroplanes); and

- (ii) his licence includes an instrument rating (aeroplanes).

Commercial Pilot's Licence (Aeroplanes)

Minimum Age - 18 years

Period of Validity - 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes an instrument rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot-in-command of an aeroplane when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than one nautical mile.

(2) The holder of the licence shall be entitled to fly as pilot-in-command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that —

(a) he shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;

(b) he shall not fly such an aeroplane at night unless his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(c) he shall not, unless his licence includes an instrument rating (aeroplanes), fly any such aeroplane of which the maximum total weight authorised exceeds 2,300 kilograms on any flight for the purpose of public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;

(d) he shall not fly such an aeroplane on a flight for the purpose of public transport unless it is certified for single pilot operation;

(e) he shall not fly an aeroplane on any flight for the purpose of public transport after he attains the age of 60 years.

(3) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

(4) He shall not at any time after he attains the age of 60 years act as pilot-in-command or co-pilot of any aeroplane on a flight for the purpose of public transport.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum Age – 21 years

Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to the privileges of a Commercial Pilot's Licence (Aeroplanes), except that proviso (d) to paragraph (2) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot-in-command or co-pilot in command of any aircraft engaged in scheduled international air services or non-scheduled international public transport air services.

2. *Helicopter and Gyroplane Pilots*

Private Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age – 17 years

Period of Validity – 5 years

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of a helicopter or gyroplane of any of the types specified in the aircraft rating included in the licence:

Provided that —

(a) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work, other than aerial work which consists of —

- (i) the giving of instruction in flying, if his licence includes a flying instructor's rating; or
- (ii) the conducting of flying tests for the purposes of these Regulations,

in either case in a helicopter or gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the

conducting of such flying tests as are specified in paragraph (a) of this proviso;

(c) he shall not fly as pilot-in-command of such a gyroplane at night unless his licence includes a night rating (helicopters and gyroplanes) and he has within the immediately preceding 13 months carried out as a pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(d) he shall not fly as pilot-in-command of such a helicopter at night unless —

- (i) his licence includes a night rating (helicopters and gyroplanes); and
- (ii) his licence includes an instrument rating (helicopters) or he has within the immediately preceding 13 months carried out as a pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 feet and a landing, at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon.

Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age - 18 years

Period of Validity - 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Helicopters and Gyroplanes) which includes a night rating (helicopters and gyroplanes).

(2) He shall be entitled to fly as pilot-in-command of any helicopter or gyroplane specified in Part 1 of the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever:

Provided that —

(a) he shall not, unless his licence includes an instrument rating (helicopters), fly such a helicopter on any scheduled journey or on any flight for the purpose of public transport in Instrument Meteorological Conditions;

(b) he shall not fly such a helicopter or gyroplane on a flight for the purpose of public transport unless it is certificated for single pilot operation;

(c) he shall not fly such a gyroplane at night unless he has within the immediately preceding 13 months carried out as a pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(d) he shall not fly such a helicopter at night unless his licence includes an instrument rating (helicopters) or he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 feet and a landing, at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(e) he shall not fly such a helicopter or gyroplane on any flight for the purpose of public transport after he attains the age of 60 years.

He shall be entitled to fly as co-pilot of any helicopter or gyroplane specified in the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.

He shall not at any time after he attains the age of 60 years act as pilot-in-command or co-pilot of any helicopter or gyroplane on a flight for the purpose of public transport.

Airline Transport Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age – 21 years

Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes), except that proviso (b) to paragraph (2) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot-in-command of any helicopter or gyroplane for the purpose of public transport.

3. *Balloon, Glider and Airship Pilots*

Private Pilot's Licence (Balloons, Gliders and Airships)

Minimum Age – 17 years

Period of Validity – 5 years

Privileges: The holder of the licence shall be entitled to fly as pilot-in-command of any type of balloon, glider or airship specified in Part 1 of the aircraft rating included in the licence and co-pilot of any type of balloon, glider or airship specified in such aircraft rating:

Provided that —

(a) he shall not fly such balloon, glider or airship for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests, in either case in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso.

Commercial Pilot's Licence (Balloons)

Minimum Age – 18 years

Period of Validity – 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(2) He shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

Commercial Pilot's Licence (Airships)

Minimum Age – 18 years

Period of Validity – 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(2) He shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot-in-command of any type of airship in Part 1 of the aircraft rating included in the licence and as co-pilot of any type of airship specified in such aircraft rating.

4. *Glider Pilots*

Commercial Pilot's Licence (Gliders)

Minimum Age – 18 years

Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to fly for any purpose as pilot-in-command or co-pilot of –

(a) any glider of which the maximum total weight authorised does not exceed 680 kilograms;

(b) any glider of which the maximum total weight authorised exceeds 680 kilograms and which is of a type specified in the rating included in the licence.

