Commencement: 28 May 1984

CIVIL AVIATION REGULATIONS

Order 22 of 1984
Order 27 of 1985
Order 54 of 1985
Order 32 of 1988
Order 21 of 1993
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SCHEDULE – Classification of Aircraft

PART 1 – PRELIMINARY

1. Interpretation

(1) In these Regulations and in any orders, notices, instructions and other instruments made thereunder, unless the context otherwise requires –

"Act" means the Civil Aviation Act Cap. 159;

"advisory area" means a prescribed area within a flight information region where air traffic advisory service is available;

“advisory route" means a route within a flight information region along which air traffic advisory service is available;

“aerobatic flight" means evolutions performed in flight other than normal flight manoeuvres; and includes loops, rolls, stall turns, and spins;

"aerodrome" means any defined area of land or water intended or designed to be used wholly or partly for the landing, departure, surface movement, and servicing of aircraft; and includes any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration;

“aerodrome control" means a unit established to provide air traffic control service to aerodrome traffic;

"aerodrome meteorological minima" means the limiting meteorological conditions specified for the purpose of determining the usability of an aerodrome either for take-off or for landing;

"aerodrome traffic" means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

"aerodrome traffic circuit" means the pattern flown by an aircraft operating in the vicinity of an aerodrome;

"aerodrome traffic zone" means airspace of prescribed dimensions established around an aerodrome for the protection of aerodrome traffic;

“aeronautical mobile service" means a radio communication service between aircraft and ground stations provided for aircraft use;

“aeronautical station" means a land station in the aeronautical mobile service;

“aeroplane" means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“agricultural operations" means operations in which the aircraft is used to provide service to persons engaged in agriculture and includes –

(a) topdressing, seed sowing, dusting, spraying, dropping of poison bait and laying of poison; and

(b) supplying dropping on farms and forests, farm and forest inspection, stock feeding and stock location, inspection, and mustering, carried out by an agricultural operator;

"air route" means the navigable air space between two points and the terrain beneath any such air space;

“air service" means any flight performed by aircraft for the transport of passengers or cargo for hire or reward;

“air traffic" means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

"air traffic advisory service" means a service provided to ensure separation, as far as possible, between aircraft operating on an IFR flight plan outside control areas but within advisory routes or advisory areas;

"air traffic control" means a service provided for the purpose of –

(a) preventing collisions between aircraft;

(b) preventing collisions between aircraft and obstructions;

(c) expediting and maintaining an orderly flow of air traffic;

"air traffic control clearance" means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

"air traffic control unit" means a unit for providing air traffic control service, and includes an area control centre, an approach control office, and an aerodrome control tower;

“air traffic services unit" means an air traffic control unit, a flight information centre, and a flight service unit;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air, otherwise than by the reactions of the air against the surface of the earth;

"aircraft category" and "category of aircraft" means any one of the following classes of aircraft, namely, aeroplane, helicopter, glider and balloon;

“aircraft components" includes airframes, engines, propellers, instruments, equipment, radio apparatus, installations, accessories and materials used in the construction, maintenance, and operation of aircraft;

“airline" means an air transport enterprise offering or operating an air service and "Vanuatu airline" means an airline whose principal place of business is in Vanuatu;

“airport" means any aerodrome at which facilities available to the public are provided for the shelter, servicing or repair of aircraft and for receiving or discharging passengers or cargo;

“airway" means a control area or portion thereof established in the form of a corridor equipped with radio navigational aids;

“airworthy aircraft" means an aircraft (including its components, fuel and other materials and substances essential to the construction and operation of the aircraft) able to be used, in flight or otherwise, safely and efficiently and in respect of which all the requirements prescribed by or under these Regulations relating to inspection, maintenance, modification, repair, design, construction, and safety generally have been complied with;

"alternate aerodrome" means an aerodrome specified in the flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable, and may include the aerodrome of departure;

"altitude" means the vertical distance of a level, a point, or an object considered as a point, measured from mean sea level;

“approved" means approved in writing by the Director;

“approved firm" means a firm or person approved for the purpose of carrying out any functions required by these Regulations in relation to the airworthiness of aircraft;

“apron" means a defined area on a land aerodrome intended to accommodate aircraft for the purpose of loading or unloading passengers or cargo, refuelling, parking or maintenance;

"authorised person" means any person authorised in writing by the Minister to exercise all or any of the functions under these Regulations;

"avionics" means the electrical, instrument, and electronic components and systems of aircraft;

"balloon" means a non-power-driven lighter-than-air aircraft;

"cargo" includes freight, mail and baggage;

“ceiling" means the height above the ground or water of the base of the lowest layer of cloud below 20,000 ft covering more than half the sky;

“competent authority" means any agency exercising the authority of any State in the matter concerned;

“continuous listening watch" means a continuous listening watch maintained on the appropriate air traffic control radio frequency by the pilot in command, or any other pilot for the time being operating the controls of the aircraft;

"Contracting State" means a State which is a party to the Convention;

“control area" means a controlled airspace extending upwards from a specified height above the surface of the earth without an upper limit unless one is specified;

“control zone" means a controlled airspace extending upwards from the surface of the earth to a specified limit;

"controlled aerodrome" means an aerodrome at which air traffic control service is provided to aerodrome traffic;

"controlled airspace" means an airspace of defined dimensions for which an air traffic control service is provided in respect of controlled flights;

"controlled flight" means any flight which is provided with an air traffic control service;

“convention" means the Convention on International Civil Aviation Chicago signed on 7 December 1944 and includes the international standards and recommended practices and

procedures adopted by the International Civil Aviation Organisation under Article 37 of the Convention;

“conversion instruction" means instruction for the purposes of familiarisation in the operation of aircraft for which a type rating is required; but does not include instruction or supervision of student pilots nor instruction for the purposes of familiarisation in respect of conversion from fixed-wing to rotary-wing aircraft or from rotary-wing to fixed-wing aircraft;

“co-pilot" means a licensed pilot serving in any piloting capacity other than as pilot in command, but does not include a pilot receiving flight instruction from a pilot on board the aircraft;

"crew member" means any person assigned by an operator for duty as a member of the crew of an aircraft;

“cruising level" means a level maintained during a significant portion of a flight;

"danger area" means an airspace of defined dimensions within which activities dangerous to the flight of aircraft exist or are likely to exist;

“designated reporting point" means a specified geographical location in relation to which the position of an aircraft can be reported;

"designated shore line" means the general contour of the coastline omitting promontories and bays less than 30 miles across;

"Director" means the Director of Civil Aviation;

"Right crew compartment" means a part of the aircraft assigned for the accommodation of the flight crew in the performance of their duties;

"flight crew member" means a licensed crew member charged with duties essential to the operation of the aircraft;

"flight information region" means airspace of prescribed dimensions within which flight information service and alerting services are provided;

"flight information service" means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

"flight instruction" means instruction in the control of aircraft in basic and advanced flight manoeuvres and includes instruction in respect of conversion from fixed-wing to rotary-wing aircraft or from rotary-wing to fixed-wing aircraft;

“flight levels" means surfaces of constant atmospheric pressure which are related to a specific pressure datum of 1013.2 millibars (29.92 in) and are separated by specific pressure intervals;

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

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

"flight service unit" means a unit established to provide flight information and alerting service;

"flight time" means the total time from the moment the 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 cockpit of an aircraft in flight;

"foreign aircraft" means any aircraft other than Vanuatu aircraft;

"fuelling operation" includes the fuelling and defuelling of aircraft, aircraft fuel flow tests, and the calibration and draining of aircraft fuel tanks;

"glider" means a non-power-driven heavier-than-air aircraft which derives its lift in flight chiefly from aerodynamic reaction on surfaces which remain fixed under given conditions of flight;

“glider flight time" means the total time from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of a flight;

"goods" means all kinds of moveable property, including animals and mail;

"Government civil aerodrome" means an aerodrome operated by the Minister;

“ground visibility" means the visibility at an aerodrome as reported by an accredited observer;

“gyroplane" means a rotorcraft whose rotors are not power-driven and whose means of propulsion consist of a power-driven propeller on a substantially horizontal axis;

"height" means the vertical distance of a level, a point, or an object considered as a point, measured from a specified datum and includes the vertical dimension of an object;

"helicopter" means a rotorcraft that depends principally on power-driven rotors for its horizontal motion;

"holding point" means a specified location, identified by visual or other means, in the vicinity of which the position of an aircraft in flight is maintained in accordance with air traffic control clearances;

"IFR" is the symbol used to designate instrument flight rules;

"IFR flight" means a flight conducted in accordance with the instrument flight rules;

"IMC" is the symbol used to designate instrument meteorological conditions;

"instrument approach procedure" means a series of predetermined manoeuvres for the orderly transfer of an aircraft which the pilot is flying by reference to instruments –

(a) from the commencement of the aircraft's initial approach to the commencement of its landing; or

(b) from the commencement of its initial approach to a point from which a landing may be made visually;

"instrument flight" means flight during which an aircraft is piloted solely by reference to instruments and without external reference points;

"instrument flight time" means time during which an aircraft is piloted solely by reference to instruments and without external reference points;

"instrument meteorological conditions" means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling less than the minima specified for visual meteorological conditions;

"instrument time" includes instrument flight time and time during which a pilot is practising simulated instrument flight on an approved mechanical device;

"licensed aerodrome" means an aerodrome licensed under these regulations;

"lighter-than-air aircraft" means any aircraft supported chiefly by its buoyancy in the air;

“maintenance" means all work and inspections performed to ensure the continued airworthiness of an aircraft or aircraft components and includes minor and major maintenance;

“maintenance release" means a certificate given in the prescribed manner relating to maintenance and airworthiness of aircraft and aircraft components;

“major maintenance" means the overhaul, major repair, or major modification of aircraft and aircraft components and includes any work involving the extensive dismantling and reassembly of aircraft or aircraft components and the making of replacement parts in accordance with approved data;

“manoeuvring area" means that part of an aerodrome to be used for the take-off and landing of aircraft and for the surface movement of aircraft associated with take-off and landing but does not include areas set aside for loading, off-loading, or maintenance of aircraft;

“maximum certificated take-off weight", in relation to an aircraft, means the weight specified as the maximum take-off weight of the aircraft in a flight manual or certificate of airworthiness relating to the aircraft;

“medical practitioner" means a person authorised to practise medicine in Vanuatu or any contracting state;

“meteorological minima" means the minimum values of meteorological elements prescribed for specific types of flight operation;

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

“military aircraft" includes naval, military and airforce aircraft, and any aircraft used for naval, military or airforce purposes;

“minor maintenance" means all work relating to the maintenance of aircraft other than major maintenance;

“missed approach procedure" means the procedure to be followed by a pilot after the aircraft has made an instrument approach and a landing is not effected;

“modification" means any alteration to an aircraft or aircraft component affecting its design, construction, equipment, performance or its safe operation;

“movement area" means that part of an aerodrome intended to be used for the take-off and landing of aircraft and for the surface movement of aircraft, and includes the manoeuvring area, maintenance area and aprons;

“night" means the period between sunset plus 15 minutes and sunrise minus 15 minutes;

"operational control" means the exercise of authority, in accordance with these Regulations, over the initiation, continuation, diversion, or termination of a flight;

“operational flight plan", in relation to an intended flight, means the operator's plan for the safe conduct of the flight, based on aircraft performance, other operating limitations and expected conditions on the route to be followed and at the aerodromes concerned;

“operator" means a person or organisation, being either the owner or the hirer, engaged in operating aircraft;

"owner", in relation to a Vanuatu aircraft, means the person lawfully entitled to the possession thereof, except where the aircraft is subject to a bailment not exceeding 28 days;

"passenger", in relation to an aircraft, means any person carried in the aircraft, other than a crew member, an authorised person, or a person carried for the sole purpose of receiving or giving instruction in the control or navigation of the aircraft;

"permit to fly" means a certificate of authorisation granted by the Director sanctioning the private operation of an aircraft which cannot comply with the requirements for a certificate of airworthiness;

“pilot in command" means the pilot responsible for the operation and safety of an aircraft;

"prescribed" means prescribed by the Act or by these regulations or by any order, notice, requirement, or other act of authority under these Regulations;

"prohibited area" means an airspace of defined dimensions within which the flight of aircraft is prohibited;

"rating" means an authorisation entered on a licence or certificate and forming part thereof, stating the conditions, privileges and limitations pertaining to the licence or certificate;

"registered" means registered under these Regulations;

"regular aerodrome" means an aerodrome which may be listed in the flight plan as an aerodrome of intended landing;

"restricted area" means an airspace of defined dimensions within which the flight of aircraft is restricted in accordance with conditions specified by the Director;

“rotorcraft" means any heavier-than-air aircraft which derives its lift in fight from the reaction of the air on one or more rotors on a substantially vertical axis;

"runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

"state of registration" means the state on whose register an aircraft is entered;

“synthetic flight trainer" means equipment in which flight conditions are simulated on the ground; and includes –

(a) a flight simulator, being an apparatus which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the normal environment of

flight crew members, the systems and the performance and flight characteristics of that type are realistically simulated;

(b) a flight procedure trainer, being an apparatus that provides a representation of aircraft to the extent that realistic flight deck environment, instrument responses, simple systems and the performance and flight characteristics of aircraft of a particular class or type are simulated;

(c) a basic instrument flight trainer, being an apparatus equipped with appropriate instruments, simulating the flight deck environment of an aircraft in flight in instrument flight conditions, in which a pilot may be instructed or tested in basic instrument flight manoeuvres and procedures;

"terminal control area" means a control area normally established at the confluence of air routes or in the vicinity of one or more major aerodromes;

"Vanuatu aircraft" means an aircraft registered under these Regulations;

"vector", in relation to the landing and take-off paths of aircraft, means a predetermined take-off or landing direction of fixed length on the grass area of an aerodrome;

"VFR" is the symbol used to designate visual flight rules;

"VFR flight" means a flight conducted in accordance with the visual flight rules;

"visibility" means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

"visual meteorological conditions" means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling equal to or better than specified minima;

"VMC" is the symbol used to designate visual meteorological conditions.

(2) For the purposes of these Regulations, aircraft shall be classified in accordance with the Schedule hereto.

(3) Terms and expressions defined in these Regulations shall, when used in any publication referred to in regulation 5 have the meanings so defined unless the context otherwise requires.

2. Application of regulations

(1) Except where otherwise provided, these Regulations shall apply –

(a) to all aircraft in or over Vanuatu territory, whether or not they are registered in Vanuatu;

(b) subject to regulations 19 and 20, and to such limitations as the Director may prescribe, to all Vanuatu aircraft wherever they may be.

(2) Nothing in these Regulations shall apply to military aircraft.

3. Compliance with military rules

Aircraft operating on or flying within the control zone of a military aerodrome in Vanuatu shall comply with any rules or requirements applying in relation to that control zone or aerodrome.

PART 2 – ADMINISTRATION

4. Director to comply with Minister's directions

The Director shall, subject to the directions of the Minister, be charged with the administration of these Regulations.

5. Promulgation of orders

The Director shall from time to time issue –

(a) Civil Aviation Safety Orders (CASO) – for the publication of orders relating to the operation, flight and manoeuvre of aircraft; to the use of any aerodrome or navigational facility; in respect of air traffic control and requirements for persons holding or applying for licences, certificates, ratings or other authorities under these Regulations;

(b) Notices to Airmen (NOTAM) – for the publication of aeronautical information, orders, notices, requirements and procedures of a temporary character in the interests of safety which cannot be made available with sufficient expedition by publication in either a Civil Aviation Safety Order or the Vanuatu Aeronautical Information Publication;

(c) Vanuatu Aeronautical Information Publication (RVAIP) – for the publication of orders, technical procedures, and aeronautical information of a lasting character necessary for flight crew engaged in air navigation;

(d) Vanuatu Civil Airworthiness Requirements (RVCAR) – for the publication of orders, requirements, procedures and specifications relating to the inspection, maintenance, and airworthiness certification of aircraft;

(e) Civil Aviation Information Circulars (CAIC) – for the publication of information or any matter relating to civil aviation to facilitate the exercise of the functions of the Director;

(f) Civil Aviation Security Directives (CASD) – outlining procedures and requirements relating to aviation security and disseminating instructions, generally to ensure the security of personnel, equipment, buildings and installations for the purpose of providing for the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried thereon.

6. Vanuatu Civil Air Ensign

(1) The design and colours of the Vanuatu Civil Air Ensign shall be prescribed by the Minister.

(2) The Vanuatu Civil Air Ensign may be flown –

(a) by the Department of Civil Aviation on its buildings and aircraft;

(b) on any Vanuatu aircraft;

(c) at any licensed aerodrome, or any place authorised for use as an aerodrome under these Regulations;

(d) by any person to whom permission in writing is granted by the Director at such places and subject to such conditions as may be specified.

(3) The Vanuatu Civil Air Ensign shall not be flown except as provided in this section.

7. Production of documents and records

Any person who –

(a) is required under these Regulations to hold any licence, rating, certificate, permit, or other authority in respect of the exercise of any function;

(b) is required under these Regulations to maintain, complete, or cause to be maintained or completed any document or record;

(c) has in his possession any document or record referred to in paragraph (a) or (b),

shall, on demand by the Director or any authorised person, produce or cause to be produced such document or record for the purposes of any inspection or investigation.

8. Suspension, cancellation, or endorsement of licences, ratings and certificates

(1) The Director may suspend summarily any licence, rating or certificate issued under these Regulations if he considers any such action necessary to ensure compliance with these Regulations, or in the interests of safety, or if he has reason to believe that the licence, rating or certificate has been obtained fraudulently.

(2) Without prejudice to the generality of subregulation (1), the Director may suspend summarily –

(a) any licence, rating or certificate if he considers that the duties for which the licence, rating or certificate have been granted are being carried out by the holder in a careless, incompetent or inefficient manner;

(b) any certificate of airworthiness or permit to fly if he has doubt as to the airworthiness of the aircraft in respect of which the certificate or permit has been granted.

(3) The summary suspension of any licence, rating, certificate or permit shall remain in force until the Director has determined, after due investigation, the action to be taken in respect of the causes requiring the summary suspension. The period of any such summary suspension shall not exceed 14 days, unless the Director directs that a further specified period of suspension is necessary for the purposes of the investigation.

(4) If, after investigation, the Director considers any such action to be warranted, he may cancel, or suspend for a further period, the licence, rating, certificate or permit, and shall cause an appropriate endorsement to be made on the document concerned.

(5) Any person affected by any decision made under subregulation (4) may appeal to the Minister for reconsideration of the decision.

(6) For the purpose of any appeal under subregulation (5), the Minister may establish a Board of Inquiry composed of not more than 3 persons to consider and report on the circumstances giving rise to the decision, and the Minister, after considering any such report, may confirm, modify, or reverse the decision appealed against and may order such action to be taken as he considers proper.

(7) Subject to regulation 38 no person whose licence, rating, certificate or permit has been cancelled shall again be issued with the same during the next succeeding 12 months, unless the cancellation has been revoked by the Minister under this regulation.

(8) Any person whose licence, rating or certificate has been cancelled or suspended shall surrender forthwith to the Director the licence, rating, certificate or permit.

9. Variation of licences etc.

The Director may vary or cancel any entry or particulars in any licence, rating, certificate or permit issued under these Regulations if the privileges or functions authorized thereby are not being exercised so as to ensure continued competence or to fulfil the purpose for which the licence, rating, certificate or permit was issued:

Provided that if any action taken by the Director adversely affects the privileges under any licence, rating, certificate or permit the holder may elect to undergo an examination specified by the Director or otherwise satisfy the Director as to his competency in the matters concerned.

10. Right of access

Any authorised person shall at all reasonable times have right of access to –

(a) any aircraft, aerodrome, building or place to which access is necessary for the purpose of carrying out his powers and duties under these Regulations;

(b) any building or place for the purpose of examining any aircraft or aircraft components being constructed, maintained or held in storage, or any document relating thereto.

11. Prohibition and control of access

(1) No person shall enter or remain within the precincts of any aerodrome in circumstances in which the safety of any aircraft or its passengers or crew is likely to be imperilled or the proper functioning of the aerodrome impeded.

(2) No person shall trespass on any part of any aerodrome beyond the areas set aside for public use.

(3) No person shall trespass in any building or area in which are operated technical facilities or services for civil aviation.

(4) Any authorised person shall have the right to control or prohibit access to any aerodrome or to any part thereof, or to any building or area used for providing technical facilities or services for civil aviation.

(5) Any authorised person or police officer may control or prohibit access to any area or place where any such action is necessary for the purposes of these Regulations.

12. Interference and nuisance

No person shall commit any act likely to imperil the safety of an aircraft, its passengers or crew, whether by interference with the pilot or member of the crew or the tampering or causing interference

with any aircraft or its equipment or with any equipment used for the purpose of assisting the operation or navigation of any aircraft or by disorderly conduct or by any other means.

13. Prevention of operation of aircraft

Where it appears to the Director or to any authorised person that an aircraft is intended, of is likely to be operated in circumstances that would –

(a) contravene these Regulations; or

(b) cause danger to persons or property;

the Director or an authorised person may take such action as may be appropriate to prevent the aircraft being so operated.

