

Air Navigation Regulations 1981

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
PART 1A — PRELIMINARY		
1	Short title	[CIA 12,845]
2	Interpretation	[CIA 12,850]
PART 1 — REGISTRATION AND MARKINGS OF AIRCRAFT		
3	Aircraft to be registered	[CIA 12,855]
4	Certificate of registration	[CIA 12,860]
5	Application for registration	[CIA 12,865]
6	Register of aircraft	[CIA 12,870]
7	Change of ownership	[CIA 12,875]
7A	Irrevocable deregistration and export request authorisations	[CIA 12,880]
7B	Deregistration requests	[CIA 12,885]
7C	Removal requests	[CIA 12,890]
7D	Authority and Director may not exercise certain powers ..	[CIA 12,895]
8	Aircraft destroyed or withdrawn from use	[CIA 12,900]
9	Nationality and registration marks	[CIA 12,905]
10	Position and size of nationality and registration marks	[CIA 12,910]
11	Use of other marks	[CIA 12,915]
PART 2 — AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT		
12	Certificate of airworthiness	[CIA 12,920]
13	Issue of certificate of airworthiness	[CIA 12,925]
14	Certificates of fitness for flight	[CIA 12,930]
15	Certificate of maintenance	[CIA 12,935]
16	Certificate of compliance	[CIA 12,940]
17	Exits and break-in markings	[CIA 12,945]
18	Aircraft weight schedule	[CIA 12,950]
19	Access and inspection for airworthiness purposes	[CIA 12,955]
20	Aircraft required to be equipped	[CIA 12,960]
21	Equipment of aircraft	[CIA 12,965]
22	Radio equipment of aircraft	[CIA 12,970]
23	Equipment tables	[CIA 12,975]

PART 3 — OPERATION OF AIRCRAFT

24	Agreement for transfer of Functions and Duties in accordance with Article 83 bis of the Chicago Convention	[CIA 12,980]
24A	Operation of foreign registered aircraft — private flights .	[CIA 12,985]
25	Operation of aircraft	[CIA 12,990]
26	Nationality and registration markings	[CIA 12,995]
27	Operation of radio stations in aircraft	[CIA 13,000]
27A	Use of airborne collision avoidance systems	[CIA 13,005]
28	Cockpit and emergency check lists	[CIA 13,010]
29	Carriage of arms, explosives or dangerous goods	[CIA 13,015]
30	Aircraft crew and licensing	[CIA 13,020]
30A	Augmented Crew Operations	[CIA 13,025]
31	Authority and duties of the pilot in command	[CIA 13,030]
32	Documents to be carried in aircraft	[CIA 13,035]
33	Specific documents	[CIA 13,040]
34	Air operator's certificate of competency	[CIA 13,045]
35	Public transport operations — Duties of pilot in command .	[CIA 13,050]
36	Operating conditions	[CIA 13,055]
36A	ETOPS	[CIA 13,060]
37	Aerodrome operating minima — Aircraft registered in Fiji operated by an operator domiciled in Fiji	[CIA 13,065]
38	Aerodrome operating minima — Aircraft not registered in Fiji operated by an operator domiciled in a country other than Fiji	[CIA 13,070]
38A	All weather operations	[CIA 13,075]
39	Fuel and lubricant supply	[CIA 13,080]
40	Computation of quantities	[CIA 13,085]
41	Loading	[CIA 13,090]
42	Aircraft weight and performance	[CIA 13,095]
43	Operations manual	[CIA 13,100]
44	Training manual or the training section of the Operations Manual	[CIA 13,105]
45	Crew training and tests	[CIA 13,110]
46	Pilots in command	[CIA 13,115]
47	Records relating to training etc	[CIA 13,120]

PART 4 — FLIGHT TIME LIMITATIONS

48	Application	[CIA 13,125]
49	Responsibility to prevent fatigue of flight crew	[CIA 13,130]
50	Flight time limitations	[CIA 13,135]
51	Records of duty periods and flight times	[CIA 13,140]
52	Reports	[CIA 13,145]