5. *Other Flight Crew*

Flight Engineer's Licence

Minimum Age – 21 years

Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

6. *Flight Radiotelephony Operator's General Licence*

Minimum Age – 18 years

Maximum Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to operate radio-telephony apparatus in any aircraft.

7. *Flight Radiotelephony Operator's Restricted Licence*

Minimum Age – 17 years

Maximum Period of Validity – 10 years

Privileges: The holder of the licence shall be entitled to operate radio-telephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically, but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

8. *Flight Radiotelegraphy Operator's licence*

Minimum Age – 20 years

Maximum Period of Validity – 12 months

Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.

9. *Flight Radiotelegraphy Operator's Temporary Licence*

Minimum Age – 18 years

Maximum Period of Validity – 12 months

Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a flight radiotelegraphy operator's licence.

SUB-PART B – RATINGS

1. The following ratings may be included in a pilot's licence granted under Part IV of these Regulations and, subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows –

Aircraft Ratings. The licence shall entitle the holder to act as pilot of aircraft of the types specified in the aircraft rating, and different types of aircraft may be specified in respect of different privileges of a licence.

Instrument Meteorological Conditions Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) to fly as pilot-in-command of an aeroplane without being subject to the restrictions contained respectively in proviso (c) to the privileges of such licences set out in Sub-Part A of Part I of this Schedule provided that he shall not fly –

(a) on a special VFR flight in a control zone in a flight visibility of less than one and one-half nautical miles;

(b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than one nautical mile.

Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose.

Assistant Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose:

Provided that —

(a) such instruction shall only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with a flying instructor's rating; and

(b) an assistant flying instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of —

- (i) his first solo flight;
- (ii) his first solo flight by night;
- (iii) his first solo cross-country flight otherwise than by night; or
- (iv) his first solo cross-country flight by night.

Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot-in-command or co-pilot of an aeroplane flying in controlled airspace in circumstances which require compliance with the Instrument Flight Rules.

Instrument Rating (Helicopters) shall entitle the holder of the licence to act as pilot-in-command or co-pilot of a helicopter flying in controlled airspace in circumstances which require compliance with the Instrument Flight Rules.

Night Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) to act as pilot-in-command of an aeroplane at night.

Night Rating (Helicopters and Gyroplanes) shall entitle the holder of a private pilot's licence (helicopters and gyroplanes) to act as pilot-in-command of a helicopter or gyroplane at night.

Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purposes of public transport or aerial work.

2. An aircraft rating included in a flight engineer's licence shall entitle the holder of the licence to act as flight engineer only of aircraft of a type specified in the aircraft rating.

SUB-PART C – CERTIFICATE OF TEST OR EXPERIENCE

1. (a) A certificate of test or certificate of experience required by sub-regulation 4(a) of regulation 23 shall not be appropriate to the functions to be performed on a flight unless it is a certificate appropriate to the description of the flight according to the following Table –

TABLE

Case	Class of Licence	Description of Flight	Certificate Required
A	Private Pilot's Licence (Aeroplane) Private Pilot's Licence (Helicopters and Gyroplanes)	Any flight within the privileges of the licence	Certificate of test or certificate of experience
B	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	Carriage of passengers on a flight in respect of which the holder of the licence receives remuneration	Certificate of test
C	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For public transport	Certificate of test

TABLE – *continued*

Case	Class of Licence	Description of Flight	Certificate Required
D	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For aerial work	Certificate of test or certificate of experience
E	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters) Commercial Pilot's Licence (Gyroplanes) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence Helicopters and Gyroplanes)	Any flight within the privileges of a private Pilot's Licence	Certificate of test or certificate of experience
F	Flight Engineer's Licence	For public transport	Certificate of test
G	Flight Engineer's Licence	Any flight other than for public transport	Certificate of test or certificate of experience

(b) For the purposes of this Sub-Part of this Schedule, references to Cases are references to the Cases indicated in the first column of the Table in paragraph 1(a).

Certificate of Test.

2. A certificate of test required by sub-regulation (4) or (5) of regulation 23 shall be signed by a person authorised by the Director to sign such certificates and shall certify the following particulars —

(a) the functions to which the certificate relates;

(b) that the person signing the certificate is satisfied that on the date specified in the certificate the holder of the licence or personal flying logbook of which the certificate forms part, as the case may be, passed an appropriate test of his ability to perform the functions to which the certificate relates;

(c) the type of aircraft or flight simulator in or by means of which the test was conducted;

(d) the date on which it was signed.

Nature of test.