PART 3 – CONDITIONS OF FLIGHT

General

14. General conditions of flying

(1) Except as otherwise provided by these Regulations, no Vanuatu aircraft shall be flown unless –

(a) it is registered and has nationality and registration marks painted on or affixed to it in accordance with these Regulations;

(b) it has a valid certificate of airworthiness issued under these Regulations or has been granted a permit to fly;

(c) a valid maintenance release in respect of the aircraft has been issued under these Regulations;

(d) it complies with the prescribed performance requirements relating to the category of the aircraft and to the particular class of operation on which it is engaged;

(e) it is fitted with the prescribed instruments and equipment;

(f) the crew members of the aircraft are of the required number and description and are in possession of licences and ratings issued under these Regulations and appropriate to the duties being carried out;

(g) it carries the documents specified in regulations 24, 25 and 26, as appropriate to the class of operation on which it is engaged;

(h) it complies with the provisions of these Regulations and with all orders, requirements and instructions, issued under these Regulations and with all requirements of an air traffic control unit.

(2) *(repealed)*

(3) *(repealed)*

(4) The Director may, on such conditions as he thinks fit, exempt any aircraft having a maximum certificated take-off weight of more than 5,700 kg from any operational, performance, or pilot licensing requirement that does not apply to an aircraft having a maximum certificated take-off weight of 5,700 kg or less if he considers that the requirement is unreasonable in the case of that aircraft and the granting of the exemption will not affect the safety of the aircraft.

14A. Special Flight Permit

(1) The director or an authorised person may on the application of a person grant a Special Flight Permit for the purpose of authorising an aircraft to fly in Vanuatu on a particular flight in a specified period for the purpose of:

(a) delivering the aircraft to a person under a contract of sale or with a view to sale;

(b) carrying out a demonstration, experiment or test in respect of the aircraft;

(c) bringing the aircraft to or from a place where a demonstration, experiment or test with respect to the aircraft is to take place or has taken place, as the case may be;

(d) bringing the aircraft to or fro a place where maintenance on the aircraft is to be carried out, or has been carried out, as the case may be;

(e) assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion;

(f) assisting in dealing with a state of emergency;

(g) gaining endorsement or renewal of a pilot licence under section 234 in respect of an aircraft of the type or category in which that aircraft is included, that aircraft being an aircraft in respect of which no certificate of airworthiness has been issued under section 172;

(h) obtaining flying practice in the aircraft for the purpose of flying that aircraft for a purpose specified in any of paragraphs (a) to (g) inclusive.

(2) In giving permission for a flight under sub-regulation (1), the Director or an authorised person may give such directions with respect to the flight as the Director or the authorised person thinks necessary for the purpose of ensuring the safety of air navigation.

(3) Where the Director or an authorised person gives permission for a flight under subregulation (1), the Director or the authorised person may direct that:

(a) subsection 14(1)(a), (b), (c), (d), (e), (f), (g), (h); or

(b) such of those provisions as the Director or the authorised person specifies,

do not, or does not, apply in relation to the flight.

15. Operation of gliders

(1) The Director may prescribe such requirements for the operation, equipment, flight, manoeuvre, and airworthiness of gliders and such matters relating to the qualifications, experience and medical fitness of persons who may act as pilot in command of a glider as he considers necessary in the interests of safety.

(2) The Director may approve the rules of any body of persons established for the purposes of controlling or facilitating the flying of gliders and any such rules, when approved, shall be deemed to form part of the requirements mentioned in subregulation (1).

(3) A person may not act as pilot in command of a glider unless –

(a) he is qualified to act as such in accordance with the provisions of this regulation; or

(b) he is the holder of a licence issued under these Regulations of a class appropriate to the functions to be carried out.

16. Operation of free balloons

(1) The Director may prescribe such requirements for the operation, equipment, flight, manoeuvre and airworthiness of free balloons and such matters in relation to qualifications, experience, and medical fitness of persons who may act as pilot in command of a free balloon as he considers necessary in the interests of safety.

(2) The Director may approve the rules of any body of persons established for the purpose of controlling or facilitating the flying of free balloons and any such rules, when approved, shall be deemed to form part of the requirements mentioned in subregulation (1).

(3) A person may not act as pilot in command of a free balloon unless –

(a) he is qualified to act as such in accordance with the provisions of this regulation; or

(b) he is the holder of a licence issued under these Regulations of a class appropriate to the functions to be carried out.

17. Flight over Vanuatu by foreign aircraft

(1) A foreign aircraft which has the nationality of a contracting State shall not be flown over Vanuatu unless it complies with –

(a) the requirements of the Convention in respect of –

(i) nationality and registration marks;

(ii) certificate of airworthiness and its associated flight manual;

(iii) the number and description of the flight crew members and the licences and ratings held by them;

(iv) the documents to be carried; and

(b) the requirements of these Regulations applicable to foreign aircraft and the requirements of an air traffic control unit.

(2) A foreign aircraft which has not the nationality of a contracting State shall not be flown over Vanuatu unless the prior approval of the Minister has been obtained and any conditions in respect of the flight as the Minister may impose are complied with.

18. Operation within Vanuatu of foreign aircraft

(1) No foreign aircraft shall be engaged in the classes of flight operations specified in regulation 143(1) except with the approval of the Director.

(2) Subregulation (1) shall not apply to an aircraft engaged in an international scheduled or international non-scheduled flight under regulation 23(2).

19. Flight over foreign territory

While operating within the airspace of another State, a pilot in command of a Vanuatu aircraft shall ensure compliance with the rules and procedures of that State.

20. Flight over high seas

All Vanuatu aircraft in flight over the high seas shall comply with the Rules of the Air contained in Annex 2 to the Convention.

21. Airport of entry

Any aircraft arriving in or departing from Vanuatu shall land at or depart from an airport at which Customs officers are normally stationed.

22. Pilotless aircraft

An aircraft capable of being operated without a pilot shall not be so operated except with the authorisation in writing of the Director and in accordance with such conditions as may be specified therein:

Provided that the Director may exempt all or any balloons, kites and model aircraft from compliance with this regulation subject to such special conditions as may be specified in Civil Aviation Safety Orders.

23. International scheduled and non-scheduled flights

(1) No person shall operate a scheduled international air service to, from, or in transit through Vanuatu without the appropriate Air Services Agreement and, in the case of a foreign operator, in pursuance of a bilateral agreement, the International Air Services Transit Agreement, or any other agreement to which Vanuatu and the State of the operator concerned are parties.

(2) No person shall fly an aircraft on a non-scheduled international flight to, from or in transit through Vanuatu otherwise than in accordance with such conditions as the Minister may impose.

24. Documents to be carried

Except as otherwise provided in these Regulations, there shall be carried in every Vanuatu aircraft the following documents -

(a) the certificate of airworthiness and its associated flight manual or other approved documents;

(b) the licence granted in respect of any radio installation in the aircraft;

(c) the maintenance release;

(d) an approved load sheet.

25. Documents to be carried on internal flights

There shall be carried in every Vanuatu aircraft engaged in air transport operations which are not international the following documents –

(a) the certificate of airworthiness and its associated flight manual or other approved documents;

(b) the licence granted in respect of any radio installation in the aircraft;

(c) the maintenance release;

(d) an approved load sheet;

(e) an approved form of flight record;

(f) a route guide for each route flown in the case of scheduled air services.

26. Documents to be carried on international flights

There shall be carried in every Vanuatu aircraft engaged in international flights the following documents –

(a) the certificate of airworthiness and its associated flight manual or other approved documents;

(b) the certificate of registration or a certified copy thereof;

(c) the licences of the flight crew members;

(d) the licence granted in respect of any radio installation in the aircraft;

(e) the maintenance release;

(f) an approved load sheet;

(g) an approved form of flight record;

(h) if passengers are carried, a general declaration showing the total number of crew members and the number of passengers embarking, disembarking, or travelling through on the same flight;

(i) if cargo is carried, the bills of lading and manifests in respect of the cargo;

(j) a list of all disposable stores, equipment and spare parts carried in the aircraft;

(k) a route guide for each route to be flown

27. Loadsheets

(1) Subject to subregulation (2), no aircraft shall be flown unless a load sheet has been completed and certified in respect of the proposed flight by the pilot in command.

(2) The Director may exempt all or any aircraft operated by any operator from this regulation and in respect of any such exemption he may either generally or specifically, as the circumstances require, impose such conditions applicable to the exemption as he may think necessary in the interests of safety.

(3) The load sheet shall be in such form as the Director shall approve, and shall be completed in duplicate; one copy of the sheet shall be carried in the aircraft until the completion of the flight to which it relates; the other copy shall be either left in the custody of the operator or his representative or, where this is not practicable, either left in the custody of such person or in such place as the Director may approve.

(4) A copy of the load sheet in respect of every flight shall be retained by the operator for a period of 12 months.

28. Daily flight records

(1) Every operator shall keep daily flight records in such form and containing such information as the Director shall prescribe.

(2) Every daily flight record shall be retained by the operator for a period of 12 months.

29. Records to be maintained in flight

(1) A navigation log or other approved form of record shall be maintained in every aircraft –

(a) engaged in flights in which a licensed flight navigator is required to be carried under these Regulations;

(b) on which navigational duties are required to be performed in accordance with any conditions contained in the operations manual;

(c) engaged on flights under instrument flight rules; or

(d) engaged on other flights where the Director considers the maintenance of such a log to be necessary in the interests of safety.

(2) An approved flight engineer's log shall be maintained in every aircraft engaged in flights in which a flight engineer is required to be carried under these Regulations.

30. Prohibited carriage

(1) Except with the approval of the Minister, munitions or implements of war shall not be carried in any aircraft flying over Vanuatu.

(2) There shall not be carried in any Vanuatu aircraft flying over the territory of another State munitions or implements of war, except as may be permitted by the competent authority of that State.

(3) The Minister may by order prohibit or impose conditions on the carriage or use of photographic apparatus in aircraft flying over Vanuatu or any part thereof.

31. Carriage of dangerous goods

(1) The Director may prescribe, by Civil Aviation Safety Order the articles the carriage of which by air is prohibited, or which may only be carried subject to conditions specified in that Order.

(2) The Director may approve the conditions and rules published by any organisation for the purpose of controlling, prohibiting, or restricting the carriage by air of dangerous goods; and any such conditions and rules, when approved by the Director, shall be deemed to have been prescribed under subregulation (1).

(3) No person shall offer for transportation by air any goods prohibited under subregulation (1).

(4) No person shall offer transportation by air the carriage by air of which is restricted under subregulation (1) unless –

(a) such goods are declared under their full and proper name;

(b) any instructions necessary for the safe handling of such goods are given in writing to the operator;

(c) such goods are packed, marked and labelled in accordance with any conditions under subregulation (1);

(d) such person or his authorised agent completes an approved certificate specifying the goods and their quantity and certifies that the consignment complies with the provisions of this section.

(5) No person shall knowingly send or carry in any aircraft under a false or misleading description, any goods whose carriage by air is prohibited or restricted under subregulation (1).

32. Carriage of firearms

Except as provided in regulation 30, no person shall carry in or discharge in or from an aircraft any loaded firearm or tranquilliser gun.

33. Carriage of portable electronic devices

(1) Except as provided in subregulation (2), no person shall operate, and no operator pilot in command shall permit to be operated, any portable electronic device on any Vanuatu aircraft engaged in air transport operations or on an IFR flight.

(2) Subregulation (1) shall not apply to –

(a) portable voice recorders;

(b) hearing aids;

(c) heart pacemakers;

(d) electric shavers;

(e) any other portable electronic device that the operator of the aircraft has determined will not cause interference with the navigation or communications system of the aircraft on which it is used.

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34. Dropping of articles

(1) Subject to subregulation (2) no person shall drop or permit anything to be dropped from an aircraft in flight.

(2) Nothing in this regulation shall prevent –

(a) the dropping of any articles where the Director has given prior approval and in accordance with such directions as may have been given by him to eliminate hazard to persons or property;

(b) the dropping of insecticides, fungicides, or herbicides, or of animal poisons, where the pilot in command is the holder of a Chemical Rating under these Regulations;

(c) the dropping of fertilisers, lime or non-poisonous trace-elements for agricultural purposes;

(d) the dropping of ballast in the form of fine sand or water;

(e) in emergency, the jettisoning of liquid fuel or cargo:

Provided that, as far as practicable, any such jettisoning shall take place over areas where hazard to persons or property can be avoided.

(3) No person shall wilfully or negligently drop or cause or permit to be dropped from any aircraft in flight anything in a manner that creates a hazard to persons or property below the aircraft.

35. Prohibited, restricted and danger areas

(1) The Director may declare any area to be a prohibited area, a restricted area or a danger area for the purposes of controlling air traffic, ensuring the safety of air navigation, and facilitating the control of aircraft operations.

(2) Any area may be declared as a prohibited, restricted or danger area either indefinitely or for such period as the Director shall fix.

(3) The Director shall not –

(a) declare an area to be a prohibited area unless he is directed by the Minister for reasons of military necessity or national security or in the public interest to prohibit the flight of aircraft within the area; or

(b) declare an area to be a restricted area unless he is satisfied that it is necessary in the interests of the safety of air navigation or in the public interest to permit the flight of aircraft within the area only in accordance with such conditions and at such times as he may prescribe; or

(c) declare an area to be a danger area unless he is satisfied there exists or is likely to exist in that area an actual or potential danger to aircraft flying in the area.

(4) In declaring a restricted area, the Director shall prescribe the conditions under which aircraft may be permitted to fly within the area and he may authorise any such conditions to be varied by an appropriate air traffic control unit in circumstances which render it impracticable for him to be consulted.

(5) In declaring a danger area, the Director shall give sufficient information as to the danger to aircraft so that the pilot in command may be in a position to assess the danger in relation to his responsibility for the safety of the aircraft.

(6) In declaring a prohibited, restricted or danger area, the Director shall give notice thereof in the appropriate publication as he shall think fit in the circumstances.

(7) No aircraft shall be flown within a prohibited area except with the express permission in writing of the Minister and under such conditions as he may fix.

(8) No aircraft shall be flown within a restricted area except in accordance with such conditions and at such times as the Director may fix.

(9) No aircraft shall be flown within a danger area except after due consideration by the pilot in command of the information given by the Director in relation to the flight of aircraft in the area and the actual or potential danger to the aircraft.

(10) Where the pilot in command finds that the aircraft is within a prohibited or restricted area contrary to this regulation or any conditions prescribed thereunder he shall –

(a) immediately have the aircraft flown to a position outside such area;

(b) as soon as possible report the full circumstances to an appropriate air traffic control unit; and

(c) obey any instructions given by air traffic control as to the flight and manoeuvre of the aircraft, including any instruction to land at such aerodrome as the air traffic control may direct.

(11) No person shall create any hazard or do anything in relation to any airspace which is likely to affect safety in aerial navigation unless prior notice is given to the Director by that person in sufficient time to enable adequate steps to be taken to protect aircraft likely to be affected.

36. Use of aerodromes

(1) Except in an emergency arising from mechanical or structural defects of the aircraft or its equipment, or from weather conditions or other causes beyond the control of the pilot in command –

(a) no aircraft shall land at or take off from a licensed aerodrome in contravention of the conditions of the aerodrome licence or the operational conditions relating to that aerodrome prescribed by the Director;

(b) no aircraft shall land at or take off from any place that is not a licensed aerodrome unless –

(i) prior written approval has been obtained from the authority having control of such place, and such approval is in the possession of the operator and has been sighted by the pilot in command prior to landing or taking off; or

(ii) if there is no such authority, approval has been obtained from the occupier of that place, and such approval is in the possession of the operator and has been sighted by the pilot in command prior to landing or taking off; or

(iii) prior approval has been obtained from the Director and all conditions of the approval are complied with;

(c) no aircraft carrying passengers shall use any place for the purpose of taking off or landing unless that place has been licensed or authorised for use as an aerodrome under these Regulations;

(d) no aircraft carrying goods shall use any place for the purpose of taking off or landing unless that place has been licensed or authorised for use as an aerodrome under these Regulations or unless provision is made otherwise in the air service certificate relating to the operations in question;

(e) no aircraft shall use a licensed aerodrome or place authorised for use as an aerodrome for the purpose of taking off or landing by night unless the aerodrome or place is equipped with an approved lighting system and that system is used in accordance with such conditions as may be prescribed or required by the Director;

(f) no aircraft shall use an aerodrome or place authorised for use as an aerodrome for the purpose of taking off or landing when any cattle, horse, sheep or other stock are present on the manoeuvring area;

(g) no aircraft shall use an aerodrome or place authorised for use as an aerodrome for the purpose of taking off or landing if there is any obstruction on the manoeuvring area that would cause a hazard to the safety of the aircraft's operation.

(2) Subregulation (1) shall not apply to any aircraft belonging to or operated by the Government.

37. Recent experience limitation

The holder of a licence or rating shall not exercise the privileges of that licence or rating if his recent experience does not comply with the current requirements in respect of that licence or rating under regulation 234(1):

Provided that such holder of a licence or rating may exercise the privileges thereof if he proves his continued proficiency to the satisfaction of the Director in a flight test.

38. Examination for continued fitness or proficiency

(1) Notwithstanding the period of validity specified in the licence or rating, the Director may, if he considers it necessary in the interests of safety for the holder of 1 licence or rating to prove his continued fitness or proficiency in the capacity for which the licence or rating is held, require the holder to undergo a medical or other examination or test.

(2) Any medical or other examination or test required by the Director shall consist of such part or parts of the medical or other examination or test prescribed under these Regulations for the grant of such a licence or rating as the Director may determine.

(3) The licence or rating held by any person required to undergo a medical or other examination or test under subregulation (1) shall be cancelled if, in the examination or test, the person fails to meet the minimum standard required for the grant of such a licence or rating.

(4) The holder of a licence or rating cancelled under this section may at any time be granted any licence or rating for which he qualifies.

39. Flight time limitations – aerial work operations

(1) The holder of a licence of a class specified in regulations 228(1)(a) to (i) shall not, in any 12 consecutive months exceed 1,100 hours of flight time if he is engaged in aerial work operations as a flight crew member:

Provided that if he is engaged in agricultural or farming operations, not more than 900 hours of that flight time shall be productive.

(2) Subject to subregulation (1), the Director may prescribe basic flight time limitations and duty hours for daily, weekly, monthly and quarterly periods but may approve variations in the daily or weekly totals so prescribed after having due regard to the –

(a) type of work in which the pilot is engaged;

(b) time of day of the flight;

(c) ground rest facilities available;

(d) type of aircraft;

(e) seasonal conditions, including ambient temperatures;

(f) pilot experience.

40. Flight time limiations – air transport operations

(1) The holder of a licence shall not exceed 1,000 hours of flight time in any period of 12 consecutive months as a member of the flight crew of an aircraft engaged in air transport operations.

(2) Subject to subregulation (1), the Director may prescribe basic flight time limitations and duty hours for daily, weekly, monthly and quarterly periods, but may approve variations in the daily or weekly total so specified after having due regard to the –

(a) routes to be flown;

(b) accommodation available at designated stopping places;

(c) facilities for meals;

(d) time of day of the flight;

(e) flight rules applicable;

(f) particulars as to the aircraft concerned, including -

(i) type of aircraft;

(ii) flight crew composition;

(iii) whether fitted with automatic pilot;

(iv) whether pressurised or non-pressurised.

41. Emergency flights

In the case of emergencies necessitating the urgent transportation of persons or medical or other supplies for the protection of life or property, the requirements of these Regulations or any Civil Aviation Safety Orders regarding type of aircraft, use of' aerodromes, equipment, and meteorological minima to be observed shall not apply:

Provided that within 48 hours after the completion of the flight the operator shall submit a report to the Director setting forth the conditions under which the flight was made, the necessity for the flight and a list of the names and addresses of the crew members and passengers.

42. Dangerous operation and maintenance of aircraft

No aircraft shall be operated, maintained, serviced flown or manoeuvred in a manner or in circumstances whereby avoidable danger to life or property is likely to ensue.

43. Air traffic control clearances

(1) Every pilot in command shall obtain from air traffic control an air traffic control clearance before making a controlled flight, or a portion of a flight as a controlled flight.

(2) A pilot in command shall not depart from the requirements of an air traffic control clearance unless an emergency arises which requires him to take immediate action; and, in the case of any such emergency, he shall as soon as practicable inform the appropriate air traffic control unit of any departure from the clearance made as a result of the emergency and, if necessary, shall obtain from the unit an amended clearance.

(3) If an air traffic control clearance involving priority is requested by any pilot in command, he shall, if so requested, submit to the appropriate air traffic control unit an explanation of the need for the priority.

(4) Where a pilot in command flying an aircraft in visual meteorological conditions is required to conform to the instructions contained in an air traffic control clearance, it shall be his responsibility to ensure that the aircraft does not collide with –

(a) any aircraft which is in the aerodrome traffic circuit or on the manoeuvring area of the aerodrome; and

(b) any aircraft flying in controlled airspace under visual flight rules, which is not receiving an air traffic control service.

(5) An air traffic control clearance shall not constitute authority for a pilot in command to contravene the provisions of these Regulations, or of any instructions, orders or requirements thereunder.

44. Minimum safe heights

(1) Subject to these Regulations, no aircraft shall be flown over any city or inhabited area except at such altitude as will enable the aircraft to complete a safe landing should engine failure or other cause necessitate a forced landing.

(2) No aircraft shall be flown over –

(a) any city or inhabited area at a height lower than 1,500 ft above the highest fixed object within 2,000 ft of the aircraft; or

(b) any other area at a lower height above the ground than 500 ft.