PART 5 — PERSONNEL LICENSING

53	Licences and ratings	[CIA 13,150]
----	----------------------------	--------------

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
54	General privileges and conditions for issue or renewal of licences	[CIA 13,155]
55	Minimum age	[CIA 13,160]
56	Medical standards	[CIA 13,165]
57	Checks, tests and examinations	[CIA 13,170]
58	Validity of licences	[CIA 13,175]
59	Validation of foreign licence	[CIA 13,180]
60	Signature of licence holder	[CIA 13,185]
61	Classes of licences, validity and privileges	[CIA 13,190]
62	Aircraft Maintenance Engineer's Licence	[CIA 13,195]
63	Categories of Aircraft Maintenance Engineer's Licences ..	[CIA 13,200]
64	Ratings	[CIA 13,205]
65	Instruction in flying	[CIA 13,210]
66	Training permits	[CIA 13,215]

PART 6 — RULES OF THE AIR

67	Application	[CIA 13,220]
68	Compliance with regulations	[CIA 13,225]
69	Responsibility of the pilot in command	[CIA 13,230]
70	Safety of aircraft operations	[CIA 13,235]
71	Mandatory occurrence reporting and investigation	[CIA 13,240]
72	Use of intoxicating liquor, narcotics or drugs	[CIA 13,245]
73	Smoking in aircraft	[CIA 13,250]
74	Carriage of persons in unauthorised parts of aircraft	[CIA 13,255]
75	Stowaways	[CIA 13,260]
76	Carriage of live animals in aircraft	[CIA 13,265]
77	Reporting of hazardous conditions	[CIA 13,270]
78	Operation of balloons, kites, airships or other lighter-than-air aircraft	[CIA 13,275]
78A	Recreational Flying	[CIA 13,280]
79	Towing, picking up and raising of persons and articles ...	[CIA 13,285]
80	Towing of gliders	[CIA 13,290]
81	Dropping of articles and descent by parachute	[CIA 13,295]
82	Operation of pilotless aircraft	[CIA 13,300]
83	Aerobatic flight	[CIA 13,305]
84	Air pageants, displays or races	[CIA 13,310]
85	Prohibited flight	[CIA 13,315]
86	Prohibited, restricted or danger areas	[CIA 13,320]
87	Proximity of aircraft	[CIA 13,325]
88	Right of way	[CIA 13,330]
89	Approaching head-on	[CIA 13,335]
90	Converging	[CIA 13,340]
91	Overtaking	[CIA 13,345]
92	Landing	[CIA 13,350]
93	Taking off	[CIA 13,355]
94	Ground movements	[CIA 13,360]

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
94A	Avoidance of collision	[CIA 13,365]
95	Lights to be displayed by aircraft	[CIA 13,370]
96	Simulated instrument flights	[CIA 13,375]
97	Operation on and in the vicinity of an airport	[CIA 13,380]
98	Flights over or near water or on its surface	[CIA 13,385]
99	Flight plans	[CIA 13,390]
100	Signals	[CIA 13,395]
101	Distress and urgency signals	[CIA 13,400]
102	Visual ground signals	[CIA 13,405]
103	Air traffic control clearances	[CIA 13,410]
104	Adherence to flight plans	[CIA 13,415]
105	Position reports	[CIA 13,420]
106	Cruising level	[CIA 13,425]
107	Communications	[CIA 13,430]
108	Termination of control	[CIA 13,435]
109	Unlawful interference	[CIA 13,440]
110	Interception	[CIA 13,445]
111	Visual Flight Rules — Meteorological minima	[CIA 13,450]
112	Flights below VFR minima within controlled airspace ...	[CIA 13,455]
113	Operation of VFR flights	[CIA 13,460]
114	Minimum altitudes	[CIA 13,465]
115	VFR cruising levels	[CIA 13,470]
116	Communications	[CIA 13,475]
117	Change from VFR to IFR flight	[CIA 13,480]
118	Instrument Flight Rules	[CIA 13,485]
119	Operation of IFR flights	[CIA 13,490]
120	IFR cruising levels	[CIA 13,495]
120A	Single engine IFR operations	[CIA 13,500]
121	Change from IFR to VFR flight	[CIA 13,505]

PART 7 — DOCUMENTS AND RECORDS

122	Maintenance of documents and records	[CIA 13,510]
123	Aircraft, engine and propeller log books	[CIA 13,515]
124	Personal flying log book	[CIA 13,520]
125	Use of flight data recorder	[CIA 13,525]
126	Production of documents and records	[CIA 13,530]
127	Preservation of documents and records	[CIA 13,535]
128	Forgery etc, of documents	[CIA 13,540]