3. The appropriate test referred to in paragraph 2 —

(a) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as pilot-in-command, co-pilot or both of aircraft of the type specified in the certificate, a test of the pilot's competence to fly the aircraft as pilot-in-command, co-pilot or both and shall, where the Director so specifies in respect of the whole or part of a test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Director;

(b) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as flight engineer of aircraft of the type specified in the certificate, a test of the flight engineer's competence to perform the duties of a flight engineer in the type of aircraft to be used on the flight and shall, where the Director so specifies in respect of the whole or part of a test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Director;

(c) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which an Instrument Rating relates, a test of his ability to perform the functions to

which the rating relates and shall, where the Director so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Director;

(d) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which a flying instructor's rating or an instrument rating relates, a test of his ability to perform the functions to which the rating relates and shall, where the Director so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight.

Period of Validity of Certificate of Test.

4. *(a)* A certificate of test required by sub-regulation (4) of regulation 23 shall not be valid in relation to a flight made more than 13 months in Cases A, B and E, or more than 6 months in Cases C, D and G, after the date of the test which it certifies:

Provided that in the case of Cases C, D and G, 2 certificates of test shall together be deemed to constitute a valid certificate of test if they certify flying tests conducted on 2 occasions within the period of 13 months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than 4 months, and if both certificates are appropriate to those functions.

(b) A certificate of test required by sub-regulation (5) regulation 23 shall not be valid in relation to a flight made more than 13 months in the case of an instrument rating (aeroplanes) and more than 25 months in the case of a flying instructor's rating, after the date of the test which it certifies.

Certificate of Experience.

5. A certificate of experience required by sub-regulation (4) regulation 23 shall be signed by a person authorised by the Director to sign such a certificate and shall certify the following particulars —

(a) the functions to which the certificate relates;

(b) in the case of a pilot or flight engineer, that on the date on which the certificate was signed the holder of the licence or personal flying logbook of which it forms part, as the case may be, produced his personal flying logbook to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which his licence relates within the appropriate period specified in paragraph 6;

(c) in the case of a pilot or flight engineer, the type or types of aircraft in which the experience was gained;

(d) the date on which it was signed.

Period of experience.

6. A certificate of experience shall not be valid unless the experience certified was gained within the period of 13 months preceding the signing of the certificate in the case of Cases A, E and F, or 6 months preceding the signing of the certificate in the case of Case D.

Period of Validity of Certificate of Experience.

7. A certificate of experience shall not be valid more than 6 months after it was signed in the case of Case D, or more than 13 months after it was signed in the case of any other Case.

PART II

FLIGHT OPERATIONS OFFICER APPROVAL

1. A person employed for operational control duties by the holder of an Air Operator's Certificate issued in Brunei Darussalam shall not act as a flight operations officer unless he has a level of experience and competence not lower than the minimum requirements specified by the Director.

2. A flight operations officer employed by the holder of an Air Operator's Certificate issued in Brunei Darussalam shall not be assigned to operational control duties unless he has completed a training programme related to those duties and —

(a) has demonstrated knowledge of —

- (i) the contents of the relevant Operations Manual;
- (ii) the radio equipment used in the aircraft;
- (iii) the navigation equipment used, including the peculiarities and limitations of each navigation system;
- (iv) the seasonal meteorological conditions in the areas in which he is authorised to exercise flight supervision; and

- (v) the effects of meteorological conditions on radio reception in the aircraft used; and the aircraft loading instructions;
- (b) has demonstrated the ability —
 - (i) to assist a pilot-in-command in the preparation of the operational flight plan and the air traffic control flight plan, and to file the flight plan with the appropriate air traffic services unit;
 - (ii) to furnish a pilot-in-command while in flight, by appropriate means, with such information as may be needed for the safe conduct of the flight;
 - (iii) to initiate emergency action as may be necessary in compliance with the procedures in the Operations Manual; and
 - (iv) to act so as not to conflict with procedures established by air traffic control, the meteorological service, or the communication service; and

(c) has, within the preceding 12 months, made at least one qualification flight on the flight deck of an aircraft in the area in which he is authorised to exercise flight supervision, including landings at as many aerodromes as may be practicable.

PART III

AIR TRAFFIC CONTROLLERS - RATINGS

1. (a) Subject to sub-paragraph (b), the holder of a licence which includes ratings of 2 or more of the classes specified in paragraph 2 shall not at any one time perform the functions specified in respect of more than one of those ratings.

(b) The functions of any one of the following groups of ratings may be exercised at the same time —

- (i) the aerodrome control rating and the approach control rating;
- (ii) the approach control rating, the approach radar control rating and the area radar control rating; except that the functions of the approach control rating shall not be exercised at the same time as the functions of the approach radar control rating if the service being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from the touchdown.