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(3) The provisions of subregulations (1) and (2) shall not apply if –

(a) through stress of weather encountered en route or any other unavoidable cause it is essential that a lower altitude be maintained;

(b) the aircraft is engaged in operations of a nature which necessitates low flying and approval has been given by the Director either for all flights or for specific flights to be made at a lower altitude, and the flight is in accordance with such conditions as the Director may prescribe;

(c) the aircraft is being flown in an area designated by the Director for use as a low-flying area by the operator of the aircraft and the flight is in accordance with such conditions as the Director may prescribe;

(d) the aircraft is landing or taking off.

(4) No aircraft, unless landing or taking off, shall be flown in accordance with instrument flight rules at a lower height than 1,000 ft above the highest obstacle located within 5 nautical miles of the estimated position of the aircraft in flight:

Provided that over a mountainous terrain a clearance of at least 2,100 ft shall be maintained.

45. Acrobatic flight

(1) An aircraft shall not be flown acrobatically except in visual meteorological conditions.

(2) An aircraft shall not be flown acrobatically –

(a) at a height of less than 3,000 ft above the ground unless a lesser height has been approved by the Director;

(b) in the vicinity of any city or inhabited area;

(c) in any controlled airspace except with the permission of air traffic control;

(d) in the vicinity of any open-air public gathering except with the approval of the Director.

(3) No passenger shall be carried in an aircraft flown acrobatically unless the Pilot in command of the aircraft is –

(a) the holder of a valid instructor rating in Category A, B or C under these Regulations; or

(b) a pilot who possesses at least a private pilot licence under these Regulations and who is approved as competent to carry out acrobatic manoeuvres by an instructor holding an instructor rating in Category A or B.

(4) For the purposes of subregulation (3)(b) an instructor who has approved a pilot as competent to carry out acrobatic manoeuvres shall revoke the approval if at any time he is not satisfied that the pilot has retained his competency to carry out such manoeuvres or if, at any time, the pilot ceases to operate aircraft under the supervision of that instructor.

46. Air pageants and displays

An air pageant or air display shall not be conducted without the prior approval of the Director and shall, unless the approval otherwise stipulates, be subject to the conditions of the Civil Aviation Safety Orders.

47. Simulated instrument flight safeguards

An aircraft shall not be operated under simulated instrument flight conditions unless –

(a) fully functioning dual controls are installed in the aircraft; and

(b) a pilot holding a valid licence other than a student pilot licence occupies a control seat in order to act as safety pilot for the person who is flying under simulated instrument conditions. The safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer shall occupy a position in the aircraft from which his fields of vision adequately supplement those of the safety pilot. The safety pilot and, where applicable, the competent observer shall have adequate means of communication with the pilot and with each other.

48. Night operations

(1) No aircraft shall be flown at night –

(a) unless it displays the lights and is fitted with the instruments and equipment prescribed by these Regulations;

(b) unless the members of the flight crew possess licences valid for night flying:

Provided that this requirement shall not apply in the case of a flight crew member undergoing instruction for the purpose of the issue or extension of a licence;

(c) except in accordance with instrument flight rules:

Provided that the Director may grant exemption in whole or in part from the requirements of paragraphs (a) and (c) in respect of flights in visual meteorological conditions and any such flights shall be subject to such conditions as the Director may prescribe.

(2) No aircraft engaged in the carriage of passengers in air transport operations shall be flown at night beyond a distance of 5 miles from an aerodrome approved for night flying –

(a) if it is a single-engined aircraft; or

(b) if it is a multi-engined aircraft, unless –

(i) it is capable of maintaining a height of 1,000 ft above the ground or water with one engine inoperative; or

(ii) the flight can be continued to a safe landing at an aerodrome approved for night flying in the event of one engine becoming inoperative.

49. Flight over water

No aircraft which is engaged in the carriage of passengers in air transport operations and which is incapable of maintaining a height of 1,000 ft with one engine inoperative shall fly over water at a distance greater than that which would permit the aircraft to reach land if all engines were inoperative:

Provided that where radio apparatus is installed in the aircraft capable of maintaining 2-way communication throughout the flight with air traffic control, the aircraft may operate over water to a distance of not more than 10 miles greater than the gliding distance from land.

50. Towing and picking up objects

(1) No aircraft shall be used for the purpose of towing any other aircraft unless the pilot in command of the first-mentioned aircraft is the holder of a towing rating granted under these Regulations.

(2) No aircraft shall be used for the purpose of towing any other aircraft, drogue, banner, or other object except in accordance with such procedures and under such conditions as may be prescribed by the Director.

(3) No aircraft shall be used while in flight for the purpose of picking up from the ground another aircraft or any person, livestock or articles of any description unless –

(a) prior written approval has been obtained from a Government Department or other public body controlling or administering the place where the pick up occurs, or if there is no such controlling or administering authority, prior written approval is in the possession of the operator and has been sighted by the pilot in command prior to the commencement of the flight:

Provided that the Director may grant exemption in whole or in part from the requirements of this paragraph and any such exemption shall be subject to such conditions as the Director may prescribe; and

(b) the operations are carried out in accordance with such procedures and under such conditions as may be prescribed by the Director.

(4) Nothing in this regulation shall prevent the reasonable use of trailing radio aerials from an aircraft in flight.

51. Parachute descents

Parachute descents, other than emergency descents, shall not be made unless approved by the Director, and shall be conducted in accordance with such conditions as he may specify.

52. Persons qualified to give flight instruction

(1) No person shall give flight instruction in the piloting of aircraft unless he is the holder of a pilot licence which has been endorsed with a flight instruction rating in accordance with these Regulations.

(2) Flight instructions and authorisation to a student for solo flying shall be such as to ensure that an aircraft piloted by the student shall not constitute a hazard to air navigation.

53. Persons qualified to engage in flight under IFR

No pilot shall engage in flight under IFR unless he is the holder of an instrument rating for that class of aircraft.

54. Persons qualified to engage in agricultural operations

(1) No person shall act as pilot in command of any aircraft engaged in top dressing, seed sowing, dusting, spraying, dropping of poison baits, or laying of poison for hire or reward unless –

(a) he holds an agricultural rating for that class of aircraft; or

(b) he is undergoing an approved course of instruction in agricultural operations and is authorised to act as pilot in command of an aircraft so engaged by a holder of the appropriate category flight instructor rating for that class of aircraft.

(2) No person shall give flight instruction in top dressing, seed sowing, dusting, spraying, dropping of poison baits, or laying of poison unless he holds the category E flight instructor rating.

55. Test pilots

(1) No person shall act as a test pilot except a pilot approved by the Director as such and holding a valid private commercial, senior commercial, or airline transport pilot licence.

(2) For the purpose of these Regulations a test pilot means a pilot engaged in the duties of testing prototype aircraft, or aircraft after overhaul, modification, or repair, or of carrying out experimental flying in an aircraft, or for any purpose other than the operations classified in Part 5 of these Regulations.

56. Passengers not to be carried on certain flights

A pilot in command shall not allow to be carried in an aircraft any person other than the appropriate flight crew members, or a person engaged in flight instruction or in testing an aircraft or aircraft component in flight, or an authorised person, or as otherwise provided in regulation 45 when it is the intention of that pilot to carry out, in the course of that flight, any of the following types of flying –

(a) practice in low flying;

(b) practice in forced landings;

(c) testing an aircraft, or its power plant, or any component, the failure of which would affect the airworthiness of the aircraft;

(d) any other type of flying specified by the Director:

Provided that on any flight of the type mentioned in paragraph (c), any engineering or maintenance personnel who are directly concerned in the overhaul, inspection or adjustment of the aircraft or its power plant or its components may be carried.

57. Passengers not to be carried by student pilots

No person, other than a person required or permitted to be carried by these Regulations, shall allow himself to be carried in an aircraft known by him to be flown by a student pilot.

58. Powers to disembark and restrain persons

(1) The pilot in command may disembark any person who in his opinion –

(a) commits any act on board the aircraft which is likely to imperil the safety of the aircraft or its passengers or crew; or

(b) conducts himself on the aircraft in such a manner as to constitute a nuisance to the passengers or crew.

(2) In any case where the pilot in command is of the opinion that the actions or conduct of any person are such as to affect the safety of the aircraft or of persons and property on the aircraft, the pilot in command may take whatever steps he may consider necessary to restrain that person.

59. Smoking in aircraft

(1) No person shall smoke in any aircraft except in an area where if any, smoking is permitted by the Director.

(2) No person shall smoke in any aircraft during take-off, landing, or refuelling.

(3) The owner of an aircraft shall exhibit in a prominent place in the aircraft a legible notice stating to what extent, if at all, smoking is permitted in the aircraft.

60. Minimum flight crew

The minimum flight crew of an aircraft shall not be fewer in number than specified in the certificate of airworthiness or the associated flight manual or other approved documents, and any such number shall be supplemented as the Director may require having regard to –

(a) the type of aircraft used;

(b) the class of operation involved;

(c) the type of equipment installed in the aircraft;

(d) the duration of flights between points where crews are changed; and

(e) such other circumstances as may, in the opinion of the Director, affect the safety of the aircraft.

61. Carriage of co-pilots

A co-pilot licensed under these Regulations shall be carried in an aircraft –

(a) if required by the certificate of airworthiness or the associated flight manual or other approved document;

(b) if the Director considers that the safety of the flight requires the carriage of a co-pilot.

62. Carriage of flight engineer

A flight engineer licensed under these Regulations shall be carried in an aircraft –

(a) if the design of the aircraft provides for the carriage of a flight engineer; or

(b) if, in the opinion of the Director, the carriage of a flight engineer is necessary for the safety of the flight.

63. Carriage of flight navigator

A flight navigator licensed under these Regulations shall be carried in an aircraft –

(a) if the aircraft is engaged in international air transport operations (unless exemption of this requirement has been granted by the Director); or

(b) if the Director considers that astronomical navigation is necessary for flights over any route or area; or

(c) if the Director considers that other specialised means of navigation necessary for the safety of the flight over any route or area cannot be carried out adequately from the pilot's position.

64. Carriage of flight radio operator

(1) A radio operator licensed under these Regulations shall be carried in every aircraft in which radio equipment is required, to be carried in accordance with these Regulations or under the requirements of an air service certificate issued under these Regulations.

(2) On international flights and on such other flights as the Director may specify where radio-'telegraphy equipment is required the flight radio operator shall be assigned for duty solely as such and shall not perform any other duties.

65. Cabin attendants

(1) Cabin attendants shall be carried in aircraft carrying passengers on air transport operations in such number as the Director may prescribe.

(2) Cabin attendants shall be carried in aircraft carrying passengers not on air transport operations in such number as the Director may in each case determine.

(3) The Director may, on such conditions as he thinks fit, exempt from the requirements of this section any aircraft carrying passengers that has a maximum certified take-off weight not exceeding 5,700 kg if he is satisfied that alternative arrangements of equivalent passenger protection will be provided on the aircraft.

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(4) The Director may prescribe the minimum training requirements for cabin attendants required by this regulation.

(5) During take-off and landing of an aircraft, cabin attendants shall be distributed through out the aircraft in such a way that –

(a) each attendant is located as near as practicable to a floor level exit;

(b) the most effective evacuation of passengers in the event of an emergency is ensured.

66. Intoxicating liquor and drugs

(1) No crew member while on duty shall be in a state of intoxication or in a state of health in which his capacity would be impaired by reason of his having consumed or used any intoxicant, sedative, narcotic, or stimulant drug or preparation.

(2) No person who is obviously under the influence of intoxicating liquor, narcotics or drugs, except a medical patient under proper care, shall enter or be carried in any aircraft.

67. Age of pilot

(1) No person under the age of 16 years shall have sole control of an aircraft in motion.

(2) No person shall cause or permit a person under the age of 16 years to have sole control of an aircraft in motion.

68. Pilot in command

When the flight crew of an aircraft includes more than one pilot, one of the pilots shall be designated as pilot in command by the operator when the flight is planned and shall remain the pilot in command until the flight is completed.

69. Responsibility of pilot in command

(1) In addition to his responsibility for the operation and safety of the aircraft in flight, the pilot in command shall be responsible for the safety of persons and cargo carried and for the conduct and safety of the crew members.

(2) The pilot in command shall have final authority as to the disposition of the aircraft while he is in command and for the maintenance of discipline by all persons on board.

(3) On the termination of a flight the pilot in command shall report to the operator all defects noted during the flight.

(4) The pilot in command may follow any course of action he considers necessary in emergency situations which, in the interests of safety, require immediate decision and action. When any such emergency authority is exercised, the pilot in command shall endeavour to keep the appropriate air traffic control fully informed. If the emergency decision involves a, deviation from these Regulations, or from Civil Aviation Safety Orders, or from air traffic control instructions, the pilot in command shall forthwith notify air traffic control, and shall, if required, furnish a written report of any such deviation to the Director.

70. Preflight responsibilities of pilot in command

Before commencing a flight the pilot in command shall ensure that –

(a) a valid maintenance release required under these Regulations has been issued and the instruments and equipment prescribed for the particular type of operation are installed and serviceable;

(b) the weight of the aircraft is such that the performance and operating limitations contained in the approved flight manual or other approved document in be complied with for the flight to be undertaken;

(c) the load carried by the aircraft is so distributed that the performance and operating limitations contained in the approved flight manual or other approved document can be complied with for the flight to be undertaken;

(d) the load carried by the aircraft is so secured that it cannot damage the structure of the aircraft and so that the performance and operating limitations contained in the approved flight manual or other approved document can be complied with for the flight to be undertaken;

(e) the fuel and oil supplies are adequate for the particular flight and the prescribed reserves of fuel and oil are carried; and

(f) the aircraft is safe for flight in all respects.

71. Planning of flights

(1) Before commencing any flight the pilot in command shall take all necessary measures to ensure the safety of the flight, and, in particular, he shall obtain the following information –

(a) the meteorological conditions anticipated along the route to be followed and at the aerodromes likely to be used;

(b) where appropriate, the radio facilities available on the route to be followed;

(c) the conditions of any aerodrome or place authorised under regulation 201, to be used on the route to be followed and their suitability for the aircraft;

(d) the appropriate air traffic rules and procedures,

and he shall plan the flight in relation to the information obtained.

(2) Where it is intended to land at a place other than an aerodrome or place authorized under regulation 201 the pilot in command shall take such steps as may reasonably be possible to satisfy himself that the proposed landing place is suitable in all respects.

(3) When required by these Regulations or by Civil Aviation Safety Orders, the pilot in command shall complete and lodge a flight plan with the appropriate air traffic control.

72. Radio ground check

(1) Before an aircraft is taxied on the movement area of an aerodrome for the purpose of proceeding to the take-off position, the pilot in command shall ensure that the radio apparatus fitted to the aircraft and required for the particular flight has been checked and functions correctly.

(2) If the check indicates any malfunctioning of any portion of the radio apparatus required for the particular flight, the aircraft shall not take off.

73. Engine ground check

Before the take-off run is commenced, the pilot in command shall ensure that an engine ground check has been carried out and that the engines are functioning correctly.

74. Runway utilisation

The pilot in command shall ensure that the take-off is started from a point on the runway which makes available sufficient length to meet the aeroplane take-off performance requirements, considering the effects of wind, air temperature, altitude and runway slope.

75. Operation of aircraft controls

(1) Subject to this regulation, from the time at which the engines of an aircraft are started for the purpose of commencing flight until the engines are stopped at the termination of a flight, no person other than a pilot licensed for the duties to be performed and the class of operations in which the aircraft is engaged and who is assigned for duty as pilot in the particular aircraft shall manipulate the flying controls of the aircraft.

(2) When, in accordance with these Regulations, two or more pilots are required to be on board an aircraft, two pilots shall remain at the controls at all times when the aircraft is taking off and landing, and when warranted by turbulent conditions on flight.

(3) An aircraft shall not be taxied on the manoeuvring area of an aerodrome unless a pilot or a person approved for that purpose in writing by the operator of the aircraft is at the controls.

(4) The provisions of subregulation (1) shall not apply in the case of a person –

(a) undergoing flying instructions;

(b) practising for the purpose of the extension of a pilot licence to include additional types of aircraft;

(c) practising for the purpose of qualifying for a pilot rating;

(d) undergoing an aptitude test, the duration of which does not exceed 30 minutes, before commencing flying training:

Provided that the pilot in command is the holder of an instructor rating in Category A, B or C under these Regulations.

76. Occupation of certain seats

(1) Except with the authority of the pilot in command –

(a) no person other than a member of the flight crew of an aircraft or an authorised person shall be admitted to the flight crew compartment during flight;

(b) no person shall occupy a flight crew seat or flight crew position in an aircraft unless he is a flight crew member duly assigned for duty in the aircraft.

(2) Notwithstanding the provisions of subregulation (1), persons authorised in accordance with regulation 87(1) shall have access at all reasonable times to flight crew seats.

77. Icing conditions

An aircraft shall not take off for the purpose of making a flight during which the aircraft may be flown into known or expected icing conditions unless the aircraft is adequately equipped with approved and serviceable de-icing or anti-icing equipment.

78. Persons not to be carried on

No person, other than a person required to be carried under these Regulations, shall be carried on or in any part of an aircraft if that part is not designed for the accommodation of the crew members or passengers:

Provided that a person may be carried on or in any such part of an aircraft if the Director considers that such carriage is not unsafe and all conditions imposed by the Director in respect of that carriage are complied with.

79. Hazardous flight conditions

Hazardous flight conditions encountered on the route shall be reported to the appropriate air traffic services unit as soon as possible. The reports so rendered shall give such details as may be relevant to the safety of other aircraft.

80. Flight check system

(1) In order to ensure that the operating procedures and limitations contained in the operations manual and the flight manual associated with the certificate of airworthiness are fully complied with, the operator of an aircraft shall establish a flight check system for each type of aircraft setting out the procedures to be followed by the pilot in command and other members of the crew –

(a) prior to and during take-off;

(b) in flight;

(c) on landing; and

(d) in emergency situations.

(2) The check lists of the procedures shall be carried in the aircraft and shall be located where they will be available instantly to the crew members concerned.

(3) The pilot in command shall ensure that the check system is carried out exactly.

81. Wearing of safety belts

(1) Safety belts or safety harnesses shall be worn by all crew members and passengers in an aircraft at the following times –

(a) during take-off and landing;

(b) during an instrument approach for a landing;

(c) when the aircraft is flying at a height above the ground of less than 1,000 ft;

(d) during turbulent conditions;

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(e) during acrobatic flights;

(f) at all times in an open cockpit aircraft:

Provided that a flight crew member other than a pilot need not keep his shoulder harness fastened when the shoulder straps interfere with the performance of his duties.

(2) The Director may exempt subject to such conditions, if any, as he thinks fit from any or all of the requirements of subregulation (1) cabin attendants, livestock, attendants, parachutists or authorised persons carrying out examinations, inspections or checks under regulation 87.

(3) A safety belt or safety harness shall be worn by at least one pilot at all times when an automatic pilot is engaged.

(4) If the flight crew compartment of an aircraft is remote from the passenger compartment, the operator shall ensure that an approved system is installed in the aircraft to enable the pilot in command to notify each person in the passenger compartment when a safety belt or safety harness is to be worn.

82. Emergency and lifesaving equipment

(1) Every operator shall ensure that all the crew members are instructed in the use of the emergency and lifesaving equipment required to be carried in the aircraft and in the emergency procedures to be used therein, and that not less than once a year the crew members practise approved emergency evacuation procedures for the aircraft.

(2) Every operator shall ensure that prior to take-off passengers are informed of the location and use of safety belts, emergency exits, life jackets, oxygen equipment, and other emergency equipment provided for individual use.

(3) Every operator shall ensure that prior to take-off passengers are informed of the location and use of the principal emergency equipment carried for collective use.

(4) In an emergency involving an aircraft, the pilot in command shall ensure that passengers are instructed in such emergency action as may be appropriate in the circumstances.

83. Marking of exits

(1) All exits and emergency exits in aircraft shall be indicated by notices and marked in such a manner as the Director may prescribe.

(2) The operating instructions for exits and emergency exits shall be clearly visible and legible both by day and by night.

84. Maintenance of pilot skill

No pilot shall fly in an aircraft and no operator shall permit a pilot to fly in an aircraft operated by him, as a flight crew member on aerial work or air transport operations unless the pilot has demonstrated to either an approved check pilot or an authorised person his technical knowledge, piloting competence and ability to execute emergency procedures in that category of aircraft in the type of operations to be carried out –

(a) in the case of air transport operations conducted under IFR, during the period of 6 months prior to the flight;

(b) in any other case, during the period of 12 months prior to the flight.

85. Qualifications of pilot in command

(1) A pilot shall not act as pilot in command of an aircraft engaged in an air transport operation on a particular route unless –

(a) he has demonstrated to the operator that he has an adequate knowledge of the route to be flown and the aerodrome to be used, including an adequate knowledge of –

(i) the terrain and minimum safe altitudes;

(ii) the seasonal meteorological conditions;

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

(iv) the search and rescue procedures; and

(v) the navigational facilities associated with the route along which the flight is to take place; and

(b) he has demonstrated to the operator that he has an adequate knowledge of procedures applicable to flight paths over densely populated areas and areas of high traffic density, obstructions, physical layout, lighting, approach aids, and arrival, departure, holding and instrument approach procedures, and applicable meteorological minima:

Provided that any portion of the demonstration relating to arrival, departure, holding, or instrument approach procedures may be accomplished in an aircraft flight simulator if specifically approved by the Director; and

(c) he has made an actual approach into each aerodrome of intended landing and the designated alternate aerodromes on the route as a member of the flight crew or as an observer on the flight deck accompanied by a pilot who is competent to fly a passenger carrying aircraft into and out of any such aerodrome, except when –

(i) the approach to the aerodrome is not over difficult terrain and the instrument approach procedures and aids available to the pilot are similar to those with which he is familiar; or

(ii) the descent from the initial approach altitude to the aerodrome can be made by day in visual meteorological conditions; or

(iii) the operator has ensured that the pilot in command has been thoroughly briefed by means of an approved pictorial presentation; or

(iv) the aerodrome concerned is adjacent to another aerodrome at which the pilot in command is currently qualified to land.