PART 8 — CONTROL AND USE OF AERODROMES

129	Application and interpretation	[CIA 13,545]
130	Responsibility	[CIA 13,550]
131	Right of access	[CIA 13,555]
132	Licensing of airports [<i>Repealed</i>]	[CIA 13,560]
133	Use of airports [<i>Repealed</i>]	[CIA 13,565]

<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
134	Conditions governing the grant of licence [<i>Repealed</i>]	[CIA 13,570]
135	Charges at airports licensed for public use [<i>Repealed</i>]	[CIA 13,575]
136	Customs airport	[CIA 13,580]
137	Noise and vibrations caused by aircraft at airports	[CIA 13,585]
138	Aeronautical ground lights	[CIA 13,590]
139	Dangerous lights	[CIA 13,595]
140	Airports managed or operated by the Authority	[CIA 13,600]
141	Entry to designated areas	[CIA 13,605]
142	Refuelling of aircraft	[CIA 13,610]
143	Stray livestock and animals	[CIA 13,615]
144	Starting engines	[CIA 13,620]
145	Vehicles	[CIA 13,625]

PART 8A — INSTITUTIONS AND ORGANISATIONS

145A	Certification of Air Traffic Services Providers	[CIA 13,630]
145B	Certification of Aviation Training Institution	[CIA 13,635]
145C	Certification of approved maintenance organisation	[CIA 13,640]
145D	Certification of aeronautical meteorological service provider	[CIA 13,645]
145E	Certification of aeronautical information service providers .	[CIA 13,650]
145F	Certification of foreign air operators	[CIA 13,655]

PART 9 — GENERAL

146	Issue of directions and publications	[CIA 13,660]
147	General power to exempt	[CIA 13,665]
148	Inspection	[CIA 13,670]
149	Power to prevent flying	[CIA 13,675]
149A	Power to prevent unsafe procedures or practices in air traffic services and/or navigation services	[CIA 13,680]
150	Power to prohibit or restrict flying	[CIA 13,685]
151	Revocation, suspension or cancellation of aviation documents	[CIA 13,690]
152	Civil Air Ensign	[CIA 13,695]
153	Delegation of powers	[CIA 13,700]
154	Extraterritorial effect	[CIA 13,705]
155	Obstruction of persons	[CIA 13,710]
156	Enforcement of directions and conditions	[CIA 13,715]
157	Contraventions and penalties	[CIA 13,720]
158	Revocation and savings	[CIA 13,725]

[The next page is 98,201]

Air Navigation Regulations 1981

TABLE OF AMENDMENTS

Air Navigation Regulations 1981 (LN 66 of 1981) commenced on 1 August 1981, as amended by:

Amending Legislation	Date of Commencement
Civil Aviation Reform Act 1999 (No 16 of 1999)	19 March 1999
Air Navigation (Amendment) Regulations 2003 (LN 72 of 2003) ¹	1 July 2004
Air Navigation (Amendment) Regulations 2009 (LN 82 of 2009)	6 February 2010
Air Navigation (Amendment) Regulations 2013 (LN 3 of 2013)	15 January 2013

¹ This was rectified by the Corrigendum published on 30 January 2004.

[The next page is 98,301]

PART 1A — PRELIMINARY

[CIA 12,845] Short title

1 These Regulations may be cited as the Air Navigation Regulations 1981.

[CIA 12,850] Interpretation

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

accident means an occurrence that is associated with the operation of an aircraft and takes place between the time any person boards the aircraft with the intention of flight and such time as the engine or any propellers or rotors have come to rest and all such persons have disembarked, being an occurrence in which—

(a) a person is fatally or seriously injured as a result of—

(i) being in the aircraft; or

(ii) direct contact with any part of the aircraft, including any part that has become detached from the aircraft; or

(iii) direct exposure to jet blast—

except when the injuries are self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or

(b) the aircraft sustains damage or structural failure which—

(i) adversely affects the structural strength, performance, or flight characteristics of the aircraft; and

(ii) would normally require major repair or replacement of the affected component,

except engine failure or damage, when the damage is limited to the engine, its cowlings, or accessories; or for damage limited to propellers, wing tips, rotors, antennas, tires, brakes, fairings, small dents, or puncture holes in the aircraft skin; or