2. Ratings of the following classes may be included in an air traffic controller's licence (other than a student air traffic controller's licence) granted under regulation 28 and, subject to the provisions of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows —

(a) an *Aerodrome Control Rating* shall, subject to regulation 28, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an aerodrome control service, but not with any type of radar equipment for which a radar control rating is required under this paragraph;

(b) an *Approach Non-Radar Control Rating* shall, subject to regulation 28, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an approach control service, but without the aid of any type of radar equipment;

(c) an *Approach Radar Control Rating* shall, subject to regulation 28, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an approach control service with the aid of any type of surveillance radar or precision approach radar equipment for any aircraft which is flying not more than 100 nautical miles from the aerodrome traffic zone of the aerodrome in respect of which the service is being provided;

(d) an *Area Radar Control Rating* shall, subject to regulation 28, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an area control service at a place other than an area control centre with the aid of any type of surveillance radar equipment;

(e) an *Area Control Centre Rating* shall, subject to regulation 28, entitle the holder of the licence to act as an air traffic controller at an area control centre in the course of the provision of an area control service with or without the aid of any type of surveillance radar equipment.

EIGHTH SCHEDULE

(regulations 17(3)(b), 23(10), 30(2), 32(2)(b), 33(2) and 34(2))

PUBLIC TRANSPORT - OPERATIONAL REQUIREMENTS

PART A - OPERATIONS MANUAL

Information and instructions relating to the following matters shall be included in the operations manual referred to in sub-regulation (2) of regulation 32 —

- (i) the number of crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instructions as to the order and circumstances in which command is to be assumed by members of the crew;

- (ii) the respective duties of each member of the crew and other members of the operating staff;
- (iii) the scheme referred to in paragraph (c)(i) of sub-regulation (1) of regulation 64;
- (iv) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties;
- (v) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained; the instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines;
- (vi) the manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Annex 6 Part I Chapter 6 and Attachment B, Annex 8 Part III Chapter 8 and ICAO Document 9388-AN/918 Part 4 Section 2, as amended and re-issued from time to time by ICAO, JAR-OPS Sub-Part K or both, is to be computed;
- (vii) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule forming part of the relevant certificate of airworthiness are complied with;
- (viii) the circumstances in which a radio watch is to be maintained;
- (ix) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;
- (x) communication, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator may consider necessary for the proper conduct of flight operations; the information referred to in this sub-paragraph shall be contained in a route guide, which may be in the form of a separate volume;
- (xi) the reporting in flight to the notified authorities of meteorological observations;

- (xii) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of Brunei Darussalam or of the countries or territories whose territory is to be flown over;
- (xiii) the particulars referred to in regulation 37;
- (xiv) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance;
- (xv) in the case of aircraft intended to fly at an altitude of more than 49,000 feet, the procedures for the use of cosmic radiation detection equipment;
- (xvi) the labelling and marking of dangerous goods, the manner in which they must be loaded on an aircraft and the responsibilities of members of the crew in respect of the carriage of dangerous goods;
- (xvii) such particulars of any permission granted to the operator pursuant to sub-regulation (2) of regulation 17 as may be necessary to enable the commander of the aircraft to determine whether he can comply with paragraph /b/i) of regulation 40:

Provided that, in relation to any flight which is not one of a series of flights between the same two places, it shall be sufficient if, to the extent that it is not practicable to comply with sub-paragraph (x) or (xii), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

PART B - CREW TRAINING AND TESTS

1. The training, experience, practice and periodical tests, including medical examinations and the frequency thereof, required under sub-regulation (2) of regulation 34 in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as prescribed by the Director from time to time in Aviation Information Circulars in accordance with the International Civil Aviation Organization Annex 1 and shall incorporate the requirements of sub-paragraphs (1) to (4).

(1) *The Crew.*

Every member of the crew shall —

(a) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight; and

(b) have practised within the relevant period under the supervision of the operator or of a person appointed by him for that purpose, the carrying out of the duties required of him in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in apparatus approved by the Director for the purpose and controlled by persons so approved.

(2) *Pilots.*

(a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator —

- (i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight including the use of the instruments and equipment provided in the aircraft;
- (ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft flight simulator (where available) of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in an approved flight simulator (where available) but otherwise in the aircraft in flight.

The other tests required by this sub-paragraph shall be conducted under the supervision of a person approved by the Director for the purpose by means of a flight simulator approved by the Director under sub-regulation (10) of regulation 23 (where available) but otherwise in the aircraft in flight. The tests specified in sub-paragraph (a)(ii) of this sub-paragraph when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the Director.

(b) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relevant period have been tested by or on behalf of the operator in flight in an aircraft of the type to be used on the flight —

- (i) as to his competence to act as pilot thereof, while executing normal manoeuvres and procedures in flight; and
- (ii) as to his competence to act as pilot thereof, while executing emergency manoeuvres and procedures in flight.