(2) An operator shall maintain an approved record of the qualifications of all its pilots and the manner in which such qualifications were achieved.

(3) A pilot previously qualified to act as pilot in command on a particular route shall not continue to act as pilot in command on that route unless within the previous 12 months he has made at least one flight between the terminal points of that: route as a pilot member of the flight crew or as a check pilot or as an observer on the flight deck or unless he complies with paragraph (c) of subregulation (1).

86. Flight time records

(1) Every operator engaged in aerial work operations or air transport operations shall maintain records of flight time and off duty time for each of his crew members in such a form and containing such information as the Director shall prescribe.

(2) Every record of flight time and off duty time shall be retained by the operator for at least 12 months after the date of the record.

87. Checking by and carriage of authorised persons

(1) The Director may at any time require a check to be carried out by an authorised person in respect of any licence or rating issued under these Regulations in order to ensure that the holder continues to be competent to carry out the duties and functions authorised by the licence or rating.

(2) The Director may require an examination, inspection, or check by an authorised person of the competence of an aircraft or its equipment, or the adequacy and efficiency of the ground organisation provided for use by aircraft.

(3) Any such authorised person shall be provided with accommodation on aircraft in the following circumstances –

(a) on 7 day's notice to the operator concerned;

(b) on immediate notification by the authorised person of his intention to travel, if his carriage in the aircraft does not mean the off-loading of a passenger or of cargo being carried in the aircraft on the flight concerned;

(c) on immediate notification by the authorised person of his intention to travel, irrespective of whether his carriage in the aircraft means the off-loading of a passenger or of cargo, if the authorised person considers the circumstances of the case so warrant.

(4) In every case where the carriage of an authorised person in the circumstances mentioned in subregulation (3)(c) entails a loss of revenue to the operator due to the necessity of providing accommodation which would otherwise have been used for the carriage of a paying passenger or of cargo for which charges would have been made, the operator shall be paid, out of money appropriated by Parliament for the purpose, an amount equivalent to the revenue lost.

88. Aerodrome meteorological minima

The Director may from time to time prescribe meteorological minima for take-off and landing at aerodromes. Such minima shall be subject to such conditions as the Director shall prescribe.

89. Meteorological minima limitations

(1) No aircraft shall take off from any aerodrome when any element of the meteorological minima for take-off is less than that specified for that aerodrome.

(2) A flight shall not be continued towards the aerodrome of intended landing unless the latest available meteorological information indicates that conditions at that aerodrome or at least one alternate will, at the expected times of arrival, be equal to or better than the meteorological minima specified for those aerodromes.

(3) Except in the case of an emergency, an aircraft shall not continue to approach to land at any aerodrome beyond the point at which the limits of the meteorological minima specified for that aerodrome would be infringed.

90. Meteorological conditions

(1) A flight to be conducted in accordance with visual flight rules shall not be commenced unless a combination of current meteorological reports and forecasts available indicates to the pilot in command that the meteorological conditions along the route or that portion of the route to be flown under visual flight rules, and at the aerodrome of destination, will be such as to make it possible for the flight to be conducted in accordance with visual flight rules.

(2) When meteorological conditions fall below the minima specified for on the route visual flight rules flight, the pilot of the aircraft shall not continue his flight in such conditions, except in emergency, beyond the extent necessary to return to his point of departure or to the nearest suitable point for landings:

Provided that he may proceed under instrument flight rules, if he is able to comply with the requirements for flights under such rules prescribed in these Regulations.

(3) Except as provided in regulation 91 a flight to be conducted in accordance with instrument flight rules shall not be commenced unless the available meteorological information indicates that meteorological conditions at either the aerodrome of intended landing or at least one alternate aerodrome will at the expected time of arrival be at or above the aerodrome meteorological minima specified for that aerodrome when used as an alternate aerodrome.

91. Requirements for alternate aerodromes

(1) For flights within Vanuatu the following provisions with respect to meteorological conditions shall govern the clearance of aircraft under instrument flight rules –

(a) if meteorological forecasts relating to intermediate and terminal aerodromes specified in the flight plan indicate that meteorological conditions at each such aerodrome when the flight arrives thereat will be equal to or better than the following – not more than four-eighths cloud with a base of 1,000 ft above that specified for landing at the particular aerodrome, with a visibility of 5 kilometres – then the flight plan need not make provision for an alternate aerodrome or aerodromes;

(b) if meteorological forecasts relating to intermediate and terminal aerodromes specified in the flight plan indicate that meteorological conditions at any such aerodrome will be below the minimum conditions specified in paragraph (a) when the flight will arrive thereat, then the flight plan shall make provision for an alternate aerodrome or aerodromes.

(2) For flights beyond Vanuatu at least one alternate aerodrome shall be listed in the flight plan, except in special cases approved by the Director where the aerodrome of intended landing is isolated and no suitable alternate aerodrome is available.

92. Closing of aerodromes

(1) The Director may prescribe the conditions under which a licensed aerodrome or an authorised place may be closed to any or all aircraft operations, and the persons who may close it.

(2) When notification has been issued that an aerodrome is closed in accordance with subregulation (1), an aircraft shall not be operated in contravention of the conditions of the closure.

(3) When notification under subregulation (1) has been issued that an aerodrome is closed an aircraft shall not carry out an approach to that aerodrome with the purpose of making a landing or, in the case of a closure due to meteorological conditions, of ascertaining whether a landing at that aerodrome is possible.

93. Fuel and oil requirements

(1) A flight shall not be commenced unless sufficient fuel and oil are carried to ensure that it can safely be completed taking into account both the meteorological conditions and any delays that are expected while in flight. In addition, a reserve shall be carried to provide for contingencies, and to enable the aircraft to reach an alternate aerodrome if required.

(2) The fuel and oil carried in order to comply with this section shall not be less than the is amount sufficient to enable the aircraft –

(a) when an alternate aerodrome is not required, to fly to an aerodrome to which the flight is planned and thereafter for a period of 45 minutes;

(b) when an alternate aerodrome is required, either –

(i) to fly to the aerodrome to which the flight is planned, thence to an alternate aerodrome and thereafter for a period of 45 minutes; or

(ii) to fly to an alternate aerodrome via any predetermined point and thereafter for 45 minutes, if this time is not less than the time required to fly to the aerodrome to which the flight is planned and thereafter for 2 hours;

(c) When no suitable alternate aerodrome is available, to fly to the intended destination and thereafter for 2 hours.

(3) Nothing in this regulation shall preclude the pilot in command from amending his flight plan while in flight in order to replan the flight to another aerodrome:

Provided that from the point at which the flight is replanned the requirements of this regulation shall be complied with.

(4) The foregoing provisions of this regulation shall apply to aeroplanes equipped with reciprocating engines. The Director may specify in Civil Aviation Safety Orders fuel and oil requirements for aeroplanes equipped with turbine-type engines and for heavier-than-air aircraft other than aeroplanes.

94. Flying of captive balloons

Except with the permission of the Director and in accordance with such conditions as he may specify, no captive balloon, kite or moored airship shall be elevated from any place –

(a) within a control zone;

(b) within 3 miles of an aerodrome; or

(c) other than a height exceeding 200 ft above ground level.

95. Aircraft-fuelling and ground fire precautions

The Director may prescribe the conditions under which aircraft-fuelling operations are to be conducted and the ground fire precautions to be observed by persons engaged in fuelling.

Rules of the air and air traffic control

96. Right of way rules

(1) An aircraft which has the right of way in accordance with this regulation shall maintain its heading and speed:

Provided that nothing in these Regulations shall relieve the pilot in command from the responsibility of taking such action as will best avert collision.

(2) An aircraft which is required by these Regulations to keep out of the way of another aircraft shall avoid passing over or under the other or avoid crossing ahead of it unless passing well clear.

(3) When 2 aircraft are approaching head-on or approximately so and there is a danger of collision, each shall alter its heading to the right.

(4) When 2 aircraft are on converging headings at approximately the same altitude, the aircraft that has the other on its right shall give way to that other aircraft:

Provided that –

(a) power-driven heavier-than-air aircraft shall give way to gliders;

(b) power-driven aircraft shall give way to aircraft which are seen to be towing any object, including another aircraft.

(5) An aircraft that is being overtaken has the right of way and the overtaking aircraft, whether climbing, descending, or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the 2 aircrafts shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

(6) For the purpose of subregulation (5) the term "overtaking aircraft" means an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plan of symmetry of the latter, that is to say in such a position with reference to the other aircraft that at night it should be unable to see either of the forward navigation lights of the other aircraft.

(7) The following provisions shall apply with respect to aircraft landing or about to land –

(a) an aircraft in flight or operating on the ground or water shall give way to other aircraft landing or on final approach to land;

(b) when two or more heavier-than-air aircraft approaching an aerodrome for the purpose of landing, aircraft at the higher altitudes shall give way to aircraft at the lower altitudes, but the latter shall not take advantage of this rule to cut in front of another which is on final approach to land, or to overtake that aircraft.

(8) Notwithstanding the provisions of regulation (7)(b) power-driven heavier-than-air aircraft shall give way to gliders.

(9) An aircraft that is aware that another aircraft is compelled to land shall give way to that aircraft.

(10) An aircraft about to take off shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(11) When moving on the movement area of an aerodrome –

(a) an aircraft or a vehicle shall give way to aircraft that are landing or taking off and, where an aircraft is being towed, the person in charge of the towing vehicle shall be responsible for complying with this paragraph;

(b) a vehicle shall give way to an aircraft and to another vehicle towing an aircraft.

97. Aircraft information

(1) Aircraft shall not be flown in formation except by pre-arrangement between the pilots in command of the aircraft so flying.

(2) No aircraft shall be operated in such proximity to other aircraft as to create a danger of collision.

98. Aircraft operating on water

Aircraft operating on or near the surface of the water shall comply with the requirements of the International Regulations for Preventing Collisions at Sea.

99. Operation within an aerodrome traffic zone

No aircraft shall be flown within any aerodrome traffic zone except for the purpose of landing, taking off, or observing ground signals with a view to landing unless the prior authority of any air traffic control unit in operation at the aerodrome has been obtained.

100. Aerodrome traffic rules

(1) The pilot in command of an aircraft operating on or in the vicinity of an aerodrome, whether or not within an aerodrome traffic zone, shall –

(a) observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with the pattern of traffic formed by other aircraft or keep clear of the airspace in which the pattern is formed.

(2) The pilot in command of an aircraft operating on or in the vicinity of an aerodrome shall also unless otherwise instructed by any air traffic control unit operating at that aerodrome –

(a) make all turns to the left when approaching for a landing and after taking off except that in respect of those aerodromes where different procedures have been determined and prescribed by the Director, those procedures shall be observed:

Provided that this paragraph shall not apply in respect of an aircraft that is engaged in agricultural operations or approved agricultural training operations and that is –

(i) operating from an aerodrome where a flight service unit is operating and where a prescribed ground signal is displayed that indicates that agricultural operations are being conducted from that aerodrome; or

(ii) operating from an unattended licensed aerodrome where an approved ground signal is displayed that indicates that agricultural operations are being conducted from that aerodrome; or

(iii) operating from an unlicensed private aerodrome.

(b) subject to paragraph (c) and unless good aviation practice in relation to aircraft performance and safety otherwise requires –

(i) land and take off in the direction indicated by the landing "T" as provided in regulation 139(1)(g); or

(ii) in the case of an aerodrome at which no such landing "T" is displayed, land and take off into the wind.

(c) at aerodromes where prepared runways are provided, land and take off in accordance with such procedures as may be prescribed by the Director or as otherwise instructed by any air traffic control unit in operation at the aerodrome concerned.

(3) At aerodromes where the operation of aircraft is not restricted to prepared runways and no procedures to the contrary have been prescribed, the pilot in command shall operate the aircraft in accordance with the following rules –

(a) aircraft shall land on the right of any aircraft which has already landed or is about to land or which is taking off or is about to take off;

(b) aircraft shall take off on the right of any aircraft which is already taking off;

(c) aircraft when landing or taking off shall leave a reasonable space on the right for other aircraft to land or take off;

(d) aircraft after landing shall turn left for the purpose of observing other aerodrome traffic and then move clear of the landing area as soon as possible;

(e) aircraft when manoeuvring on the ground shall do so in the direction of landing:

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Provided that aircraft may cross the landing area if in the course of the crossing all turns are made to the left and the aircraft gives way to all aircraft landing and taking off.

(4) At aerodromes where an air traffic control unit is in operation the pilot in command of an aircraft forming part of aerodrome traffic shall –

(a) maintain a continuous listening watch on the designated air traffic control radio frequency or, if this is not possible, keep a watch for such ground or light signals as may be displayed by the unit;

(b) advise the air traffic control unit of the nature of any intended movement and obtain prior authorisation before taxing on to the manoeuvring area;

(c) obtain either by radio or by light signals prior authority from the unit for any manoeuvre associated with taxiing, landing or taking off.

(5) The pilot in command who, in the exercise of the discretion provided for in subregulation (2)(b), takes off or lands out of wind shall not adopt any course of action which will endanger other aircraft and shall be responsible for avoiding any situation which may lead to a collision with other aerodrome traffic.

(6) Aircraft, after landing on prepared runways, shall be moved clear of the runways as soon as possible and proceed as instructed by any air traffic control unit in operation at the aerodrome concerned.

(7) In this regulation the term "prepared runway" means a defined area on a land aerodrome selected or prepared for the landing and take-off run of aircraft along its length and prescribed as a prepared runway by the Director.

(8) The pilot of an aircraft shall not turn after take-off until a height of at least 500 ft above ground has been attained, unless –

(a) a turn is necessary to maintain required clearance from obstructions within the take-off flight path; or

(b) a turn has been approved as part of an approval for an aviation pageant or display; or

(c) the aircraft is engaged in agricultural operations or approved agricultural training operations at an unlicensed private aerodrome and he turn does not cause the aircraft to fly over any city, or inhabited area; or

(d) the aircraft is engaged in agricultural operations or approved agricultural training operations at an aerodrome (other than an unlicensed private aerodrome) and the turn does not cause the aircraft to fly over any city or inhabited area and –

(i) where air traffic control is in operation, the turn has been approved by aerodrome control; or

(ii) where air traffic control is not in operation, or the aerodrome is unattended, an approved ground signal is displayed that indicates that agricultural operations are being conducted from that aerodrome; or

(e) the aircraft is engaged in glider-towing, and good aviation practice requires such a turn to be made, and -

(i) where air traffic control is in operation, the turn has been approved by aerodrome control; or

(ii) where air traffic control is not in operation, or the aerodrome is unattended, an approved signal is displayed that indicates that glider-towing is in progress.

101. Flight plans

(1) The Director may prescribe the requirements for the submission to air traffic services units of flight plans by pilots in command.

(2) The Director may prescribe any special procedures and conditions relating to flight plans.

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102. Operational flight plans

(1) No aircraft shall be flown under instrument flight rules or, in circumstances prescribed by the Director, under visual flight rules unless prior to departure an operational flight plan in such form and containing such information as the Director may prescribe has been completed in respect of the proposed flight and duly certified by the pilot in command.

(2) The Director may require an operator to retain any or all such operational flight plans for a specified period not exceeding 12 months from the date of the flight.

103. Designation of air space

For the purpose of ensuring the safety of aircraft and of facilitating air navigation, the Director may from time to time prescribe aerodrome traffic zones, control zones, airways, control areas, terminal control areas, upper control areas, low flying areas, low level routes, training areas, glider flying areas, parachute dropping zones, flight information regions and designated reporting points and may prescribe any special procedures and conditions relating thereto.

104. Rules governing operations

The operation of aircraft in flight shall comply with either the visual flight rules (VFR) or the instrument flight rules (IFR).

105. Visual flight rules

Any flight conducted in accordance with the requirements prescribed by the Director under regulation 106 is referred to in these Regulations as a flight under visual flight rules or as a “VFR flight".

106. Requirements for VFR flights

The Director may prescribe the requirements (including the requirements relating to distance from cloud and visibility) to be met by pilots in command when flying aircraft under visual flight rules.

107. Suspension of operations under VFR

An air traffic control unit may for safety reasons suspend any or all operations under visual flight rules within a control zone or in the vicinity of any controlled aerodrome.

108. Table of cruising levels

(1) The Director shall prescribe a Table of Cruising Levels appropriate to magnetic tracks which specifies the altitudes or flight levels at which aircraft shall be flown when so required.

(2) The Director shall prescribe the procedure to be used for the setting of aircraft altimeters.

(3) An aircraft required to comply with the Table of Cruising Levels shall maintain altitude of flight level by reference to an altimeter set in accordance with the prescribed procedure.

109. Classification of IFR flights

(1) Any flight which falls into any of the following categories shall be classed as a flight under instrument flight rules –

(a) flights in instrument meteorological conditions;

(b) flights by night, except as provided for in regulation 48(1);

(c) flights to points more than 100 miles from land;

(d) flights for which an IFR flight plan has been submitted;

(e) such other flights as may be prescribed by the Director.

(2) Notwithstanding the provisions of subregulation (1)(c), the Director may authorise VFR flights of more than 100 miles from land under such conditions as he may prescribe.

110. Procedures for IFR flights

(1) The Director may prescribe the conditions and procedures under which aircraft operating under instrument flight rules may be flown.

(2) The Director may prescribe instrument approach procedures and missed-approach procedures in relation to the use of any aerodrome.

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(3) The pilot in command of an aircraft intending to land at any aerodrome in respect of which procedures have been prescribed under subregulation (2) shall comply with those procedures where the meteorological conditions at the material time warrant the procedure being followed.

111. Position reporting
For the purpose of air traffic control the Director may prescribe the circumstances under which aircraft shall report their positions.

112. Communications for IFR flights
The Director may prescribe requirements for radio communication for flight under instruments flight rules and the procedures to be followed by the pilot in command in the event of his being unable to maintain any such communication.

113. Altitudes for IFR flights
Aircraft in level cruising flight conducted under instrument flight rules shall be flown –

(a) when within controlled airspace at the altitude or flight level authorised by air traffic control;

(b) when outside controlled airspace, at an altitude or flight level appropriate to the IFR Table of Cruising Levels prescribed by the Director.

Instruments, equipment and safety devices

114. Instruments and equipment
The Director may specify those instruments, items of equipment, and safety devices to be carried for a particular class of operation. These instruments, items of equipment, and safety devices may be additional to those specified in the aeroplane flight manual.

115. *(Repealed)*

116. *(Repealed)*

117. *(Repealed)*

118. *(Repealed)*

119. *(Repealed)*

120. *(Repealed)*

121. Instruments, equipment and safety devices
(1) In addition to the instruments, equipment and safety devices required to be carried by other provisions of these Regulations, there shall be carried on every flight all instruments, equipment and safety devices required to be carried on the flight by the requirements applicable to the aircraft that are specified in the Vanuatu Civil Airworthiness Requirements referred to in regulation 5(d); and all such instruments, equipment and safety devices shall be operational at all times during the flight.

(2) Notwithstanding any other provision of these Regulations, an aircraft may be operated with an inoperative instrument, item of equipment or safety device required by these Regulations or by the Civil Airworthiness Requirements if the aircraft carries all instruments, equipment and safety devices specified in an approved minimum equipment list for that type of aircraft and operation.

(3) The requirements of subregulation (1) and of regulations 114 to 120 may be varied or waived from time to time by the Director in any case where –

(a) suitable alternative instruments, units of equipment or safety devices are provided; or

(b) the required instruments, units of equipment or safety devices are not appropriate for the type of aircraft or for the type of operation in question.

122. Emergency and survival equipment
The Director may prescribe those items and quantity of emergency and survival equipment required to be carried on a Vanuatu aircraft for a particular class or classes of operation.

123. Requirements for flights above 10,000 feet
(1) No aircraft shall be flown at an altitude of 10,000 ft or above unless the requirements prescribed by the Director for the provision and use of stored breathing oxygen in such aircraft are complied with.

(2) In prescribing the requirements under subregulation (1), the Director may determine in the interests of safety and in order to ensure the well-being of the crew and passengers of the aircraft such matters related to the provision and installation of equipment and the conditions and procedure associated with the use of breathing oxygen as he may consider necessary.

(3) Crew members of the aircraft shall use breathing oxygen at all such times and under such conditions as the Director may prescribe under this regulation.

PART 4 – LIGHTS AND SIGNALS

124. Compliance with regulations
(1) The provisions of this Part shall be complied with by all aircraft operated at night –

Provided that aircraft on the surface of the water shall display from sunset to sunrise the lights prescribed in regulation 126, 127 or 128 as appropriate.