(c) the aircraft is missing or is completely inaccessible.

aerial work means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement or flying training by aviation training institutions;

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

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

aerobatic flight means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

aerodrome means a defined area on land or water (including any building, installation or equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft, and “airport” has a corresponding meaning;

aerodrome certificate means a certificate to operate an aerodrome issued by the

Authority under any law relating to the certification of aerodromes subsequent to the acceptance and approval of the aerodrome manual;

aerodrome operating minima means the limits of usability of an aerodrome for—

- (a) take off, expressed in terms of Runway Visual Range (RVR) or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or RVR and decision altitude or height (DA/H) as appropriate to the category of the operation;
- (c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility or RVR and decision altitude or height (DA/H); and
- (d) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height (MDA/H) and, if necessary, cloud conditions;

aerodrome operator means a person that holds an aerodrome certificate or an aerodrome registration approval authorising the person to operate an aerodrome;

aerodrome reference point means the designated geographical location of the aerodrome;

aerodrome registration approval means a form of approval given to an aerodrome either, for a land aerodrome for aeroplanes, by the Authority, for a water aerodrome by its inclusion in an aircraft operator's operations manual or for a heliport by its inclusion in the helicopter operator's operations manual;

aerodrome traffic means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in, or entering or leaving an aerodrome traffic circuit;

aerodrome traffic zone means the airspace around an aerodrome for the protection of aerodrome traffic and, unless otherwise specified, includes the airspace within a horizontal radius of 8 kilometres from the aerodrome reference point and extending from the surface to 3,000 feet above the elevation of the aerodrome;

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

Aeronautical Information Publication (AIP) means a publication issued by Airports Fiji and containing aeronautical information of a lasting character essential to air navigation;

aeronautical information service means a service established within a defined area of coverage responsible for the provision of aeronautical information and data necessary for the safety, regularity and efficiency of air navigation;

aeronautical mobile service means, unless the context otherwise requires, a mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate; emergency position indicating radio-beacon stations may also participate in this service on designated distress and emergency frequencies or a mobile service reserved for communications relating to safety and regularity of flight, primarily along national or international civil air routes;

aeronautical station means a land radio station in the aeronautical mobile service established for the purpose of assisting aircraft, or a radio station placed on board a ship or on an earth satellite;

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

aircraft means any machine that can derive support in the atmosphere from reactions in the air other than the reactions of the air against the earth’s surface but, in Part 3 of these Regulations, aircraft includes an aircraft set out in column 4 of the following table—

Column 1	Column 2	Column 3	Column 4
Aircraft	Lighter than air aircraft	Power Driven	Airship
		Non Power Driven	Free Balloon Captive Balloon Kite
	Heavier than air aircraft	Non Power Driven	Glider (Fixed lifting surfaces) Glider (Non-fixed lifting surfaces)
	Power Driven	Aeroplane (Landplane) Aeroplane (Amphibian) Aeroplane (Seaplane) Aeroplane (Self Launching Motor)	
	Power Driven (flying machines)	Powered Lift (Tilt Rotor) Rotorcraft (Helicopter) Rotorcraft (Gyroplane)	

air navigation services includes air traffic services, aeronautical telecommunication service, meteorological service for air navigation, search and rescue and aeronautical information service;

Airports Fiji means Airports Fiji Limited, as that company exists from time to time (even if the name is later changed);

airship means a power driven lighter-than-air aircraft;

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

air traffic control clearance (clearance) means authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit, and “clearance” prefixed by the words “taxi”, “take off”, “en route”, “approach” or “landing” shall be construed accordingly;

air traffic control service means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft; or
 - (ii) on the manoeuvring area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

air traffic control unit (ATC unit) means an area control centre, approach control unit or aerodrome control tower;

air traffic services is a generic term meaning flight information services, alerting services, air traffic advisory services, air traffic control services (area control services, approach control services or aerodrome control services);

air traffic service route (ATS route) means a route for channelling the flow of traffic as necessary for the provision of air traffic services;

air traffic services reporting office means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

air traffic services unit (ATS Unit) is a generic term meaning air traffic control unit, flight information centre or air traffic services reporting office;

air transport undertaking means an undertaking involving the transport by air of passengers, cargo or mail for remuneration or hire;

airway means a control area or portion thereof established in the form of a corridor;

alerting service means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid and assist such organisations as required;

alternate aerodrome means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or land at the aerodrome of intended landing, and includes the following corresponding definitions—