(c) Every pilot included in the flight crew who is seated at the flying controls during take-off or landing shall within the relevant period —

- (i) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodromes of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions, in instrument flight conditions simulated by means approved by the Director, or under the supervision of a person approved by the Director for that purpose by means of a flight simulator approved by the Director; and
- (ii) have carried out when seated at the flying controls not less than 3 take-offs and 3 landings in aircraft of the type to be used on the flight.

(3) *Flight Engineers.*

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator —

(a) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight;

(b) as to his competence to perform his duties while executing emergency procedures in a simulator of the aircraft type to be used on the flight.

A flight engineer's ability to carry out normal procedures shall be tested in an aircraft in flight. The other tests required by this sub-paragraph will be conducted under supervision of a person approved by the Director for that purpose by means of a flight simulator approved by the Director.

(4) *Aircraft Commanders.*

(a) The pilot designated as commander of the aircraft for the flight shall within the relevant period have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of the terrain, the seasonal meteorological conditions, the meteorological communications, and air traffic facilities, services and procedures, the search and rescue procedures and the navigational facilities relevant to the route.

(b) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (a) is sufficient to render him competent to perform the duties of aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following —

- (i) the experience of other members of the intended flight crew;
- (ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;
- (iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;
- (iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;
- (v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;
- (vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;
- (vii) the nature of air traffic control procedures and the familiarity of the pilot with such procedures;
- (viii) the influence of terrain on route conditions and the extent of the assistance obtainable en-route from navigational aids and air-to-ground communication facilities;
- (ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of

the route by means of ground instruction and training devices.

(5) For the purposes of this paragraph —

"instrument flight conditions" means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;

"relevant period" means a period which immediately precedes the commencement of the flight, being a period —

(a) in the case of sub-paragraph *(c)(ii)* of sub-paragraph (2), of 3 months;

(b) in the case of sub-paragraphs *(a)(ii)*, *(b)(ii)* and *(c)(i)* of sub-paragraph (2), and sub-paragraph *(b)* of sub-paragraph (3), of 6 months;

(c) in the case of sub-paragraph (1), sub-paragraphs *(a)(i)* and *(b)(ii)* of sub-paragraph (2), sub-paragraph *(a)* of sub-paragraph (3) and sub-paragraph *(a)* of sub-paragraph (4), of 13 months:

Provided that —

- (i) any pilot of the aircraft to whom sub-paragraph *(a)(ii)*, *(b)(ii)* or *(c)(i)* of sub-paragraph (2) apply, and any flight engineer of the aircraft to whom sub-paragraph *(b)* of sub-paragraph (3) applies, shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on 2 occasions within the period of 13 months immediately preceding the flight, such occasions being separated by an interval of not less than 4 months;
- (ii) the requirements of sub-paragraph *(a)* of sub-paragraph (4) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so to act on flights between the same places over the same route more than 13 months before commencement of the flight, he has within the period of 13 months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2. (1) The records required to be maintained by an operator under sub-regulation (2) of regulation 34 shall be accurate and up-to-date records so kept as to show, on any date, in relation to each person who has, during the period of

2 years immediately preceding that date, flown as a member of the crew of any public transport aircraft operated by that operator –

(a) the date and particulars of each test required by this Schedule undergone by that person during that period, including the name and qualification of the examiner;

(b) the date upon which that person last practised the carrying out of duties referred to in sub-paragraph (1)(b) of paragraph 1;

(c) the operator's conclusions based on each test and practice as to that person's competence to perform his duties;

(d) the date and particulars of any decision taken by the operator during that period in pursuance of paragraph (4)(a) of paragraph 1, including particulars of the evidence upon which that decision was based:

Provided that such particulars may be recorded in a Pilot Proficiency Check Record which shall be retained by the pilot, who shall be required to produce the same whenever called upon to do so by any authorised person.

(2) The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person so authorised all records referred to in sub-paragraph (1) and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books, certificates, papers and other documents whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall at the request of any person in respect of whom he is required to keep such records furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

PART C - TRAINING MANUAL

The following information and instructions in relation to the training, experience, practice and periodical tests required under sub-regulation (2) of regulation 34 shall be included in the training manual referred to in sub-regulation (2) of regulation 33 –

- (i) the manner in which the training, practice and periodical tests required under sub-regulation (2) of regulation 34 and specified in Sub-Part B of Part I of the Seventh Schedule are to be carried out;

- (ii) (a) the minimum qualifications and experience which the operator requires of persons appointed by him to give or to supervise the training, practice and periodical tests;
- (b) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and
- (c) the type of aircraft in respect of which each such person is appointed to give or to supervise the training, practice and periodical tests;
- (iii) the minimum qualifications and experience required of each member of the crew undergoing the training, practice and periodical tests;
- (iv) the syllabus for, and specimen forms for recording, the training, practice and periodical tests;
- (v) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;
- (vi) the extent to which the training and testing is permitted in the course of flights for the purpose of public transport;
- (vii) the use to be made in the training and testing of apparatus approved for the purpose by the Director.