(2) In the event of the failure of any light required under this Part to be displayed by an aircraft in flight, the pilot in command shall, if the light cannot immediately be repaired, notify air traffic control without delay, or, if this cannot be done, land as soon as possible.

125. Power-driven heavier-than-air aircraft
(1) Every power-driven heavier-than-air aircraft in operation by night in the air or on the manoeuvring area of a land aerodrome shall have –

(a) an unobstructed steady red light projected above and below the horizontal plane through an angle from dead ahead to 110 degrees left;

(b) an unobstructed steady green light projected above and below the horizontal plane through an angle from dead ahead to 110 degrees right;

(c) an unobstructed steady white light projected above and below the horizontal plane rearward through an angle of 140 degrees equally distributed on the left and right sides;

(d) a flashing red light or lights visible in all directions as far as is practicable within 30 degrees above and 30 degrees below the horizontal plane of the aeroplane:

Provided that in the case of aircraft in use at the commencement of these Regulations which cannot meet this requirement, the Director may permit their operation under special conditions to be specified in Civil Aviation Safety Orders.

126. Aircraft on surface of water
(1) Every power-driven heavier-than-air aircraft when under way and under command on the surface of the water shall display lights as follows –

(a) the steady lights mentioned in regulation 125;

(b) a steady white light visible forward throughout a dihedral angle of 220 degrees bisected by a vertical plane through the longitudinal axis of the aircraft and visible at a distance of at least 5 kilometres.

(2) When being towed, a power-driven heavier-than-air aircraft shall display only the steady lights mentioned in regulation 125.

127. Aircraft on surface of water and not under command
(1) A power-driven heavier-than-air aircraft which is on the surface of the water and not under command shall display where they can best be seen 2 steady red lights, one vertically over the

other and not less than 1 m apart and both visible, as far as practicable, all round the horizon at a distance of at least 3 kilometers, and may by day display where they can best be seen 2 black balls each not less than 0.6 m in diameter, one vertically above the other and not less than 1 m apart.

(2) In addition to the provisions of subregulation (1) –

(a) if the aircraft is making way, it shall display the steady lights mentioned in regulation 125;

(b) if the aircraft is not making way it shall display only the steady rear white light mentioned in regulation 125.

128. Aircraft on surface of water and at anchor

(1) A power-driven heavier-than-air aircraft which is on the surface of the water and at anchor or moored shall display a steady white light forward visible all round the horizon at a distance of at least 3 kilometers or, if the aircraft is more than 50 m in length, a steady white light aft visible all round the horizon at a distance of at least 5 kilometres.

(2) A power-driven heavier-than-air aircraft which is aground shall display 2 steady red lights, one vertically over the other and not less than I m apart and both visible, as far as practicable, all round the horizon.

129. Gliders

In all cases in which, under the provisions of this Part power-driven heavier-than-air aircraft are required to display lights, gliders shall display a steady red light visible as far as practicable in all directions.

130. Terms

For the purposes of regulations 124 to 129 –

(a) an aircraft on the surface of the water shall be deemed to be under way when it is not aground, or moored to the ground or to any fixed object on the land or in the water;

(b) an aircraft under way on the surface of the water shall be deemed to be making way when it is under way and has a velocity relative to the water;

(c) an aircraft on the surface of the water shall be deemed to be under command when it is able to execute manoeuvres as required by these Regulations or by the International Regulations for Preventing Collisions at Sea.

Signals

131. Use of prescribed signals

The signals prescribed in regulations 133 to 142 shall not be used to indicate any fact or meaning other than those mentioned in those regulations.

132. Observance of signals

Upon receiving or observing any of the signals referred to in regulations 133 to 142, the pilot in command shall take such action as may be required by the interpretation of the signal received or observed.

133. Transmission

The transmission or display of the signals specified in regulations 140, 141 and 142 shall be authorised solely by the pilot in command in accordance with the degree of emergency being experienced.

134. Signals to aircraft

(1) A light signal directed at a particular aircraft from aerodrome control shall both by day and by night have the meaning specified in Aeronautical Information Publication (AIP).

(2) Nothing in this regulation or the Aeronautical Information Publication shall be construed as absolving a pilot in command of his responsibility for avoidance of collision.

135. Marshalling aircraft
At aerodromes where facilities for receiving or discharging passengers or cargo or facilities for refuelling or maintenance are provided, the Director may require an operator to provide qualified personnel to marshal aircraft to and from the aprons. The Director may specify in Civil Aviation Safety Orders qualifications required for any such duties and standard signals to be used when marshalling.

136. Signals from aircraft
The signals which shall be used by a pilot in command of an aircraft to acknowledge light signals from aerodrome control shall be those specified in the Aeronautical Information Publication (AIP).

137. Pyrotechnic signals
A red Pyrotechnical light fired at any aerodrome by day or by night shall be taken as an instruction to an aircraft in flight that it is not to land for the time being. This signal shall be taken as countermanding any previous permission to land.

138. Prohibited and restricted areas
(1) When it is desired to warn an aircraft that it is in the vicinity of a prohibited or restricted area a series of projectiles discharged at intervals of 10 seconds each showing, on bursting, red and green lights or red and green stars shall be used as a signal by day or by night.

(2) The pilot in command of an aircraft to which any signal referred to in subregulation (1) is directed shall immediately alter course to avoid the prohibited or restricted area.

139. Ground signals
When displayed at an aerodrome, ground signals shall take the form, and for all aircraft shall have the meaning, specified in relation to the signals in the Aeronautical Information Publication (AIP).

140. Distress signals
When an aircraft is threatened by grave and imminent danger and requires immediate assistance, the following signals shall be used or displayed either together or separately before the sending of a message –

(a) in radiotelegraphy – the signal SOS

(b) in radiotelephony – the spoken expression "MAYDAY" (corresponding to the French pronunciation of "M'aider");

(c) by visual or aural means –

(i) the morse signal SOS (…---…); made with visual or sound apparatus;

(ii) a succession of pyrotechnical lights fired at short intervals showing a single red light;

(iii) a parachute flare showing a red light;

(iv) a continuous sounding with any sound apparatus;

(v) the 2-flag signal corresponding to the letters "NC" of the International Code of Signals;

(vi) the "Distant" signal consisting of a square flag having either above or below it a ball or anything resembling a ball.

141. Urgency signals
(1) The following signals, used either together or separately, shall mean that an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance –

(a) by day a succession of white pyrotechnical lights;

(b) by night –

(i) a succession of white pyrotechnical lights;

(ii) the repeated switching on and off of the lights displayed by an aircraft in such a manner as to be distinct from the flashing lights described in regulation 125;

(iii) a succession of white flashes with signalling apparatus; or

(iv) the repeated switching on and off of the landing lights.

(2) The following signals, used either together or separately, shall mean that an aircraft has a very urgent message to transmit concerning the safety of the aircraft or of any aircraft, ship or other vehicle, or the safety of any person on board or within sight –

(a) in radiotelegraphy – 3 repetitions of the Group "XXX" sent with the letters of each group and the successive groups clearly separated from each other. It is sent before the call;

(b) in radiotelephony – 3 repetitions of the "expression "PAN". It is sent before the call;

(c) a succession of green pyrotechnical lights, or a succession of green flashes with, signalling apparatus.

(3) The signals prescribed in subregulations (1) and (2) shall, as far as practicable, be followed by a message giving further information, and in the case of radiotelegraph and radiotelephone signals shall, as a general rule, be addressed to a specific station.

142. Other signals

None of the provisions of regulations 140 or 141 shall be deemed to prevent the pilot in command of an aircraft in danger or difficulties from using any means at his disposal to attract attention, make known its position, or obtain assistance.

PART 5 – FLIGHT OPERATIONS

143. Classification of operations

(1) For the purposes of these Regulations, flight operations shall be divided into the following classes –

(a) private operations, being operations in which an aircraft is not used for hire or reward, and including operations involving –

(i) the personal transport of the owner of the aircraft;

(ii) the personal transport of a hirer who is the pilot of the aircraft;

(iii) the personal transport of a hirer or hirers, one of whom is the pilot of the aircraft and all of whom are *bona fide* members of the organisation from which the aircraft is hired;

(iv) the carriage of persons or goods free of charge;

(v) the flight checking of the aircraft or its equipment;

(vi) agricultural or farming operations on land belonging to the operator of the aircraft, and including the carriage of articles and materials intended to be dropped from the aircraft during flight as provided in regulations 34(2)(a), (b) and (c) and also including the carriage of persons necessary for that purpose;

(vii) ferry operations when the delivery of the aircraft and associated spares and equipment is the only purpose of the flight;

(viii) other approved operations of a character substantially similar to any of those specified in this paragraph and for which no charge is made;

(b) aerial work operations, being operations that are not private operations and being operations in which an aircraft is used for –

(i) aerial advertising, including banner towing, drogue towing and sky writing;

(ii) aerial photography where photographs are taken for sale, and including the carriage of persons necessary for that purpose;

(iii) aerial survey, aerial inspection and aerial search, including the carriage of persons necessary for that purpose;

(iv) aerial construction of power and telephone lines, including the positioning of persons providing necessary ground support;

(v) the lifting, carriage or positioning of machinery, equipment or the like, for installation, servicing or removal purposes when there is no more practical method of carriage, and including the carriage of persons necessary to that purpose;

(vi) air ambulance functions in undeveloped areas, but including as passengers only the patient and the necessary attendants;

(vii) agricultural and farming operations, other than those referred to in paragraph (a)(vi) and including the carriage of articles and materials intended to be dropped from the aircraft during flight under regulation 34(2)(a), (b) or (c), and also including the carriage of persons necessary to that purpose;

(viii) the carriage of supplies, produce or articles to, from or within undeveloped or remote areas;

(ix) the carriage, for the purposes of trade, of goods which are the property of the operator or the pilot of the aircraft;

(x) the carriage of persons and equipment directly concerned with oil and mineral exploration, development and recovery between the place of exploration, development or recovery and the nearest suitable licensed aerodrome or place authorised under regulation 201 for use as an aerodrome;

(xi) the carriage of persons and equipment directly concerned with the investigation of air accidents;

(xii) flight training operations, being operations involving the instruction and checking of flight crew members for the purpose of the issue, renewal or extension of any flight crew licence or rating;

(xiii) other approved operations of a character substantially similar to any of those specified in this paragraph;

(c) air transport operations, being operations in which the aircraft is used for –

(i) regular air services in which the aircraft is used for the carriage of passengers or goods for hire or reward over specific routes;

(ii) other air services in which the aircraft is used for the carriage of passengers or goods for hire or reward, and including air charter services, air taxi services, scenic flights, joy rides and air ambulance services:

Provided that air ambulance services in undeveloped areas shall not be regarded as air transport operations;

(iii) other approved operations of a character substantially similar to any of those specified in this paragraph;

(d) special operations, being operations in which the aircraft is used for –

(i) type approved, type certification or experimental purposes;

(ii) other approved operations of a character substantially similar to any of those specified in this paragraph.

(2) The Director may prescribe operational or technical requirements not inconsistent with these Regulations in respect of any class of operations.

144. Third party insurance cover

No operation shall use or permit to be used an aircraft in any class of operations without a valid insurance policy to cover all third party risks to a minimum value of VT 20,000,000.

145. Performance requirements

The Director may specify in Civil Aviation Safety Orders performance requirements in respect of aircraft used in particular classes of operation.

146. Aircraft to comply with performance requirements

No aircraft shall be used in any class of operation unless it complies with the performance requirements specified for that class of operation:

Provided that –

(a) in the case of aircraft in use at the coming into force of these Regulations which cannot meet the appropriate performance requirements, the Director may grant exemption either wholly or in part from the performance requirements, or may specify special performance requirements which will provide a reasonable margin of safety. Any such exemption or special performance requirements may remain in force for the life of the aircraft;

(b) the Director may grant exemption either wholly or in part from the performance requirements for aircraft used in air transport operations in undeveloped areas where compliance with those requirements might prove unduly restrictive. In the case of any such exemption the Director shall specify special operational procedures to be used to achieve the maximum practicable degree of safety.

147. Air service certificates

(1) No operator shall use, or permit to be used, an aircraft on an air transport or aerial work operation except under the authority of and in accordance with the provisions of an air service certificate issued by the Director.

(2) The Director may issue an air service certificate to an applicant if he is satisfied that the applicant is competent safely to operate and maintain an aircraft engaged in air transport or aerial work operations.

(3) The Director may include in an air service certificate such conditions as he considers necessary in the interests of safety.

(4) Application for an air service certificate shall be made on the form available from the Director for that purpose, and the applicant shall provide, together with the completed application form or at such later time as is agreed to by the Director, the following documents –

(a) an operations manual, including or having attached thereto the route guide and the training manual;

(b) the flight manual and the associated operating manual for each aircraft type intended to be operated;

(c) the maintenance manual.

(5) The holder of an air service certificate shall notify the Director of any intended material alteration in the internal organisation of the holder, equipment, routes or other matters that affect safety.

(6) The Director may at any time by notice in writing to any holder of an air service certificate, require additional information to be supplied in relation to the operation for which the certificate is granted and may, in like manner, amend any conditions subject to which the certificate was issued or may add further conditions thereto.

(7) An air service certificate issued under this regulation shall continue in force until either surrendered by the holder or suspended or cancelled under regulation 8, or until the date of expiration entered on the certificate.

(8) An air service certificate shall not be transferred except with the written consent of the Director.

148. Instruction of personnel

An airline shall ensure that all its personnel are properly instructed concerning their particular duties and responsibilities and the relationship of those duties to the operations system.

149. Operating supervision

(1) An airline or its representative shall be responsible for operational control and shall institute such systems of operating supervision as may be considered necessary by the Director having regard to the type of operation involved.

(2) A Vanuatu airline shall, when required by the Director, exercise operational control by the employment of flight operations officers licensed under these Regulations.

(3) Any flight operations officer stationed in Vanuatu and employed in that capacity by a foreign operator shall be in possession of a certificate, licence, rating or authority issued to him by the competent authority of the state of the airline.

150. Duties of flight operations officer

A flight operations officer when employed under regulation 149 shall –

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

(b) assist the pilot in command in preparing flight plans, approve and sign those plans and file the air traffic control flight plan with the appropriate air traffic control;

(c) through air traffic control –

(i) furnish the pilot in command while on the route, by appropriate means, with information which may be necessary for the safe conduct of the flight; and

(ii) issue such instructions concerning the continuation, diversion or termination of the flight as he considers necessary or warranted;

(d) in the event of an emergency, initiate such procedures as may be outlined in the operations manual;

(e) unless he has been properly relieved, remain on duty until all the flights for which he is responsible have been completed.

151. Co-ordination of operational control with other services

In the exercise of operational control the operator or his representative or a licensed flight operations officer shall avoid taking any action that would conflict with the procedures established by –

(a) air traffic control;

(b) the meteorological service; or

(c) the communications service,

and shall ensure that air traffic control is aware of any changes which may be introduced to the original flight plan.

152. Operations manual

(1) Every operator engaged in air transport operations shall provide, for the use and guidance of its operations personnel, an approved operations manual containing –

(a) instructions outlining the responsibilities of operations personnel relating to the conduct of flight operations;

(b) the flight crew requirement for each stage of all routes to be flown, including the designation of duties and the succession of command;

(c) emergency flight procedures and emergency duties assigned to each crew member;

(d) the minimum safe sector altitudes for each route to be flown and for operations under instrument flight rules, the aircraft weight limitation and minimum sector cruising levels for use in the event of an engine failure on the route;

(e) specific instructions for the computation of the quantities of fuel and oil to be carried on each route, having regard to all the circumstances of the operation including the possibility of the failure of 1 or more engines on the route; and

(f) a route guide for each route to be flown containing information relating to communication facilities, navigation aids, aerodromes and in-flight procedures, and such other information as the operator or the Director considers necessary for the proper conduct of flight operations.

(2) Every operator shall revise its operations manual when required to do so by the Director or when necessitated by changes in the operations, aircraft or equipment or in the light of experience.

(3) Every operator shall supply copies of its operations manual, including any amendments thereto, to the Director and to such persons as the Director specifies.

(4) Every operator shall ensure that those parts of its operations manual that are relevant to a planned flight are available to the flight crew prior to the flight and are carried in the aircraft during the flight.

(5) Every operator shall ensure that all copies of its operational manual are kept up to date.

153. Training and checking organisation

An airline shall provide an approved training and checking organisation to ensure that members of its flight crews maintain their competency.

154. Compliance with rules of foreign states

(1) An operator shall ensure that his employees, when abroad, are aware that they must comply with the laws, regulations and procedures of the states in which his aircraft operate.

(2) An operator shall ensure that each of his pilots is familiar with the regulations and procedures prescribed for the areas to be traversed, the aerodromes to be used, and the air navigation facilities relating thereto. The operator shall ensure that all other members of the flight crew are familiar with such regulations and procedures as are relevant to the performance of their respective duties.

155. Proving test

(1) An aircraft of a type or model not previously used by an operator shall not be used to carry passengers on a scheduled air service until it has undergone proving tests under such conditions and to such extent as the Director may require.

(2) In the case of modifications to an aircraft already in operation on scheduled air services or previously approved for any such operations, or the use of such an aircraft in an operation different from that in which it was previously used, the Director may require the aircraft to undergo such proving tests as he considers necessary.

156. Maintenance manual

(1) The operator of an air transport aircraft shall provide for the use and guidance of its maintenance personnel an approved maintenance manual and other approved publications containing information pertaining to the operations and procedures necessary for maintenance and testing the aircraft.

(2) The operator shall revise the maintenance manual as required by the Director or when necessitated by changes in the operations, aircraft or equipment, or in the light of experience, and any such revision shall be approved by the Director.

(3) The operator shall furnish copies of its maintenance manual, and amendments thereto, to such personnel as the operator considers necessary, to the Director, and to such other persons as the Director considers necessary.

(4) The operator shall ensure that all copies of the maintenance manual and other approved publications issued to its personnel are kept up to date.

157. Instruction of personnel

(1) The operator of an air transport aircraft shall ensure the proper instruction of all maintenance personnel, particularly prior to the introduction into service of new or unfamiliar equipment.

(2) The Director may specify the syllabus of instruction, the minimum instructional equipment and the minimum instructor's qualifications in respect of instruction required by subregulation (1).

158. Definition of aircraft

For the purposes of regulations 156 and 157 the term "aircraft" includes aero engines, propellers, components, accessories, instruments, equipment and apparatus, including emergency equipment.

PART 6 – REGISTRATION AND MARKING OF AIRCRAFT

159. Register of aircraft

(1) The Director shall maintain a register of Vanuatu aircraft and may issue a certificate of registration of any such aircraft to the owner, or where the aircraft is subject to a conditional purchase agreement to the conditional purchaser.

(2) The register of Vanuatu aircraft shall be available for inspection by any interested person during ordinary office hours.

160. Granting of certificate of registration

(1) Except with the approval of the Minister, a certificate of registration of an aircraft shall not be granted to any person unless he is a resident of Vanuatu or is a body corporate registered in, and has its principal place of business in, Vanuatu.

(2) A certificate of registration shall not be issued in respect of an aircraft if, in the circumstances of the particular case, the Minister considers it in the public interest that a certificate should not be issued.

(3) The applicant for a certificate of registration shall submit to the Director evidence of the make, model and serial number of the aircraft.

(4) The Director may require the applicant for a certificate of registration to make a statutory declaration as to the truth of the statements set out in the application for the certificate and until such declaration has been furnished the Director may refuse to grant a certificate of registration.

161. Change of ownership

(1) Where there is a change of ownership of a registered aircraft the certificate of registration shall become void, and the vendor or transferor of the aircraft shall within 14 days forward to the Director –

(a) a notification of the change of ownership setting out the full name and residence of the new owner and the date of the change of ownership; and

(b) the certificate of registration of the aircraft.

Upon application by the new owner of the aircraft, the Director may register him as the owner of the aircraft and shall endorse the certificate of registration accordingly and make an appropriate entry in the register of Vanuatu aircraft.

(2) The owner of a Vanuatu aircraft shall not dispose of or charter or otherwise transfer the aircraft to any person or organisation for use outside Vanuatu without the prior approval in writing of the Minister.

162. Location of marks

(1) The nationality and registration marks provided for in this Part shall be displayed in the manner provided by this regulation.

(2) Lighter-than-air aircraft –

(a) airships: the marks shall appear on each side of the airship and also on the upper surface on the line of symmetry. The marks shall be located lengthwise near the maximum cross section of the airship;

(b) spherical balloons: the marks shall appear in 2 places diametrically opposite and located near the maximum horizontal circumference of the balloon;

(c) non-spherical balloons: the marks shall appear on each side, located near the maximum cross section of the balloon and immediately above the rigging band or the points of attachment of the basket suspension cables. The side marks on all lighter-than-air aircraft shall be visible both from the sides and from the ground.

(3) Heavier-than-air aircraft –

(a) in the case of aeroplanes and gliders, the marks shall appear –

(i) once on the lower surface of the wing structure and, if the marks are confined to the outer half of the wing structure they shall be located on the left (port) lower surface. The tops of the letters shall be towards the leading edge and, so far as is possible, the marks shall be equidistant from the leading and trailing edges of the wing:

Provided that it shall not be necessary to comply with this paragraph in respect of aircraft or gliders the operation of which is restricted to Vanuatu;

(ii) on both sides of the fuselage between the wings and tail surfaces, or on the upper halves of the vertical tail surfaces. When located on a single vertical tail surface the marks shall appear on both sides; in the case of multi-vertical tail surfaces, the marks shall appear on the outboard sides of the outer surfaces;

(b) in the case of rotorcraft, the marks shall appear on the bottom surface of the fuselage or cabin with the top of the marks towards the left side of the fuselage, and also on both sides of the fuselage or cabin below and as near to the cockpit as possible.