- (a) **take off alternate** means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take off and it is not possible to use the aerodrome of departure;
- (b) **en route alternate** means an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;
- (c) **destination alternate** means an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;
- (d) **ETOPS en route alternate** means a suitable and appropriate alternate aerodrome, including arrival and departure aerodromes, at which an aeroplane would be able to land after experiencing an engine shut down or other abnormal or emergency condition while en route in an ETOPS operation;

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

amphibian means an aircraft that is capable of taking off and landing on land and on water;

approach control unit means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

approach control service means air traffic control service for arriving or departing controlled flights;

approved in relation to endorsement by the Authority, means acceptable to the Authority,

apron means a defined area on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

area control centre (ACC) means a unit which provides air traffic control service to controlled flights in control areas under its jurisdiction;

area control service means air traffic control service for controlled flights in control areas;

authorised person means any suitably qualified person authorised in writing by the Authority to exercise any of the functions of an authorised person under the Act and its regulations;

Authority means the Civil Aviation Authority of Fiji established under the Civil Aviation Authority of Fiji Act 1979;

aviation document means any licence, certificate, permit, approval, ratings and privileges issued or granted by the Authority under these Regulations;

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

Cape Town Convention means the Convention on International Interests in Mobile Equipment 2001 and its protocol and any amendment of that Convention and its protocol made in accordance with that Convention;

[def insrt LN 3 of 2013 reg 2, opn 15 Jan 2013]

cargo means any property carried in an aircraft other than mail, stores and accompanied or mishandled baggage;

ceiling in relation to weather, means the height above the ground or water of the base of the lowest layer of cloud below 6000 metres (20,000 feet) covering more than half the sky;

certified aerodrome means an aerodrome appropriately issued with an aerodrome certificate authorising the aerodrome operator to use the aerodrome for the purposes specified in the aerodrome certificate;

certificate of registration means a certificate of registration issued by the Authority pursuant to regulation 4;

[def insrt LN 3 of 2013 reg 2, opn 15 Jan 2013]

change over point means the point at which an aircraft navigating on an ATS route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft, being the point which provides the optimum balance in respect of signal strength and quality between facilities at all levels to be used and to ensure a common source of azimuth guidance for all aircraft operating along the same portion of a route segment;

charter flight means a flight, operated on an “as and when required” basis, where the entire aircraft capacity is hired or purchased privately by one or more entities, which may resell to the public, for carriage from one place to another or returning to the place of departure;

Chicago Convention means the Convention on International Civil Aviation concluded at Chicago on 7 December 1944, as amended;

clearance see definition of **Air traffic control clearance**;

clearance limit means the point to which an aircraft is granted an air traffic control clearance;

commercial air transportation see definition of **commercial air transport operation**;

commercial air transport operation means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

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

Contracting State means any state (including Fiji) which is a party to the Convention on International Civil Aviation concluded at Chicago on 7 December 1944;

control area means a controlled airspace extending upwards from a specified limit above the earth;

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

controlled airspace means an airspace of defined dimensions within which air traffic control service is provided in accordance with the air space classification;

controlled flight means any flight which is subject to an air traffic control clearance;

controlled VFR flight means a controlled flight conducted in accordance with the Visual Flight Rules;

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

co-pilot means a licensed pilot serving in any other capacity (other than as pilot-in-command) but does not include a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

crew member means a person assigned by the aircraft operator for duty on an aircraft during a flight duty period;

cruise climb means an aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases;

cruising level means a level maintained by an aircraft during a significant portion of a flight;

current flight plan means the flight plan, including changes, if any, brought about by subsequent clearances;

danger area means the airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

decision altitude (DA) is referenced to mean sea level or decision height (DH) is referenced to the threshold elevation means a minimum altitude or height in a precision approach at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

design take off mass means the maximum mass at which the aircraft, for structural design purposes, is assumed to be planned to be at the start of the take off run;

designated area means any part of an aerodrome or any building on an aerodrome designated, by a notice signed by an aerodrome operator and posted on or near the entry points to such part of the aerodrome or building to which it is applicable, so as to be readily seen and read by members of the public, as an area restricted to any person or class of persons;