PART D - LOAD SHEETS

(1) Every load sheet required by sub-regulation (4) of regulation 35 shall contain the following particulars —

- (a) the nationality mark of the aircraft to which the load sheet relates and the registration mark assigned to that aircraft by the Director;
- (b) particulars of the flight to which the load sheet relates;
- (c) the total weight of the aircraft as loaded for that flight;
- (d) the weight of the several items from which the total weight of the aircraft, as so loaded, has been calculated, including the weight of the aircraft prepared for service and the respective total weights of the crew (unless included in the weight of the aircraft prepared for service), passengers, baggage and cargo intended to be carried on the flight;

(e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits,

and shall include at the foot or end of the load sheet a certificate, signed by the person referred to in sub-regulation (4) of regulation 35 as responsible for the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to sub-regulation (1) of regulation 35.

(2) For the purpose of calculating the total weight of the aircraft, the respective total weights of the passengers and crew together with their baggage entered in the load sheet shall be computed from the actual weight of each person. For that purpose, each person shall be separately weighed:

Provided that, in the case of an aircraft of which the maximum total weight authorised exceeds 5,700 kilograms, or which has a total seating capacity authorised by the certificate of airworthiness in force in respect of that aircraft of 12 or more persons, the total weights of the passengers and crew may, subject to sub-paragraph (4) of this Part, be calculated at not less than the appropriate weights shown in the table at the end of this paragraph. The load sheet shall bear a notation to that effect.

Appropriate weights for passengers

Male passengers over 12 years of age	84 kilograms
Female passengers over 12 years of age	65 kilograms
Children aged 2 years or more, but not over 12 years of age	35 kilograms
Infants under 2 years of age	8 kilograms.

(3) For the purpose of calculating the total weight of the aircraft, the respective total weights of the baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container. For that purpose, each piece or container shall be separately weighed:

Provided that, in the case of an aircraft of which the maximum total weight authorised exceeds 5,700 kilograms, or which has a total seating capacity of 12 or more persons, the total weights of the baggage may, subject to paragraph (4) of this Part, be calculated at not less than the weights shown in the table at the end of this paragraph. The load sheet shall bear a notation to that effect.

Appropriate weights for baggage

Cabin baggage, per passenger	7 kilograms
Hold baggage, per piece	15 kilograms.

If this table has been used, subject to paragraph (4) of this Part, for determining the weight of hold baggage, it shall also be used, subject to paragraph (4), for determining the weight of the cabin baggage.

(4) (a) If it appears to the person supervising the loading of the aircraft that any passenger or baggage to be carried exceeds the weights set out in the tables to paragraph (2) or (3), he shall, if he considers it necessary in the interests of the safety of the aircraft, or if the Director has so directed in the particular case, require any such person or baggage to be weighed for the purpose of the entry to be made in the load sheet.

(b) If any person or baggage has been weighed pursuant to subparagraph (a), the weights entered in the load sheet shall take account of the actual weight of that person or baggage, or of the weight determined in accordance with the respective provisos to paragraph (2) or (3), whichever weight shall be the greater.

**PART E - MINIMUM NAVIGATION PERFORMANCE SPECIFICATIONS,
PRESCRIBED AIRSPACE AND NAVIGATION PERFORMANCE CAPABILITY**

1. With reference to regulation 45, the required navigation performance capability is a capability to ensure that —

(a) the standard deviation of lateral errors in the track of the aircraft is not more than 6.3 nautical miles;

(b) the proportion of the flight time of the aircraft during which the actual track of the aircraft is 30 nautical miles or more off the track along which it has been given an air traffic control clearance to fly is less than 5.3×10^{-4} ; and

(c) the proportion of the flight time of the aircraft during which the actual track of the aircraft is between 50 and 70 nautical miles off the track along which it has been given an air traffic control clearance to fly is less than 13×10^{-5} .

2. For the purposes of this regulation, the following airspace is hereby prescribed, that is to say, the airspace from flight level 275 to flight level 400 within such areas notified by the Director.

NINTH SCHEDULE
(regulations 67(2) and 69(2)(a))

**DOCUMENTS TO BE CARRIED ON AN AIRCRAFT FLYING IN OR OVER
BRUNEI DARUSSALAM**

1. Valid certificate of registration
2. Valid certificate of airworthiness
3. Valid licence of each member of the flight crew
4. Log books
5. Aircraft radio station licence
6. Flight operations manual
7. Any passenger list, load sheet or cargo manifest
8. Certificate of maintenance review
9. Notified procedures to be followed by the pilot-in-command of an intercepted aircraft
10. Noise certificate (if applicable)
11. Copy of the air operator's certificate
12. Insurance certificate
13. Minimum navigation performance certificate.