(4) The nationality and registration marks shall be displayed to the best possible advantage having regard to the construction or features of the aircraft and shall be of such colour in relation to the background on which they are painted as to offer a distinct contrast.

170. Measurement of marks

The nationality and registration marks shall have measurements as follows –

(a) in the case of lighter-than-air aircraft, the height of the marks shall be at least 50 cm;

(b) in the case of aeroplanes and gliders:

(i) the marks upon the wing shall be formed of letters of equal height, and shall be not less than 50 cm in height;

(ii) the height of the marks on the fuselage or equivalent structure and on the vertical surfaces shall be at least 30 cm, except that where the surface is not large enough to accommodate full-size marks the Director may approve marks of a lesser measurement provided they are not less than 15 cm in height and can be readily identified;

(c) in the case of rotorcraft, the marks on the bottom surface of the fuselage or cabin shall be at least four-fifths as high as the fuselage or cabin is wide, and on the sides of the fuselage or cabin the marks shall be at least 15 cm high, except that where the surface is not large enough for full-size marks the Director may approve marks of a lesser measurement provided they are not less than 5 cm in height and can be readily identified;

(d) the nationality and registration marks shall be formed of letters of equal height, and shall be so situated as to leave a margin of at least 5 cm along each edge of any surface to which they are affixed.

171. Specification of marks

The nationality and registration marks shall consist of capital letters in Roman characters without ornamentation and shall conform with the following specifications:

(a) the width of each letter (except the letter "I") and the length of the hyphen shall be two-thirds of the height of the letter;

(b) each letter shall be separated from the letter which immediately precedes or follows it by a space equal to one-third the height of the individual letters, the hyphen being regarded as a letter for this purpose;

(c) the lines forming the letters and hyphen shall be solid and the thickness of those lines shall be one-sixth of the height of the letter.

PART 7 – AIRWORTHINESS REQUIREMENTS

172. Issue of certificate of airworthiness

(1) The Director may issue a certificate of airworthiness in respect of any Vanuatu aircraft.

(2) A certificate of airworthiness shall not be issued in respect of an aircraft manufactured in Vanuatu unless –

(a) the aircraft has been constructed under a certificate of type approval issued in accordance with these Regulations; and

(b) the materials and processes used in construction comply with specifications issued or approved by the Director.

(3) Except as provided in regulation 176, a certificate of airworthiness shall not be issued or validated in respect of an aircraft imported into Vanuatu unless –

(a) the applicant has supplied to the Director such technical data relevant to the aircraft and its components expressed in the English or French language as the Director may require;

(b) the applicant has supplied to the Director such undertakings as he may require to ensure the future supply of information relating to the design, maintenance and safe operation of the aircraft;

(c) the aircraft is a Vanuatu registered aircraft;

(d) the applicant submits to the Director the documents specified in paragraph (e) or paragraph (f) below, as the case may require;

(e) for each aircraft imported in an assembled or dismantled condition there is –

(i) a certificate of airworthiness valid at, or within 30 days before, the date of export to Vanuatu;

(ii) an approved flight manual or other document which the Director will accept as its equivalent;

(iii) a logbook containing a record of the maintenance done on the aircraft together with a certified statement as to its modification status as at the time of export to Vanuatu;

(f) for each aircraft which is either unfinished or in fabricated or partly fabricated kit form and therefore not eligible for the grant of a certificate of airworthiness before export, there is –

(i) evidence that a certificate of airworthiness has been granted to the prototype aircraft;

(ii) evidence that the unfinished aircraft or materials and parts comprising the kit have been manufactured or inspected under conditions acceptable to the Director and conform to the drawings approved by the appropriate overseas authority for the type of aircraft;

(iii) in the applicant's possession either the manufacturer's or approved instructions and schedules for completing and flight testing the aircraft:

Provided that a certificate of airworthiness shall not be issued or validated under this paragraph until the Director has satisfied himself by inspection that the aircraft meets all relevant Vanuatu Airworthiness Requirements:

Provided also that the Director may specify in Vanuatu Civil Airworthiness Requirements referred to in regulation 5(d) particular classes of aircraft in respect of which relaxation from the provisions of this subregulation may be granted:

Provided further that if the aircraft is of a type which is operating in Vanuatu and concerning which detailed information is available to the Director, he may waive paragraphs (e)(i) and (e)(iii) of this subregulation subject to such conditions as he may require.

173. *(Repealed)*

174. Classification of aircraft

Every aircraft shall be classified on its certificate of airworthiness in one of the following categories –

(a) private;

(b) aerial work;

(c) air transport;

(d) regular public transport.

175. Certificates of type approval

(1) The Director may issue to a manufacturer a certificate of type approval in respect of such types of aircraft or aircraft components as the Director specified in the certificate.

(2) For the purpose of this regulation, every aircraft and every aircraft component shall conform to a type design which permits its identification in detail and which consists of such drawings, specifications, reports and other data as, in the opinion of the Director, are necessary to establish that the design complies with requirements under the international standards and recommended practices and procedures adopted from time to time in pursuance of the Convention:

Provided that this subregulation shall not apply in the case of aircraft in respect of which a permit to fly is sought or is valid, or in the case of components incorporated or intended for incorporation on any such aircraft.

(3) An applicant for a certificate of type approval shall submit with the application such data, including drawings representing the design, material, specifications, construction and performance of the aircraft or aircraft component, as the case may be, as the Director requires.

(4) At any time during manufacture or after completion the Director may require the aircraft or aircraft component, as the case may be, to be subjected to such inspections, tests and certifications as he considers necessary.

(5) A certificate of type approval shall be valid for such period as the Director specifies in the certificate and may be amended or revoked at any time.

176. Validation and replacement of certificate of airworthiness for imported aircraft

(1) Where application is made for the registration of an aircraft in respect of which a certificate of airworthiness has been issued by the competent authority in any foreign country and the certificate is, at the time of application, still in force, the Director may, if satisfied as to the airworthiness of the aircraft and to compliance with the airworthiness requirements adopted in pursuance of the Convention, register the aircraft and either validate the foreign certificate of airworthiness or issue a Vanuatu certificate of airworthiness subject to such conditions and limitations as he considers necessary.

(2) Every such application shall be accompanied by such documentation specified in regulations 172(3)(a) and (e) as is applicable to the particular aircraft.

(3) Any certificate of airworthiness validated or issued under this regulation shall be valid for a period specified by the Director not exceeding either the unexpired period of the foreign certificate of airworthiness or 6 months, whichever is less.

177. Period of validity of certificate of airworthiness or permit to fly

(1) A certificate of airworthiness or permit to fly issued under this Part shall expire on the date stated therein, but may be renewed if the Director is satisfied that the aircraft is airworthy.

(2) Before any certificate of airworthiness or permit to fly is renewed, the applicant shall submit to the Director such information as may be required concerning the condition of the aircraft and its components and the purpose for which it is intended to be used.

178. Conditions of certificate of airworthiness

(1) A certificate of airworthiness shall contain conditions in accordance with the airworthiness standards adopted in pursuance of the Convention and such other conditions as the Director considers necessary in the interest of safety.

(2) The condition contained in a certificate may be changed by the Director –

(a) to conform to such variations of the airworthiness standards as are adopted in pursuance of the Convention from time to time; or

(b) to comply with such additional requirements as to safety as the Director considers necessary.

179. Suspension of certificate of airworthiness or permit to fly

(1) When an aircraft in respect of which a certificate of airworthiness has been issued under this Part suffers damage, the certificate shall be deemed to be suspended until such time as the

aircraft has been inspected, repaired as may be necessary, and certified as airworthy in conformity with this Part.

(2) Where an aircraft in respect of which a permit to fly has been issued under this Part suffers damage, the permit to fly shall be deemed to have been suspended until such time as the aircraft has been inspected and repaired as may be required for the reinstatement of the permit to fly.

(3) If an aircraft –

(a) has not been inspected and granted a maintenance release within the specified period in accordance with this Part; or

(b) develops a defect which cannot normally be remedied by the flight crew,

then the certificate of airworthiness shall be deemed to be suspended until the aircraft has been inspected and granted a further maintenance release in accordance with this Part.

(4) An aircraft shall not be flown during any period in which its certificate of airworthiness or permit to fly is cancelled, suspended or deemed to have been suspended except as may be necessary to complete a flight during which the defect occurs, or for the purpose of testing the aircraft to ascertain its eligibility for the reinstatement of its certificate of airworthiness or permit to fly.

180. Flight manual

(1) The Director may approve as the flight manual for a Vanuatu aircraft any document or combination of documents which he considers suitable for the purpose.

(2) A flight manual shall not be altered except in accordance with instructions contained therein or as otherwise specified by the Director.

(3) The Director may from time to time require that the flight manual of any Vanuatu aircraft be amended and the owner of any such aircraft shall ensure that the flight manual is amended accordingly.

181. Prohibition of flying foreign aircraft

(1) When a foreign aircraft suffers damage in Vanuatu or it is ascertained that the conditions of the aircraft is such that it does not fulfil the conditions for continuation in force of its certificate of airworthiness, the Director may prohibit the aircraft from flying.

(2) When an aircraft is prohibited under this regulation from flying –

(a) the Director shall as soon as possible notify the competent authority of the state of registration of the action which he has taken and send a report of the damage suffered or the condition ascertained; and

(b) the prohibition shall not be removed until the competent authority of the state of registration notifies the Director that –

(i) any suspension of the certificate of airworthiness of the aircraft imposed by the authority of the state of registration in respect of the damage suffered or the condition ascertained has been removed; or

(ii) the competent authority of the state of registration considers that the damage suffered or the condition ascertained is not of such a nature as to prevent the aircraft from fulfilling the minimum safety requirements of that state.

182. Inspection of aircraft and issue of maintenance release

(1) Every aircraft for which a certificate of airworthiness is required under these Regulations or has been issued under this Part shall be –

(a) inspected periodically and on such occasions and in such manner; and

(b) issued with a maintenance release given for such period and under such conditions and in such manner,

as the Director may prescribe.

(2) In the case of air transport aircraft, the period of inspection shall be included in the approved maintenance manual, and in the case of aircraft engaged in international air services, shall be included in a supplementary maintenance manual carried in the aircraft for the guidance of maintenance personnel stationed at places other than the normal base of operations of the aircraft.

(3) Every inspection of an aircraft under this regulation shall be made in conformity with approved maintenance schedules and by, or under the supervision of, the certifying aircraft maintenance engineer.

(4) A maintenance release shall not be issued in respect of an aircraft until the certifying aircraft maintenance engineer has ensured that all necessary maintenance has been completed in respect of that aircraft.

(5) A maintenance release shall be made in duplicate. The original shall be carried in the aircraft to which it relates for the period of its validity, and the copy shall be retained by the issuing aircraft maintenance engineer or by the operator for a period of at least 3 months after the date of expiry. The copy shall not be carried in the aircraft:

Provided that in the case of gliders the duties and functions of the aircraft maintenance engineers as provided for in subregulations (3), (4) and (5) shall be exercised by a person or persons specifically approved for the purpose by the Director.

183. Certification of Vanuatu aircraft operating outside Vanuatu

When a Vanuatu aircraft is engaged in air navigation in or through a foreign state, any certificate which is required under these Regulations to be signed by an aircraft maintenance engineer licensed under these Regulations may be signed by an aircraft maintenance engineer who possesses –

(a) in the case of a contracting state – the appropriate licence for that particular type of aircraft;

(b) in the case of a non-contracting state – such qualifications as may be approved by the Director.

184. Maintainance of aircraft

(1) The owner and the operator of a Vanuatu aircraft shall ensure that the aircraft and every component of the aircraft is maintained and certified in accordance with the provisions of this Part.

(2) For the purpose of this section the period of certification shall be, in relation to each aircraft and aircraft component, such period as the Director may determine having regard to –

(a) the maintenance facilities available to the operator of the aircraft;

(b) the number of hours flown by the aircraft;

(c) the records maintained in accordance with these Regulations;

(d) the classification of the aircraft as an air transport, aerial work, flight training, private or special aircraft, and its operation accordingly;

(e) the minimum period for safe operation without overhaul of the aircraft and each component as stated by the manufacturer; and

(f) any condition, such as salt air, dust or other conditions encountered on the route flown or bases used, which may affect the airworthiness.

185. Airworthiness certification after maintenance

No person shall issue a certificate of compliance or a maintenance release unless he is familiar with the aircraft or aircraft components involved, and is –

(a) the holder of an appropriate aircraft maintenance engineer licence; or

(b) the holder of an appropriate maintenance approval; or

(c) in the case of a glider or glider components, a person approved for that purpose; or

(d) in the case of a certificate of compliance, employed by an approved inspecting organisation and authorised for the purpose of giving the certificate by the chief inspector of that organisation in accordance with such conditions as the Director may approve.

186. Maintenance organisation of operating agencies

(1) The operator of an air transport aircraft shall provide or ensure that there is provided an adequate maintenance organisation, including such staff, workshops, equipment and facilities as the Director may require.

(2) An operating agency shall maintain records in respect of each of its aircraft, aero engines, variable-pitch propellers and, unless otherwise approved, of instruments, equipment and accessories, showing the time since new, since last overhaul and since last inspection, and such other information as may be necessary to enable the history, condition and performance of the item to be ascertained. Any such records shall be made available, on request, to the Director.

(3) The records required by this regulation shall be kept for at least 12 months after the end of the operating life of the item to which they refer to for such period as the Director may require.

187. Modification and repair of aircraft and aircraft components

(1) The Director may at any time require modifications or inspections to be carried out to any particular Vanuatu aircraft or to any class of such aircraft or to any components of such aircraft when he considers any such modifications or inspections necessary in the interests of safety.

(2) The operator of an aircraft in respect of which a certificate of airworthiness or permit to fly has been issued under this Part shall not carry out or cause or permit to be carried out any unapproved modifications or repairs to the aircraft or to any components of the aircraft.

(3) Before approval is granted under subregulation (2) the operator shall submit such information relating to the design and performance and such proof of airworthiness as the Director may require.

188. Overhaul, modification, replacement, repair and inspection of aircraft to be made under approved conditions

The following requirements shall apply to overhauls, modifications, replacements, repairs and inspections carried out to an aircraft in respect of which a certificate of airworthiness is required or has been issued under this Part, and to aircraft components fitted to or intended for use in any such aircraft –

(a) all overhauls, modifications, replacements, repairs and inspections shall be carried out under approved conditions;

(b) all work shall be carried out by, or under the supervision of, an appropriately licensed aircraft maintenance engineer or some other person approved for the purpose;

(c) all work shall be carried out in all essential respects in accordance with approved type design for the aircraft, including such modifications as have been approved for embodiment therein, or in accordance with repair schemes, maintenance schedules, or modifications approved in conformity with this Part;

(d) all aircraft components used shall comply with the approved type design or as otherwise specified by the Director and shall have been constructed and inspected under approved conditions;

(e) all work shall be inspected by, or under the supervision of, a licensed aircraft maintenance engineer or some other person approved for the purpose, and shall conform with the approved standards;

(f) a certificate of compliance shall be given in accordance with regulation 189 or in a form and manner approved by the Director or as prescribed in Vanuatu Airworthiness Requirements.

189. Certificate of compliance

The following provisions shall apply to or in relation to the certificate required under regulation 188(f) –

(a) except as provided in regulation 215(5), the certificate shall be in the following form -

"I hereby certify that, in carrying out the (... inspection) (overhaul) (repair) (replacement) (modification) (adjustment) specified above all the conditions and requirements of the Civil Aviation Regulations which are for the time being in force and which are applicable thereto have been complied with.

Signed: .....……

Date: .....……..

A.M.E. Licence No. or Approval Ref. No. .....";

(b) the certificate shall, when relating to the aircraft (including the engines, propellers and radio stations), be entered in the aircraft logbook, except that when the certificate relates solely to –

(i) the engines, it shall be entered in the appropriate engine logbook;

(ii) the variable-pitch propellers, it shall be entered in the appropriate propeller logbook;

(iii) the radio stations, it shall be entered in the appropriate radio station logbook:

Provided that -

(a) if the details of any overhaul, repair, replacement, modification, adjustment, or inspection are so voluminous as to render it inconvenient to enter them in the logbook, those details may be entered in a separate maintenance record, which shall be numbered for identification purposes, certified in like manner to that required for the relevant entry in the logbook, and retained in safe custody in order that it may be produced on such occasions as may be required. The identification number of any such record, and particulars of the place where it may be inspected, shall be inserted in the logbook, together with a brief description of the overhaul, repair, replacement, modification, adjustment, or inspection to which the record relates; and

(b) if the appropriate logbook is not at the place where the overhaul repair, replacement, modification, adjustment, or inspection is carried out, the certification may be given separately from the logbook in which case it shall be entered therein as soon as practicable.

190. Grant of certificates of approval and delegation of responsibility

(1) The Director may grant a certificate of approval to a firm or person for the purpose of design, construction, maintenance, processing or supply of aircraft and aircraft components, and any such firm or person may issue reports or certificates within the scope of the approval.

(2) The qualifications, organisation and equipment of any such firm or person shall be subject to such initial and subsequent inspections as the Director may require in order that he may be satisfied that the firm or person is competent, organised and adequately equipped in the particular field for which approval is sought or has been granted.

191. Reporting, investigation and rectification of defects

(1) When a defect is discovered in any Vanuatu aircraft or component of such aircraft the operator shall, within such period and in such manner as the Director may require –

(a) report to the Director, full details of the circumstances;

(b) investigate the defect and report to the Director on the cause of the defect and on remedial action taken;

(c) carry out such further work relating to the fuller investigation of the cause and rectification of the defect as the Director may require;

(d) forward to the Director such defective aircraft components as the Director may require for further investigation to be made:

Provided that all defects which are either discovered or rectified by a maintenance firm or person other than the operator shall be reported by that maintenance firm or person in accordance with the provisions of this section.

(2) When a defect is discovered in a foreign aircraft in Vanuatu or in any component of such aircraft, the operator shall, within such period and in such manner as the Director may require–

(a) report to the Director full details of the circumstances;

(b) investigate the defect and report to the Director on the cause of the defect and on remedial action taken;

(c) advise the Director of what action (if any) has been taken to notify the competent authority of the state of registration:

Provided that all defects which are either discovered or rectified by a maintenance firm or person other than the operator shall be reported by that maintenance firm or person in accordance with the provisions of this regulation.

(3) For the purposes of this regulation "defect" means any failure or malfunctioning of an aircraft or aircraft component whether found in flight or on the ground.

192. General

(1) For the purposes of this Part –

"operating agency" shall include any organisation or person engaged in aerial work, flight training or air transport operations;

"certificate of airworthiness" includes any document which either by itself or in association with an aeroplane flight manual or other approved document identifies the aircraft and certifies the general condition and operating limitations of the aircraft and the purposes for which the aircraft may be used, but does not include a permit to fly.

(2) Any certificate of airworthiness issued or rendered valid under the law of the state in which the aircraft to which the certificate relates is registered shall be deemed a certificate of airworthiness for the purposes of these Regulations.

PART 8 – RADIO EQUIPMENT

193. Radio equipment to be installed in aircraft

(1) Radio communication equipment and radio navigation equipment shall be installed in –

(a) all aircraft carrying passengers on air transport operations;

(b) all aircraft engaged in international air navigation;

(c) all aircraft operated under instrument flight rules;

(d) such other aircraft as the Director may from time to time prescribe, having regard to the class and type of operation involved, the type of air traffic routes to be flown and the likely density and type of air traffic:

Provided that the provisions of this regulation requiring radio navigation equipment shall not be required in an aircraft operating under visual flight rules by day and when the navigation is accomplished by visual reference to landmarks.

194. Radio equipment requirements

(1) An aircraft required by these Regulations to have radio communication equipment installed shall be provided with equipment capable of –

(a) conducting 2 way communication for aerodrome control purposes;

(b) receiving meteorological information at any time during flight;

(c) conducting 2-way communication at any time during flight, with at least one aeronautical station and with such other aeronautical stations and on such frequencies as may be prescribed by the Director or, when outside Vanuatu airspace, by the appropriate authority; and

(d) in the case of equipment used on international flights and such other flights as the Director may prescribe, providing communications on the aeronautical emergency frequency 121.5 MHz.

The requirements of the subregulation shall be deemed to be complied with during a particular flight if the ability to conduct the communications is established during radio propagation conditions which are normal for the route being flown.

(2) An aircraft required by these Regulations to have radio communication equipment installed shall be provided with equipment arranged so that the failure of any one item of the equipment at any time during a flight will not prevent the conduct of communication with at least one aeronautical station at any time during the remainder of that flight.

(3) An aircraft required by these Regulations to have radio navigation equipment installed shall be provided with equipment that will enable it to proceed in accordance with –

(a) its operational flight plan; and

(b) the requirements of air traffic control.

(4) Where it is intended that an aircraft may make an instrument approach to land, the aircraft shall be provided with radio equipment capable of receiving signals providing guidance at least to a point from which a visual landing may be made.