duty in relation to any aircraft crew member means the undertaking on behalf of the operator of the aircraft, of any flight (whether as passenger or crew) or of any function (whether or not in flight) on or in connection therewith;

duty period the time during which a flight crew member carries out any duty at the behest of the flight crew member's employer;

elevation means the vertical distance of a point or a level, on or affixed to the surface of the earth measured from mean sea level;

emergency distance available means the distance from the point on the surface of the aerodrome at which the aircraft can commence its take off run to the nearest point in the direction of take off at which the aircraft cannot roll over the surface of the aerodrome and be brought to rest in an emergency without the risk of accident;

ETOPS means extended twin engine operations;

expected approach time, in relation to any arriving aircraft, means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding point to complete its approach for a landing;

filed flight plan means the flight plan as filed with an ATS unit by the pilot of an aircraft or his or her designated representative, without any subsequent changes;

flight means that an aircraft shall be deemed to be in flight—

- (a) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment then it next becomes attached thereto or comes to rest thereon;
- (b) in the case of any other aircraft, from the moment the aircraft first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;

and **to fly** has a corresponding meaning;

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

flight duty period means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and with the intention of making a flight or series of flights, to the moment the flight crew member is relieved of all duties;

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

Flight Information Region (FIR) means an airspace of defined dimensions within which flight information service and alerting service 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 level (FL) means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;

flight plan means specified information communicated to air traffic services units, relative to an intended flight or portion of an intended flight of an aircraft;

flight simulation training device means any one of the following apparatus in which flight conditions are simulated on the ground—

- (a) a *flight simulator*, which provides an accurate representation of the flight deck of a particular aircraft to the extent that mechanical, electrical, electronic, etc aircraft systems control functions, the normal environment of the flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;

- (b) *a flight procedures trainer*, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of that mechanical, electrical electronic, etc aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (c) *a basic instrument flight trainer*, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

flight time means the total time from the moment an aircraft first moves 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;

(to) fly See definition of **flight**;

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

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

gyroplane means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

heavier-than-air aircraft means an aircraft deriving its lift in flight chiefly from aerodynamic forces;

helicopter means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power driven rotors on substantially vertical axes;

heading means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid);

height means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum; when referring to an aircraft, the height will be measured from the lowest part of the aircraft;

IFR flight means a flight conducted in accordance with the Instrument Flight Rules;

incident means an occurrence other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

in-flight relief means the period of time during which a flight crew member is relieved in flight of his or her duties at the controls by another suitably qualified flight crew member;

instrument approach procedure means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply;

Instrument Flight Rules means a set of rules governing the conduct of flight under instrument meteorological conditions;

Instrument Meteorological Conditions (IMC) means the meteorological conditions expressed in terms of visibility, distance from cloud and ceiling, less than the minima specified for Visual Meteorological Conditions;

(to) land, in relation to aircraft, includes alighting on the water;

landing area means that part of a movement area intended for the landing or take off of aircraft;

landing distance available means the distance from the point on the surface of the aerodrome above which the aircraft can commence its landing, having regard to the obstructions in its approach path, to the nearest point in the direction of landing at which the surface of the aerodrome is incapable of bearing the weight of the aircraft under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aircraft;

level refers generally to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

life jacket means any device designed to support a person individually in or on the water;

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

Low Visibility Procedures (LVP) means the procedures applied at an aerodrome for the purpose of ensuring safe operations during Category 2 and 3 approaches and low visibility take-offs;

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, excluding any apron;

maximum certificated take-off mass means the maximum permissible take-off mass of the aircraft according to the certificate of airworthiness, the flight manual or other official document;

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

mercy flight means a flight for the sole purposes of saving a person in a life threatening situation;

mobile equipment means an aircraft object of a category to which Article 2 of the Cape Town Convention applies;

[def insrt LN 3 of 2013 reg 2, opn 15 Jan 2013]

movement area means that part of an aerodrome to be used for take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

nautical mile means the length equal to 1852 metres;