TENTH SCHEDULE
(regulation 53(1))

CONDITIONS FOR CARRIAGE OF DANGEROUS GOODS

Interpretation.

1. (1) In this Schedule —

"consignment" means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address receipted for in one lot and moving to one consignee at one destination address;

"dangerous goods" means any article or substance which is capable of posing significant risk to health, safety or property when carried by air and which is classified in part 2 of the Technical Instructions;

"dangerous goods transport document" means a document, not being an air waybill, which is required by paragraph 5 of this Schedule to accompany a consignment of dangerous goods;

"package" means the packaging and the articles and substances contained therein, including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

"packing" means the art and operation whereby articles and substances are wrapped up, enclosed in containers or otherwise secured, and 'packed' shall be construed accordingly;

"Technical Instructions" means the English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by the Council of the International Civil Aviation Organization which is current at the time;

"unit load device" means any type of freight container, including any container designed for loading on an aircraft.

(2) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined, shall for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft respectively.

Carriage of dangerous goods.

2. (1) An aircraft shall not carry or have loaded therein or suspended thereunder any dangerous goods unless such goods are carried, loaded or suspended —

(a) with the written permission of the Director and in accordance with any conditions to which such permission may be subject; and

(b) in accordance with the Technical Instructions and any conditions specified therein.

(2) A person shall not —

(a) take or cause to be taken on board;

(b) suspend or cause to be suspended beneath, or

(c) deliver or cause to be delivered for loading on or suspension beneath,

any aircraft any goods which he knows or ought to know or suspect to be goods capable of posing significant risk to health, safety or property when carried by air, unless the Technical Instructions have been complied with and the package is in a fit condition for carriage by air.

(3) This paragraph does not apply to dangerous goods of a type specified in the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of the Technical Instructions and which are —

(a) articles and equipment which are required to be carried on an aircraft by or under this Schedule or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with normal practice, whether or not, in either case, such articles and equipment are required to be carried or intended to be used on that particular flight;

(b) solely intended for the use of passengers or crew members or for sale to the passengers or crew members of the aircraft during the flight in question;

(c) to provide during flight veterinary aid or a humane killer for an animal; or

(d) to provide during flight medical aid to any person:

Provided that goods specified in sub-paragraph *(c)* or *(d)* shall only be carried if —

- (i) they are or may be required for use during the flight;
- (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on the aircraft in the intervening period before the commencement of that subsequent flight; or
- (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight.

(4) Save for sub-paragraph (1)*(a)* of paragraph 3, sub-paragraph (1) of paragraph 7 (but only to the extent that it refers to the provisions in the Technical Instructions relating to loading restrictions on the flight deck and for passenger aircraft), sub-paragraph (2) of paragraph 7 and 8*(b)* of this Schedule do not apply to dangerous goods in accepted quantities as specified in the Technical Instructions:

Provided that —

(a) the dangerous goods do not exceed the appropriate quantity limitations specified therein; and

(b) such other conditions as are specified therein are complied with.

Documentation.

3. (1) An aircraft shall not carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document, except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which a dangerous goods transport document is not required.

(2) The dangerous goods transport document shall be completed in duplicate by the shipper and shall —

(a) describe the dangerous goods in accordance with and contain such information as is required by the provisions of the Technical Instructions;

(b) contain a signed declaration that the Technical Instructions have been complied with in that the dangerous goods —

(i) are fully and accurately described;

(ii) are correctly classified, packed, marked and labelled; and

(iii) are in a proper condition for carriage by air.

(3) The shipper of dangerous goods shall furnish the operator of the aircraft with such other documents in respect of dangerous goods as are required by the Technical Instructions.

(4) The operator of an aircraft shall preserve for not less than 6 months any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him in accordance with this Schedule.

Shipper's responsibilities.

4. Before consigning any package containing dangerous goods for carriage by air, the shipper shall ensure that —

(a) the goods are not of a category whose carriage by air is prohibited by the provisions of the Technical Instructions;

(b) the goods are classified and packed in accordance with the Technical Instructions and the packaging used is in accordance with such provisions of the Technical Instructions as apply to those goods;

(c) the package is marked and labelled in accordance with the provisions of the Technical Instructions;

(d) the package is in a fit condition for carriage by air;

(e) the dangerous goods transport document required by sub-paragraph (1) of paragraph 3 of this Schedule has been completed and that the declaration therein has been signed by him or on his behalf.