(5) An aircraft required by these Regulations to have radio navigation equipment installed shall be provided with equipment arranged so that, in the event of the failure of any one item of the equipment at any time during a flight, the remaining equipment will be sufficient to enable navigation in accordance with subregulations (3) and (4) for the remainder of the flight.

(6) The installation of radio equipment in an aircraft shall be so arranged that the failure of any single unit will not result in the failure of another unit required for communications or navigation purposes.

195. Approval of radio equipment and radio stations

(1) All radio equipment installed in a Vanuatu aircraft shall be of an approved type.

(2) The Director may by means of issuing a certificate of approval for an aircraft radio station approve the radio equipment carried in a Vanuatu aircraft subject to such conditions and limitations as he may specify provided that he is satisfied that the equipment is suitable for its intended purpose and complies with the requirements of this Part and such other requirements as he may prescribe.

196. Installation and maintenance of radio equipment

Radio equipment in Vanuatu aircraft shall be installed and maintained in accordance with such requirements as may be prescribed by the Director.

197. Use of radio equipment

(1) Radio equipment installed in a Vanuatu aircraft shall be operated only –

(a) by a person holding a flight radio telephone operator rating issued under these Regulations or, if approved for the purposes of this regulation., an equivalent qualification; or

(b) by a person increasing his skill, under the supervision of the holder of a flight radio telephone operator rating, to qualify for the issue of such a rating; or

(c) by a person authorised to taxi aircraft in accordance with regulation 75(3).

(2) Radio equipment installed in a foreign aircraft flying over, into or from Vanuatu shall be operated by a person authorised to carry out such duties by the appropriate authority of the state in which the aircraft is registered.

198. Exemptions

The Director may, on such conditions as he thinks fit, exempt any aircraft or class of aircraft from compliance with any or all of the provisions of this Part if he is satisfied that it will not adversely affect the safety of air navigation.

PART 9 – AERODROMES, OBSTRUCTIONS TO AIR NAVIGATION AND LIGHTS

Aerodromes

199. Classification of aerodromes

(1) For the purposes of these Regulations, aerodromes are divided into the following classes –

(a) public aerodromes, which are aerodromes available alike to an aircraft within the limits of the operational conditions prescribed by the Director.

(b) private aerodromes which include –

(i) private aerodromes available for general use; and

(ii) private aerodromes restricted by the conditions of the licence as to users and times of use and otherwise available only with the prior agreement of the licensee; and

(iii) private aerodromes available only with the prior agreement of the owner, lessee or other person in whom is vested the right to use the place as an aerodrome.

(2) The Director may prescribe such operational conditions as he thinks necessary in the interests of safety in respect of any aerodrome or place authorised for use as an aerodrome, and may at any time vary these conditions.

200. Licensing of aerodromes

(1) The Minister may grant a private aerodrome licence for any aerodrome in Vanuatu and may include in the licence such limitations and restrictions as to users and times of use as may be requested by the licensee.

(2) An aerodrome licence shall continue in force until either surrendered by the licensee or suspended or cancelled under regulation 8.

(3) An applicant for an aerodrome licence shall be either the owner or lessee of, or be entitled to use as an aerodrome, the place for which the licence is sought. An applicant shall supply with his application for a licence such information in respect of the aerodrome as the Minister requires.

(4) The licensee of every aerodrome shall –

(a) comply with any conditions regarding the use of the aerodrome and the provision of facilities prescribed by the Director;

(b) maintain the state of the manoeuvring area of the aerodrome to at least the same standard as that provided at the time the licence was issued or, where a higher standard is subsequently required, to at least that higher standard;

(c) advise the Director or the nearest air traffic services unit, by the fastest means available, of any significant change in the state of the manoeuvring area or facilities related to the aerodrome which may constitute a hazard to the safety of operating aircraft;

(d) close the aerodrome, and advise the Director or the nearest air traffic services unit by the fastest means available of this closure, if any significant change in the state of the manoeuvring area (including the presence of any obstruction thereon) would make the landing or taking off of aircraft hazardous; and re-open the aerodrome, and so advise the Director or the nearest air traffic services unit by the fastest means available, when this hazardous condition is no longer present; and

(e) permit the inspection of the aerodrome by an authorised person at least once a year; and pay the fee prescribed therefor.

201. Authorisation of places for use as aerodromes

(1) The Director may authorise the use as an aerodrome for the take-off and landing of aircraft on air transport operations any place not so licensed under these Regulations.

(2) Any place so authorised shall be used only subject to such operational conditions and for such period as may be specified in the authorisation.

(3) An authorisation for the use of any place as an aerodrome shall not be granted unless the applicant submits, with his application, the prescribed fee and a copy of a written consent to such use signed by the owner, lessee or other person to use the place as an aerodrome; and any such authorisation granted shall be deemed to be cancelled on the receipt by the operator or the Director of a written withdrawal of such consent signed by the owner, lessee or such other person.

(4) The owner or lessee of, or other person entitled to use, a place authorised for use as an aerodrome for a period of more than one year shall permit the inspection of the place by an authorised person at least once a year; and shall pay the fee prescribed therefor.

202. General provisions

(1) The Director may require the licensee of an aerodrome to maintain in serviceable condition at that aerodrome an approved first aid kit, and to provide on demand a certificate from a registered medical practitioner, registered nurse or qualified pharmacist to the effect that such a kit is so maintained.

(2) The Director may require the licensee of an aerodrome to maintain in serviceable condition at that aerodrome fire-fighting and crash appliances and equipment and general service facilities to such scale as the Director prescribes.

(3) Except with the approval of the Director, no building, pole, mast, fence or other structure shall be erected, extended or resited on any licensed aerodrome, or any tree-planted thereon, or any earthwork carried out, or any other activity undertaken which might create a hazard to air navigation.

(4) No –

(a) licensee of an aerodrome; or

(b) owner or lessee of, or other person entitled to use, a place authorised for use as an aerodrome,

shall permit the grazing of cattle, horses, sheep or other stock within the manoeuvring area of that aerodrome or place so authorised when air transport operations are notified as imminent or are taking place.

203. Noise abatement

After consultation with such persons interested in civil aviation as the Minister may direct, the Director may, for the purpose of abatement of noise made by aircraft, impose limitations, restrictions and prohibitions in respect of aircraft operations, including the closure of specified aerodromes to all aircraft, or any specified aircraft, during specified hours.

Obstructions to Air Navigation and Lights

204. Aerial lighthouses

(1) No person shall establish or maintain an aerial lighthouse except with the approval in writing of the Director and subject to such conditions as may be specified in the approval.

(2) No person shall alter the character of the light exhibited from an aerial lighthouse except with the approval in writing of the Director.

(3) For the purpose of this regulation an aerial lighthouse includes any light which in the opinion of the Director may be confused with any aerial lighthouse or light established for the purpose of assisting air navigation.

205. Dangerous lights

(1) If any light is exhibited which –

(a) being in the neighbourhood of an aerodrome is liable by reason of its glare to endanger aircraft arriving at or departing from the aerodrome; or

(b) is liable to endanger aircraft by reason of its liability to be mistaken for a light proceeding from an aerial lighthouse or for a light or part of a system of lights established or approved for display at or near an aerodrome or for marking an obstruction to air navigation,-

the Minister may serve notice on the owner or occupier of the place where the light is exhibited or the person having charge of the light, requiring him, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or screening the light and for preventing for the future the exhibition of any similar light.

(2) The notice referred to in subregulation (1) may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(3) If the requirements contained in a notice under this regulation are not complied with within the time specified, any person authorised in writing by the Minister may enter upon the place where the light is situated and, doing no unnecessary damage, may take such steps as may

be necessary to secure compliance with those requirements, and the Minister may recover any expenses incurred in so doing as a civil debt from the person on whom the notice was served.

206. Noise and vibration at aerodromes, etc.

(1) The conditions under which noise and vibration may be caused by aircraft at any licensed aerodrome or authorised place shall be as follows –

(a) that the aircraft is taking off or landing; or

(b) that the aircraft is manoeuvring on the ground or water; or

(c) that the engines are being operated in the aircraft –

(i) for the purpose of pre-take-off run-up;

(ii) for the purpose of ensuring their satisfactory performance; or

(iii) for the purpose of ensuring that the instruments, accessories or other components are in a satisfactory condition.

(2) Engines removed from aircraft shall not be tested or run-up except where provision is made for the reduction of nuisance to a level satisfactory to the Director.

207. Abatement of hazards caused by birds in vicinity of aerodrome

(1) If the Minister is satisfied that the presence of waste foodstuffs or other waste materials on any aerodrome or on any area of land in the vicinity of an aerodrome may cause such an attraction to birds as to constitute a hazard to aircraft, he may, by notice declare the aerodrome or area to be land to which this section applies.

(2) Any person by whose act or default any waste foodstuffs or other waste materials are brought on to or left on any land to which this regulation applies so as to cause such an attraction to birds as to constitute a hazard to aircraft shall be guilty of an offence.

208. Obstructions to air navigation

(1) If the Minister is of the opinion that any building, pole, mast, line, structure or other object is a hazard to air navigation by reason of its height or location he may, by notice in writing served on the owner or person in charge of the object or the owner or occupier of the place where the object is situated, require the owner or occupier to mark or illuminate or remove the object within a reasonable time and to a standard specified in the notice; and every person on whom such a notice is served shall comply with the requirements thereof.

(2) The notice referred to in subregulation (1) may be served either personally or by post, or by affixing it in some conspicuous place near to the object to which it relates.

PART 10 – APPROVED FLYING SCHOOLS, TRAINING ORGANISATIONS AND GROUND SCHOOLS

209. Approval of schools and training organizations

(1) The Director may grant an approval in respect of a flying school, training organisation or ground school established for the purpose of imparting instruction for any class of licence or rating under these Regulations.

(2) Flying schools, training organisations and ground schools referred to in this regulation shall be classified according to the type of instruction imparted and any approval granted under subregulation (1) shall be endorsed accordingly.

(3) The equipment and personnel employed by an approved school or organisation shall be adequate for the purpose of imparting satisfactorily the class of instruction proposed.

(4) The curricula, sequence of instruction and methods of training used in an approved school or training organisation shall be approved by the Director, who shall have regard to the standards required to be achieved by the trainees to enable them to pass the prescribed examinations and tests for the relevant licences or ratings.

(5) An applicant for an approval shall furnish such information in relation to the schools as may be required by the Director.

210. Ground instructors
No person shall act as a ground instructor at an approved school or training organisation unless he has been approved for that purpose.

211. Qualifications of instructors
An approval to act as a ground instructor shall be granted only to a person whose qualifications render him competent to give instruction in one or more of the subjects included in the curricula, and each subject in respect of which any such person is approved to instruct shall be stated in the approval.

PART 11 – LOGBOOKS

212. Logbooks
(1) The following logbooks shall be maintained in respect of Vanuatu aircraft and aircraft components intended for installation in any such aircraft –

(a) for every aircraft – an aircraft logbook;

(b) for every aircraft in which radio station equipment is installed under these Regulations – an aircraft radio logbook;

(c) for every propeller in which provision is made for adjustment or variation of the pitch of the blades – a propeller logbook;

(d) for every engine – an engine logbook:

Provided that a combined aircraft and engine logbook may be used for amateur built aircraft operating under a permit to fly and for such other aircraft as the Director may prescribe.

(2) The owner of every Vanuatu aircraft shall be responsible for maintaining and preserving or causing to be maintained and preserved the logbooks required by this Part.

(3) Logbooks required under these Regulations shall be deemed to be part of the aircraft or aircraft component to which they relate.

212A. Alternative to logbook
(1) The Director may in writing approve the use of an alternative document or documents to the log book referred to in regulation 212.

(2) An approval will be subject to such conditions as the Director considers necessary in the interests of the safety of air navigation.

(3) The conditions referred to in regulations 212, 214 and 215 relating to the use, preservation, and carriage of the log books apply equally to an alternative document to a log book approved in accordance with subregulation (1) of this regulation.

213. Pattern of logbooks
The logbooks referred to in this Part shall conform to an approved pattern.

214. Preservation of logbooks
All logbooks shall be preserved during the life of the aircraft, radio station, engine or propeller, as the case may be, for a period of 12 months after the last entry therein.

215. Logbooks carried in aircraft
(1) Logbooks required in accordance with this Part may be left at the usual station of the aircraft.

(2) When a logbook, other than a flight crew logbook, is carried in the aircraft, a duplicate logbook shall be maintained in a safe place on the ground.

(3) When a logbook is kept at the usual station of the aircraft, a record of all matters occurring whilst the aircraft is absent from that station and which are required to be entered in the logbook shall be maintained in the aircraft and shall subsequently be entered in the logbook.

(4) For the purposes of this Part, the expression "the usual station of the aircraft" means the station at which maintenance work is normally carried out.

216. Instructions for maintaining logbooks

(1) All entries in logbooks shall be made in ink or material of an equivalent permanent nature.

(2) Except as the Director otherwise prescribes or approves, logbooks shall be maintained in accordance with instructions contained therein.

(3) Entries in logbooks shall be made within 24 hours of the event to which they relate, with the exception that in the case of those logbooks normally kept at the usual station of the aircraft an entry shall be made within 24 hours of the return of the aircraft to that station:

Provided that where a logbook has been produced in compliance with the provisions of regulation 7, the entries shall be made within 7 days of its return.

(4) Logbook entries relating to maintenance of aircraft and aircraft components shall be certified by a person licensed or approved for the purpose, or authorised under regulation 185(d).

(5) The signature and either the aircraft maintenance engineer licence number or the approval number in the case of a person approved for the purpose of giving the certificate of compliance, when followed by the date and written beside an entry in a logbook relating to maintenance work done to an aircraft or aircraft component, shall be deemed to be the certificate of compliance required under regulation 189(a).

(6) When inspection, repairs, overhauls or replacements to any aircraft or aircraft component fitted on the aircraft have been required in consequence of the failure of any part or of damage caused by forced landing or accident, the entries relating to any such inspection, repairs, overhauls or replacements made in the appropriate logbook shall state that they have been required as a result of the failure, forced landing or accident, as the case may be.

(7) All logbook entries relating to inspections and other maintenance work done shall state the name and location of the workshop, aerodrome, or place where any such inspection or maintenance work was done.

(8) Where abbreviated logbook entries are made, as provided for in regulation 189, all entries in the separate maintenance record shall be made in ink or material of an equivalent permanent nature.

PART 12 – LICENSING AND APPROVAL OF AIRCRAFT MAINTENANCE PERSONNEL

217. General

(1) Subject to the provisions of this Part, the Director may grant –

(a) aircraft maintenance engineer licences in the following classes –

(i) aircraft maintenance engineer mechanical licence;

(ii) aircraft maintenance engineer avionic licence.

(b) aircraft maintenance engineer licence ratings;

(c) maintenance approvals;

(d) certificates of competency.

(2) Any licence, rating, maintenance approval or certificate of competency shall be subject to such limitations and conditions as the Director may endorse thereon.

(3) The Director may validate an aircraft maintenance engineer licence or an equivalent document issued by the competent authority in any contracting state, to authorise the holder to certify the airworthiness of Vanuatu aircraft and aircraft components. The validation shall not extend beyond the period of validity of the licence and shall be subject to such limitations as the Director may prescribe.

(3A) The Director may grant to the holder of a licence or certificate issued by the competent authority of a contracting State a Vanuatu aircraft maintenance engineers licence:

Provided the applicant satisfies the Director that he –

(a) is the holder of a licence equivalent to the licence sought, granted by a competent authority, and in force in accordance with the law of a country other than Vanuatu;

(b) has complied with the minimum conditions required under the convention and with such other requirements as the competent authority specifies; and

(c) does not suffer from any disability likely to affect his or her technical skill or judgment.

(4) A licence, maintenance approval, or certificate of competency shall not be granted if the Minister is satisfied that the applicant is not a fit and proper person to hold it; and in any particular case the Minister may refuse the grant of a licence, maintenance approval or certificate of competency if in the circumstances of that case it appears to him that in the public interest it should not be granted.

218. Aircraft maintenance engineer licence

An applicant for an aircraft maintenance engineer licence shall meet the following requirements –

(a) he shall be not less than 21 years of age;

(b) he shall satisfy the Director that he has sufficient knowledge of the English or French language to perform the duties of an aircraft maintenance engineer;

(c) he shall pass such written and oral examinations as the Director may prescribe; and

(d) he shall satisfy the Director that he has adequate practical experience.

219. Aircraft maintenance engineer licence ratings

(1) The holder of an appropriate aircraft maintenance engineer licence may be granted a rating for a specified type or group of aircraft or aircraft components.

(2) The types and groups of aircraft or aircraft components referred to in this Part shall be such as may be specified by the Director.

(3) An applicant for the issue of a rating shall satisfy the Director that he has adequate practical experience on the type or group of aircraft or aircraft components for which the rating is sought.

(4) The Director may require an applicant to –

(a) successfully complete an approved course of training on the particular type or group of aircraft or components for which the rating is sought; and

(b) pass such examinations as the Director may prescribe.

220. Privileges of licencees

An aircraft maintenance engineers licence shall authorise the holder, subject to such conditions as may be specified in the licence or published in Vanuatu Civil Airworthiness Requirements (CAWR), to issue –

(a) a maintenance release; or

(b) a certificate of compliance after maintenance has been carried out to an aircraft component.

221. Maintenance approval

(1) The Director may grant a maintenance approval to an applicant who does not hold an appropriate aircraft maintenance engineer licence or rating but who is otherwise competent, authorising him to issue a certificate of compliance or a maintenance release in respect of a specified type or group of aircraft or aircraft components.

(2) The Director may require an applicant for the issue of a maintenance approval to –

(a) pass such written or oral examinations as the Director may prescribe;

(b) satisfy the Director that he has adequate practical experience of the particular type or group of aircraft or aircraft components for which the maintenance approval is required;

(c) successfully complete a course of approved training on the particular type or group of aircraft or aircraft components for which the maintenance approval is required.

222. Certificate of competency

(1) The Director may require any person performing specialised processes which may affect the airworthiness of aircraft to hold a certificate of competency valid for the purpose.

(2) The Director may grant a certificate of competency to an applicant who meets such requirements as may be prescribed by the Director.

223. Validity of licences, ratings, approvals and certificates

(1) Subject to regulation 8, an aircraft maintenance engineer licence shall continue in force indefinitely.

(2) An aircraft maintenance engineer licence rating, maintenance approval, or certificate of competency shall remain valid for such period as may be endorsed thereon and may be renewed if the holder has met such requirements as the Director may prescribe.

224. Re-examination

The Director may re-examine the holder of an aircraft maintenance engineer licence, rating, maintenance approval, or certificate of competency if he considers that action necessary to establish the holder's competency. As a result of any such re-examination the Director may vary or cancel the licence, rating, approval or certificate as he thinks fit.

225. Approval of aircraft maintenance training

(1) The Director may approve, on such conditions as he thinks fit, a training organisation providing training for aircraft maintenance engineers' licences or providing type courses on aircraft or aircraft components for the grant or extension of licence ratings.

(2) Any training organisation approved under this regulation shall be approved only in respect of courses listed in a schedule of conditions to the approval.

(3) The Director may approve a single course of instruction or training provided by an educational or training organisation or by a manufacturer or aircraft operator if the training or instruction given is required for, or is applicable to the grant or extension of, any aircraft maintenance engineer licence or rating.

(4) An approval granted by the Director under this regulation shall continue in force until it is withdrawn but the Director may omit from, or include in the schedule such courses as he thinks fit.

(5) An applicant for approval or the holder of an approval shall furnish such information in relation to any approved course as the Director may require.

226. Approved instructors

(1) Instructors conducting courses of instruction or training required or approved for the grant or extension of any aircraft maintenance engineer licence or rating must be approved for this purpose.

(2) If the Director is satisfied that an applicant is qualified and competent to instruct in the particular subjects specified in the application for approval as an instructor, he may grant approval on such conditions as he thinks fit.

(3) Subject to regulation 8, any approval granted under this regulation shall remain in force, unless otherwise specified, indefinitely.

(4) The applicant for approval as an instructor or the holder of such approval shall furnish such information as to his qualifications and competency to instruct as the Director may require.

PART 13 – FLIGHT CREW LICENCES AND RATINGS

227. Interpretation

In this Part unless the context otherwise requires, "licence" means a licence granted by the Director under the provisions of this Part.

Classes of Licences and Ratings

228. Classes of licences and ratings

(1) The licences and ratings that may be granted under this Part are as follows –

(a) *(repealed);*

(b) Private pilot licence – aeroplane;

(c) Commercial pilot licence – aeroplane;

(d) *(repealed)*;

(e) Airport transport pilot licence – aeroplane;

(f) *(repealed)*;

(g) Private pilot licence – helicopter;

(h) Commercial pilot licence – helicopter;

(i) Commercial pilot licence – glider;

(j) Commercial pilot licence – free balloon;

(k) *(repealed)*;

(l) Flight navigator licence;

(m) *(repealed)*;

(n) Flight engineer licence;

(o) Category E flight instructor rating – aeroplane;

(p) Category D flight instructor rating – aeroplane;

(q) Category C flight instructor rating – aeroplane;

(r) Category B flight instructor rating – aeroplane;

(s) Category A flight instructor rating – aeroplane;

(t) Category E flight instructor rating – helicopter;

(u) Category D flight instructor rating – helicopter;

(v) Category C flight instructor rating – helicopter;

(w) Category B flight instructor rating – helicopter;

(x) Category A flight instructor rating – helicopter;

(y) Aircraft type rating – pilot;

(z) Aircraft type rating – flight engineer;

(aa) Class 2 instrument rating – aeroplane;

(ab) Class 1 instrument rating – aeroplane;

(ac) Class 2 instrument rating – helicopter;

(ad) Class 1 instrument rating – helicopter;

(ae) *(repealed)*;

(af) Glider towing rating;

(ag) Agricultural rating;

(ah) Chemical rating;

(ai) *(repealed)*.