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

notified means shown in any of the following publications issued by or on behalf of the Authority, whether before or after the coming into force of these Regulations, that is to say, 'NOTAMS' (Notices to Airmen), Information Circulars, Aeronautical Information Publications or any other official publication issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

occurrence means an accident or an incident;

operational control means the exercise, by an individual or an organisation, of authority over the initiation, continuation, diversion, termination or cancellation of a flight or series of flights in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

operations manual means a manual containing procedures, instructions and guidance for use by operational personnel in the performance of their duties;

operator means a person who exercises operational control over an aircraft;

pilot-in-command means the pilot designated by the operator or owner, as being in command and charged with the safe conduct of a flight;

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

private flight means any flight operation that does not involve payment or remuneration in exchange for the flight operation;

prohibited area means the airspace of specified dimensions, above the land areas or territorial waters of Fiji within which the flight of aircraft is prohibited;

Protocol means the Aircraft Protocol to the Cape Town Convention;

[def insrt LN 3 of 2013 reg 2, opn 15 Jan 2013]

public transport has the meaning assigned to it in subregulation (6);

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

rating means an authorisation entered on or associated with a licence and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence;

recreational flight means a flight operation for leisure that may involve the payment or remuneration in exchange for the flight operation but excludes any scheduled flight, charter flight and training flight;

required navigation performance (RNP) means a statement of the navigation performance necessary for operation within a defined airspace;

Register means the aircraft register referred to in regulation 6;

[def insrt LN 3 of 2013 reg 2, opn 15 Jan 2013]

registered owner means the person in whose name an aircraft is registered under regulation 4, or in the case of an aircraft registered in another country, under the law of that country;

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

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

rest period means any period of time on the ground during which a flight crew member is relieved of all duties by the operator;

restricted area means the airspace of specified dimensions, above the land areas or territorial waters of Fiji, within which the flight of aircraft is restricted in accordance with certain specified conditions so notified;

rotorcraft means a power driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

Rules of the Air means the Rules contained in Part 6;

runway means a defined and prepared area at a land aerodrome provided for the landing and take-off of aircraft;

runway visual range (RVR) means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

safe forced landing means an unavoidable forced landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

safety management system means a systemic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures;

seaplane means an aeroplane equipped with floats or other devices enabling it to land and take-off from the surface of water;

special VFR flight means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

specified, in relation to an aircraft, means specified in, or ascertainable by reference to—

- (a) the certificate of airworthiness in force in respect of that aircraft; or
- (b) the flight or operations manual or performance schedule included in that certificate, or other document, whatever its title, incorporated by reference in that certificate;

take-off distance available means either the distance from the point on the surface of the aerodrome at which the aircraft can commence its take-off run to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aircraft or one and one half times the take-off run available, whichever is the lesser;

take-off run available means the distance from the point on the surface of the aerodrome at which the aircraft can commence its take-off run to the nearest point in the direction of take-off at which the surface at the aerodrome is incapable of bearing the weight of the aircraft under normal operating conditions;

taxiway means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another including—

- (a) aircraft standby taxilane, which is a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (b) apron taxiway, which is a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- (c) rapid exit taxiway, which is a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimising runway occupancy times;

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

track means the projection on the earth's surface of the path of an aircraft, the direction of which path at any given point is usually expressed in degrees measured from North (true, magnetic or grid);

transfer of control point means a notified defined point located along the flight path of an aircraft, at which the responsibility for providing air traffic control service to the aircraft is transferred from one air traffic control unit or control position to the next;

transition altitude means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

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 approach means an approach by an IFR flight when either part or all of an instrument approach procedure is not completed and the approach is executed in visual reference to terrain;

Visual Flight Rules means the requirements for visual flight contained in Part 6;

Visual Meteorological Conditions (VMC) means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling, equal to or better than the specified minima.

[subreg (1) subst LN 82 of 2009 reg 2, opn 6 Feb 2010]

(2) The word “course” shall be deemed obsolete for the purpose of indicating the heading or track of an aircraft (as respectively defined in subregulation (1) and shall not be used in any communications between an aircraft and an air traffic services unit, or in any flight plan communicated to an air traffic services unit, under the requirements of these Regulations.

(3) Words and expressions defined in this regulation shall have the respective meanings herein assigned to them when used in any order, direction, instruction, rule or other requirement, or any notice, notification, certificate, licence, approval, permission, exemption, authorisation, log book, record or other document issued under or pursuant to the provisions of these Regulations, unless the context otherwise requires.