Operator's responsibilities.

5. (1) The operator of an aircraft in or under which any package or unit load device containing dangerous goods is to be carried shall ensure by means of an inspection —

(a) that the package is marked and labelled in accordance with the provisions of this Schedule and the provisions of the Technical Instructions, before accepting the package;

(b) that the package is not leaking or damaged so that the contents may escape —

(i) before accepting the package;

(ii) before loading or causing the package to be loaded on board the aircraft or before suspending or causing the package to be suspended beneath the aircraft, as the case may be; and

(iii) upon unloading the package from or from beneath the aircraft;

(c) that the unit load device is free from any evidence of leakage from or damage to any dangerous goods contained therein before loading or causing the unit load device to be loaded on board the aircraft or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.

(2) *(a)* For the purpose of each of the inspections required by sub-paragraphs (1)*(a)* and (1)*(b)(i)* of this paragraph, an acceptance check list shall be used and the results of that inspection shall be recorded in accordance with the form thereof.

(b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that list.

(c) The operator of an aircraft shall preserve for not less than 6 months a record of any acceptance check list completed in accordance with this paragraph. The record shall be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(3) The operator shall not load or cause to be loaded on an aircraft, or suspend or cause to be suspended beneath an aircraft, any package or unit load device containing dangerous goods which, on inspection, is found to be leaking or damaged so that the contents or the dangerous goods therein may escape or be damaged.

(4) The operator shall unload or cause to be unloaded any package containing dangerous goods which appears to be leaking or damaged on board or beneath an aircraft, and shall ensure that other cargo or baggage loaded on or suspended beneath that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator shall, after unloading, inspect for signs of damage or contamination any part of the aircraft, and any sling or other apparatus which has been used to suspend goods beneath the aircraft, in which —

(a) a unit load device containing dangerous goods was stowed; or

(b) any damaged or leaking package containing dangerous goods was loaded,

and the operator shall remove or repair any contamination or damage.

(6) The operator of an aircraft shall not permit it to fly for the purpose of carrying passengers or cargo if he knows or suspects radioactive materials to have leaked in or contaminated the aircraft or any sling or other apparatus attached to the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

Method of loading by operator.

6. (1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath an aircraft in accordance with the provisions of the Technical Instructions which apply to that category of dangerous goods.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by passengers or in the flight crew compartment, except in circumstances permitted by the provisions of the Technical Instructions.

Provision of information and training programmes by operators and shippers.

7. (1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the commander of the aircraft with written information specifying the matters required by the provisions of the Technical Instructions and shall preserve a copy thereof for not less than 6 months.

(2) The operator of an aircraft in which passengers are to be carried or his agent shall notify them of the categories of dangerous goods which may not be taken on board an aircraft, either as checked baggage or accompanying a passenger, by the provision of information with each passenger ticket which shall be sufficient in prominence for this purpose and by displaying notices, sufficient in number and prominence for this purpose, at each of the places at an airport where the operator or his agent issues tickets, checks in baggage or maintains areas to assemble passengers to board the aircraft.

(3) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent thereof shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for this purpose shall establish and undertake training programmes, as required by the Technical Instructions, which shall be submitted to the Director for approval on such occasions as the Director may require and which may be amended as the Director may require.

Production of documents and records.

8. The operator of an aircraft shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person —

(a) the written permission referred to paragraph 3(1) of this Schedule;

(b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in paragraph 4 of this Schedule;

(c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in paragraph 6(2) of this Schedule;

(d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in sub-paragraph (1) of paragraph 7 of this Schedule;

(e) any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

Powers in relation to enforcement of Regulations.

9. (1) An authorised person may examine, take samples of and seize any goods which he has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of this Schedule have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which he has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of this Schedule have not been complied with.

(3) *(a)* Any sample taken under this paragraph shall be disposed of and accounted for in such manner as the Director considers appropriate in all the circumstances.

(b) Anything which has been seized by an authorised person under this paragraph may be retained for so long as is necessary in all the circumstances.

(c) Without prejudice to the generality of sub-paragraph *(b)*, anything seized for the purposes of a criminal investigation may be retained —

- (i) for use as evidence at a trial for any offence; and
- (ii) for forensic examination or for investigation in connection with any offence.

Dropping articles for agricultural, horticultural, forestry or pollution control purposes.

10. Subject to the provisions of sub-paragraph (3) of paragraph 2, nothing in this Schedule shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture, forestry or pollution control.

Made this 9th. day of Jamadilawal, 1427 Hijriah corresponding to the 6th. day of June, 2006.

PEHIN ORANG KAYA SERI KERN DATO SERI SETIA
HAJI AWANG ABU BAKAR BIN HAJI APONG
Minister of Communications,
Brunei Darussalam.