(2) The holder of a licence or rating shall have the privileges and be subject to the limitations specified in respect thereof in these Regulations.

(3) The Director may authorise the holder of a licence of a class specified in paragraphs (b) to (j) of subregulation (1) to act as a pilot, or as pilot in command, of an aircraft of a type not specified in the licence –

(a) for the purpose of testing the aircraft; or

(b) where the holder has qualified for the appropriate type rating, but the appropriate certification has not yet been completed; or

(c) where the aircraft is the first aircraft of its type in Vanuatu;

and any person so authorised may act as pilot, or Pilot in command, of the aircraft in accordance with such conditions as the Director may prescribe in the interests of safety.

(4) A licence or rating shall be valid only so long as the requirements, limitations and conditions endorsed thereon or imposed in respect thereof under these Regulations are complied with.

(5) A licence (whether renewed or not) shall be valid only from the time and for the period of time specified therein (which period shall not exceed the maximum validity period for that class of licence specified in regulation 235).

(6) Subject to subregulation (7) a rating shall be valid only for the period of validity (including any renewal period) of the licence on which it is endorsed or to which it relates.

(7) On the expiry of a licence any rating endorsed thereon or relating thereto shall be transferred to a different class of licence of the same category granted to the same person (if any).

(8) Notwithstanding any other provision of these Regulations, any licence or rating held by an applicant for a licence or rating of higher qualification shall lapse on the granting of such licence or rating.

Grant and Renewal of Licences and Ratings

229. Grant of licences and ratings

(1) The Director may grant a licence, or rating, specified in regulation 228 to any person who complies with the requirements specified in regulations 232 to 234 and the requirements prescribed in Civil Aviation Safety Orders. Any such licence or rating may be granted subject to such requirements, limitations, and conditions as the Director considers necessary in the interests of safety.

(2) A licence or rating –

(a) that has been granted by the competent authority in a contracting state; and

(b) that has not expired; and

(c) the holder of which has complied with all conditions prescribed in that particular case by the Director

shall be deemed until its expiry to be a licence, or rating, of the class and subject to the limitations, specified by the Director in a written notice to the holder.

(3) Notwithstanding subregulations (1) and (2), no licence or rating shall be granted or deemed to be a licence or rating under this regulation, if the Minister is satisfied that the applicant for, or holder of, the licence or rating is not a fit and proper person to hold the licence or rating or that the holding of the licence or rating by that person would not be in the public interest.

230. Renewal of licences

(1) The Director may renew a licence (whether expired or not) held by a person who complies with the requirements specified in regulations 233 and 234 and the requirements prescribed in Civil Aviation Safety Orders.

(2) A licence may be renewed for any period not exceeding the maximum validity period for that class of licence or rating specified in regulation 235.

(3) Notwithstanding subregulation (1) no licence shall be renewed if the Minister is satisfied that the holder of the licence or rating is not a fit and proper person to hold the licence or rating or that the renewal of the licence or rating would not be in the public interest.

231. Proof of identity
An applicant for a licence or rating may be required by the Director to produce satisfactory proof of his identity immediately before –

(a) he undergoes an examination or flight test;

(b) the grant of the licence or rating.

Requirements to be Fulfilled by Applicant for or Holder of Licence or Rating

232. Minimum age requirements
An applicant for a licence shall be aged not less than –

(a) in the case of an applicant for a student pilot licence for any aircraft category, 16 years;

(b) in the case of an applicant for a private pilot licence for any aircraft category, 17 years;

(c) in the case of an applicant for a commercial pilot licence for any aircraft category, 18 years;

(d) *(repealed)*;

(e) in the case of an applicant for an airline transport pilot licence for an aeroplane, 21 years;

(f) *(repealed)*;

(g) in the case of an applicant for a flight navigator licence, 18 years;

(h) *(repealed)*

(i) in the case of an applicant for a flight engineer licence, 18 years.

233. Medical requirements
(1) The Director may prescribe the medical requirements and standards to be met, or maintained, by a person who applies for the grant or renewal of, or holds, a licence or rating. Different requirements and standards may be prescribed in respect of different classes of licences and ratings.

(2) Every applicant for a licence or rating shall –

(a) submit himself to a medical examination conducted by a medical practitioner designated, or accepted for that purpose, by the Director; and

(b) satisfy the Director that he meets the medical requirements and standards prescribed for that class of licence or rating; and

(c) at the time of the medical examination –

(i) make a declaration stating whether he has previously undergone a medical examination for the purpose of the grant or renewal of a licence or rating; and if so, with what result; and

(ii) answer all the questions that, in the opinion of the examining medical practitioner, are necessary for determining whether he meets the prescribed medical requirements and standards; and

(iii) authorise the disclosure to the Director of any information that has been acquired by any medical practitioner, hospital or other medical institution and that may assist the Director to determine whether the applicant meets the prescribed medical requirements and standards.

(3) Notwithstanding subregulation (2), the Director may, in his discretion, exempt any person from compliance with any of the prescribed medical requirements and standards if the person complies with such conditions (if any) as the Director prescribes and the licence or rating granted to or held by the person is endorsed with the following limitations –

(a) the holder shall not engage in international air navigation; and

(b) such other limitations (if any) as the Director considers necessary in the interests of safety.

(4) Every holder of a licence or rating who fails to maintain the prescribed medical requirements and standards shall forthwith notify the Director of such failure.

234. Knowledge, skill and experience requirements

(1) The Director may prescribe the requirements and standards relating to knowledge, skill and experience, and the demonstration thereof, that shall be met, or maintained, by a person who applies for the grant or renewal of, or holds, a licence or rating.

(2) Every applicant for a licence or rating shall demonstrate that he has sufficient knowledge of the English or French language (both spoken and written) to enable him to adequately carry out his responsibilities as the holder of the licence or rating.

(3) The Director may, in his discretion and on such conditions as he thinks fit, exempt from compliance with any of the prescribed requirements and standards relating to knowledge, skill and experience and the demonstration thereof, any person who has qualified as a flight crew member in any military force or who has acquired acceptable flight experience, technical knowledge and skill in civil aviation if the Director is satisfied that the person's experience, knowledge and skill warrant such exemption.

Maximum Validity Periods of Licences

235. Maximum validity periods of licences

The maximum validity periods of licences are as follows –

(a) *(repealed)*

(b) in the case of a private pilot licence for any aircraft category –

(i) where the holder is less than 40 years of age at the time the licence is granted or renewed, 1 year;

(ii) where the holder is 40 years of age or more at the time the licence is granted or renewed, 1 year;

(c) in the case of a commercial, senior commercial or airline transport pilot licence for any aircraft category –

(i) where the holder is less than 40 years of age at the time the licence is granted or renewed, 1 year;

(ii) where the holder is 40 years of age or more at the time the licence is granted or renewed, 6 months;

(d) *(repealed);*

(e) *(repealed)*;

(f) *(repealed)*;

(g) in the case of a flight navigator licence, 1 year;

(h) *(repealed)*;

(i) in the case of a flight engineer licence, 1 year.

Privileges and Limitations of Licences and Ratings

236. Student pilot licence

A student pilot licence authorises the holder to act, under the supervision of the holder of a category A, B or C flight instructor rating, as pilot in command of an aircraft of the category for which the licence is granted and that is not carrying passengers for the purpose of –

(a) increasing his skill in order to qualify for the issue of a licence of higher qualification or obtain an additional rating to his licence; or

(b) engaging in flying practice in order to quality for the renewal of a licence that is no longer valid:

Provided that, if the student pilot engages in flying practice in order to qualify for the renewal of a licence that has been invalid for a period of less than 1 year, the requirement of supervision by a flight instructor shall not apply:

Provided also that the prohibition against the carriage of passengers by the student pilot shall not apply to the carriage of an authorised person or an approved flight examiner, who is testing the student pilot.

237. Private pilot licence

(1) Subject to subregulation (2) a private pilot licence authorises the holder to perform the duties of the holder of a student pilot licence and to act, but not for remuneration, as –

(a) pilot in command of an aircraft of the category for which the licence is granted, not operated for hire or reward, and to carry passengers therein;

(b) co-pilot of an aircraft of the category for which the licence is granted, not operated for hire or reward, and required to be operated with a co-pilot.

(2) The holder of a private pilot licence shall not –

(a) act as pilot in command or as co-pilot of an aircraft that is carrying passengers unless he is the holder of a rating for that type of aircraft or he is acting under regulation 249(l)(c); or

(b) act as pilot in command or as co-pilot of an aircraft under IFR unless he is the holder of the appropriate instrument rating.

238. Commercial pilot licence

(1) Subject to subregulation (2), a commercial pilot licence authorises the holder to exercise the privileges of the holder of a private pilot licence and to act as –

(a) pilot in command of an aircraft of the category for which the licence is granted and that is engaged in aerial work operations;

(b) pilot in command of an aircraft of the category for which the licence is granted, does not exceed 5,700 kg maximum certificated take-off weight, and is engaged in air transport operations;

(c) co-pilot of an aircraft of the category for which the licence is granted and that is required to be operated with a co-pilot;

(d) third pilot in a 3-pilot crew, if his licence has been endorsed by the Director to the effect that he has satisfactorily completed a course of approved training for the type of aircraft in which he so acts:

Provided that he shall not occupy a pilot-control seat unless the aircraft is at an altitude of more than 20,000 ft.

(2) The holder of a commercial pilot licence shall not –

(a) act as pilot in command or as co-pilot of an aircraft that is carrying passengers or operating for hire or reward unless he is the holder of a rating for that type of aircraft or he is acting under regulation 249(1)(c) or subregulation (1)(d);

(b) act as pilot in command or as co-pilot of an aircraft under IFR unless he is the holder of the appropriate instrument rating.

239. Senior commercial pilot licence

(1) Subject to subregulation (2), a senior commercial pilot licence authorises the holder to perform the duties of the holder of a commercial pilot licence and to act as pilot in command of an aircraft that is of the aircraft category for which the licence is granted, does not exceed 20,000 kg maximum certificated take-off weight, and is engaged in air transport operations.

(2) The holder of a senior commercial pilot licence shall not –

(a) act as pilot in command or co-pilot of an aircraft that is carrying passengers or operating for hire or reward unless he is the holder of a rating for that type of aircraft or he is acting under regulation 238(1)(d) or 249(1)(c);

(b) act as pilot in command or as co-pilot of an aircraft under IFR unless he is the holder of the appropriate instrument rating.

240. Airline transport pilot licence
An airline transport pilot licence authorises the holder to act as pilot of any aircraft of the aircraft category for which the licence is granted and in any capacity:

Provided that he shall not –

(a) act as pilot in command or co-pilot of an aircraft that is carrying passengers or operating for hire or reward unless he is the holder of a rating for that type of aircraft or he is acting under regulation 249(1)(c).

(b) act as a flight instructor unless his licence includes the appropriate flight instructor rating.

241. *(Repealed)*

242. Flight navigator licence
A flight navigator licence authorises the holder to perform the duties of a cadet flight navigator and to –

(a) perform navigational duties in aircraft, and

(b) supervise the duties of the holder of a cadet flight navigator licence.

243. *(Repealed)*

244. Flight engineer licence
A flight engineer licence authorises the holder to perform the duties of a cadet flight engineer and to –

(a) perform flight engineering duties in aircraft; and

(b) supervise the duties of the holder of a cadet flight engineer licence:

Provided that he shall not act as a flight engineer in an aircraft unless his licence includes a rating for that type of aircraft.

245. Category E flight instructor rating
A category E flight instructor rating authorises the holder to –

(a) give the holder of a commercial pilot licence, a senior commercial pilot licence, or an airline transport pilot licence technical and flight instruction in topdressing (including seed sowing, dusting, dropping of poison baits, and laying of poison) or spraying by the holder of a commercial pilot licence, a senior commercial pilot licence or an airline transport pilot licence, who does not hold an agricultural rating;

(b) give conversion instruction for aircraft type rating purposes on agricultural aircraft or agricultural training aircraft:

Provided that he shall not give such instruction in respect of an aircraft unless he is the holder of a rating for that type of aircraft.

246. Category D flight instructor rating
A category D flight instructor rating authorises the holder to give the holder of a private pilot licence, a commercial pilot licence, a senior commercial pilot licence or an airline transport pilot licence –

(a) instrument flight instruction to the standard required for an instrument rating using radio aids to navigation;

(b) conversion instruction for aircraft type rating purposes:

Provided that he shall not give such instruction in respect of an aircraft unless he is the holder of a rating for that type of aircraft:

Provided also that he shall not give instrument flight instruction unless he is the holder of the appropriate class 1 instrument rating and such radio aids are endorsed on the rating.

247. Category C flight instructor rating
(1) Subject to subregulation (2), a category C flight instructor rating authorises the holder, when under the supervision of the holder of an appropriate category A flight instructor rating or an appropriate category B flight instructor rating, to –

(a) give flight instruction;

(b) authorise solo flight other than first solo flight by the holder of a student pilot licence.

(2) The holder of a category C flight instructor rating shall not –

(a) give flight instruction or authorise solo Right unless he is the holder of a rating for that type of aircraft;

(b) have sole charge of flying training unless he has been under the supervision of the holder of a category A flight instructor rating or a category B flight instructor rating for a minimum of 6 consecutive months and has carried out a minimum of 100 hours of instructional flying under supervision;

(c) give instrument flight instruction using radio aids to navigation unless he is the holder of the appropriate class 1 instrument rating and such radio aids are endorsed on the rating;

(d) give flight instruction for hire or reward unless he is the holder of a commercial pilot licence, a senior commercial pilot licence, or an airline transport pilot licence.

248. Category B flight instructor rating

(1) Subject to subregulation (2), a category B flight instructor rating authorises the holder to –

(a) give flight instruction;

(b) authorise solo flight by the holder of a student pilot licence.

(2) The holder of a category B flight instructor rating shall not –

(a) give flight instruction or authorise solo flight unless he is the holder of a rating for that type of aircraft;

(b) give instrument flight instruction using radio aids to navigation unless he is the holder of the appropriate class 1 instrument rating and such radio aids are endorsed on the rating;

(c) give flight instruction for hire or reward unless he is the holder of a commercial pilot licence, a senior commercial pilot licence, or an airline transport pilot licence.

249. Category A flight instructor rating

(1) Subject to subregulation (2), a category A flight instructor rating authorises the holder to –

(a) give flight instruction;

(b) authorise solo flight by the holder of a student pilot licence;

(c) act as pilot in command or as instructor in all single engine aircraft (other than ski-equipped or float-equipped aircraft) not exceeding 2,300 kg maximum certificated take-off weight.

(2) The holder of a category A Right instructor rating shall not –

(a) except as provided in subregulation (1)(c), give flight instruction or authorise solo flight unless he is the holder of a rating for the type of aircraft used;

(b) give instrument flight instruction using radio aids to navigation unless he is the holder of the appropriate class 1 instrument rating and such radio aids are endorsed on the rating;

(c) give flight instruction for hire or reward unless he is the holder of a commercial pilot licence, a senior commercial pilot licence, or an airline transport pilot licence.

250. Class 2 instrument rating

A class 2 instrument rating authorises the holder to act, in aircraft not exceeding 5,700 kg maximum certificated take-off weight, as –

(a) pilot in command or co-pilot, by night in visual meteorological conditions beyond a distance of 5 nautical miles from an aerodrome, in accordance with such conditions as the Director may prescribe;

(b) co-pilot of an aircraft under instrument flight rules.

251. Class 1 instrument rating

A class 1 instrument rating authorises the holder to –

(a) act as pilot in command or co-pilot of an aircraft under instrument flight rules;

(b) supervise the duties of a pilot who is gaining recent instrument flight experience in order to qualify for the renewal of an instrument rating or to comply with the recent experience requirements of an instrument rating:

Provided that he shall not carry out a let-down procedure under instrument flight rules unless the rating includes an endorsement for the type of radio aid to be used.

252. Flight radio telephone operator rating

(1) A flight radio telephone operator rating authorises the holder to carry out the radio telephone service of any aircraft, aeronautical station or mobile surface station –

(a) that operates on frequencies allocated exclusively to the aeronautical mobile service; and

(b) the operation of whose transmitter requires only the use of simple external switching devices without any manual adjustment of frequency determining elements; and

(c) whose transmitter itself maintains the stability of the frequencies within the limits of tolerance specified.

(2) Except as required in the execution of his duties, a person licenced to operate radio equipment in aircraft shall not divulge to any person the contents or purport of any information that he obtains in the course of his duty.

253. Glider towing rating

A glider towing rating authorises the holder to act as pilot in command of an aeroplane towing a glider.

254. Agricultural rating

An agricultural rating authorises the holder to act as pilot in command of an aircraft that is top-dressing (including seed sowing, dusting, dropping of poison baits and laying of poison) or spraying, subject to the limitations specified in the rating.

255. Chemical rating

A chemical rating authorises the holder to act as pilot in command of an aircraft that is applying animal poisons or agricultural chemicals classified as insecticides, fungicides or herbicides.

256. *(Repealed)*

General

257. Production of licences

The holder of a licence shall keep the licence in his possession at all times when operating as a member of a flight crew engaged in air transport operations; and shall present it for inspection on demand by an authorised person:

Provided that this regulation shall not apply if the licence has been forwarded to the Director and not returned.

258. Flight crew logbooks

(1) Every flight crew member shall keep a record of his flight time in a flight crew logbook appropriate to the class of licence which he holds or for which he wishes to qualify.

(2) Every flight crew logbook shall be in a form approved by the Director.

(3) All entries in flight crew logbooks shall be made in ink or in a material of an equivalent permanent nature.

(4) Flight crew logbooks shall be maintained in accordance with instructions issued by the Director.

(5) Entries in flight crew logbooks shall be certified as correct in accordance with instructions issued by the Director.

(6) Every flight crew member shall keep his flight crew logbooks in his possession for at least 12 months after the date the member held for the last time a licence of the type to which the logbooks relate.

259. Crediting of flight and ground time

(1) Flight times entered in flight crew logbooks shall be credited for the purposes specified in, and in accordance with, instructions issued by the Director.

(2) Instrument ground time entered in flight crew logbooks shall be credited for the purposes specified in, and in accordance with, instructions issued by the Director.

(3) Flight time undertaken while a licence or rating was invalid shall not be credited towards the flight experience required for the issue of a licence or rating of higher qualification or towards the flight experience required for the renewal of a licence or rating.

(4) Flight time entered in a flight crew logbook that has been lost or destroyed shall be accepted for crediting purposes only if it can be substantiated to the satisfaction of the Director.

PART 14 – *(Repealed)*

SCHEDULE

(regulation 1(2))

CLASSIFICATION OF AIRCRAFT

Aircraft	Lighter-than-air Aircraft	Non-power-driven balloon	Free balloon	Spherical free balloon Non-spherical free balloon
			Captive balloon balloon	Spherical captive Non-spherical captive balloon
		Power-driven	Airship	Rigid airship Semi-rigid airship Non-rigid airship
	Heavier-than-air aircraft	Non-power-Driven	Glider Kite (4)	Land glider Sea glider (2)
		Power-driven	Aeroplane	Landplane (3) Seaplane (2) Amphibian (2)
			Gyroplane	Land gyroplane (3) Sea gyroplane (2) Amphibian gyroplane (2)
		Rotorcraft	Helicopter	Land helicopter (3) Sea helicopter (2) Amphibian helicopter (2)
			Ornithopter	Land omithopter (3) Sea ornithopter (2) Amphibian omithopter (2)

(1) Generally designated "kite balloon"
(2) "Float" or "boat" may be added as appropriate
(3) Includes aircraft equipped with ski-type landing gear (substitute "ski" for "land")
(4) For the purpose of completeness only

Table of Amendments

14(2),(3)	*Repealed by Order 21 of 1993*	*228*	*Amended by Order 21 of 1993*
14A	*Inserted by Order 21 of 1993*	*232*	*Amended by Order 21 of 1993*
114	*Substituted by Order 21 of 1993*	*235*	*Amended by Order 21 of 1993*
115-120	*Repealed by Order 21 of 1993*	*241*	*Repealed by Order 21 of 1993*
122	*Substituted by Order 21 of 1993*	*243*	*Repealed by Order 21 of 1993*
134	*Substituted by Order 21 of 1993*	*256*	*Repealed by Order 21 of 1993*
136	*Substituted by Order 21 of 1993*	*260*	*Amended by Order 21 of 1993*
139	*Substituted by Order 21 of 1993*	*261*	*Amended by Order 21 of 1993*
173	*Repealed by Order 21 of 1993*	*262*	*Amended by Order 21 of 1993*
188(f)	*Substituted by Order 21 of 1993*	*263*	*Amended by Order 21 of 1993*
212A	*Inserted by Order 21 of 1993*	*264A*	*Inserted by Order 21 of 1993*
217(3A)	*Inserted by Order 21 of 1993*	*Part 14*	*Repealed by Order 16 of 2002*
220	*Substituted by Order 21 of 1993*		