(4) In these Regulations, any reference to “airport” includes “aerodrome”.

[subreg (4) insrt LN 72 of 2003 reg 2, opn 1 July 2004]

(5) For the purposes of the definition of **operator**, the operator of an aircraft is the person who exercises operational control over an aircraft, provided that, for the purposes of the application of any provision in Part 1, when, by virtue of any charter or other agreement for the hire or loan of an aircraft, a person other than an air transport undertaking or an aerial work undertaking has the operational control of that aircraft for a period not exceeding 14 days, this subregulation shall have effect as if that agreement had not been entered into.

[subreg (5) insrt LN 82 of 2009 reg 2, opn 6 Feb 2010]

(6) For the purposes of the definition of “public transport”, an aircraft shall be deemed to fly for the purpose of public transport—

(a) if it is for hire or reward is given or promised, for the carriage of passengers or cargo in the aircraft on that flight; or

- (b) if any passenger or cargo is carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including in the case of a body corporate its directors), persons with the permission of the Authority either making any inspection or witnessing any training, practice or test for the purpose of these Regulations, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (c) for the purpose of these Regulations, if it is for hire or reward is given or promised, for the right to fly the aircraft on that flight, otherwise than under a hire-purchase agreement, and the expression “public transport of passengers” shall be construed accordingly, provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of this paragraph, it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given for the carriage of those passengers.

[subreg (6) insrt LN 82 of 2009 reg 2, opn 6 Feb 2010]

(7) Where, under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be deemed to be given or promised if the transaction were effected otherwise than as aforesaid, hire or reward shall, for the purpose of these Regulations, be deemed to be given or promised.

[subreg (7) insrt LN 82 of 2009 reg 2, opn 6 Feb 2010]

(8) In these Regulations, any term defined in the Cape Town Convention and used in these Regulations has the same meaning as in the Cape Town Convention.

[subs (8) insrt LN 3 of 2013 reg 2, opn 15 Jan 2013]

[The next page is 98,515]

PART 1 — REGISTRATION AND MARKINGS OF AIRCRAFT

[CIA 12,855] Aircraft to be registered

- 3** (1) An aircraft shall not be flown in or over Fiji unless it is registered in—
- (a) a contracting state; or
 - (b) some other country in relation to which there is in force an agreement between the Government of the Republic of Fiji and the Government of that country which makes provision for the flight over Fiji of aircraft registered in that country, provided that—
 - (i) an unregistered aircraft may be flown within Fiji with the special permission in writing of the Minister, subject to any conditions which may be specified in such permission;
 - (ii) a glider, while it is not engaged in public transport or aerial work, may be flown within Fiji without being registered subject to the provisions of regulation 26;
 - (iii) the provisions of this regulation shall not apply to any kite or captive balloon.

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

[CIA 12,860] Certificate of registration

4 (1) The Authority shall be responsible for the registration of aircraft and the grant of certificates of registration in Fiji.

(2) Subject to the provisions of this regulation, an aircraft may be registered in Fiji if the owner of a legal or beneficial interest or share therein is—

- (a) a citizen of Fiji;
- (b) a body incorporated in Fiji;
- (c) a person resident in or carrying on business in Fiji who is not a citizen of Fiji; or
- (d) a body incorporated elsewhere than in Fiji whether or not it is carrying on business in Fiji,

provided that, in the case of persons referred to in subparagraphs (c) and (d), no aircraft shall be registered in Fiji except with the prior approval of the Minister.

[subreg (2) subst LN 3 of 2013 reg 3, opn 15 Jan 2013]

(3) No aircraft in respect of which the conditions required in paragraph (2) are not satisfied, or which is already validly registered in another country, shall be registered in Fiji.

(4) If an aircraft is chartered by demise to a person qualified under paragraph (2), the Authority may register the aircraft in Fiji in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered and, subject to the provisions of this regulation, the aircraft may remain so registered during the continuation of the charter.

(5) The Authority may decline to register an aircraft in Fiji, if it appears to be inexpedient in the public interest that the aircraft should be so registered.

(6) The registration of an aircraft registered in Fiji may be cancelled at any time by the Authority on its being satisfied that the ownership of the aircraft is not as shown in the

register or that such registration is not in conformity with the provision of this regulation, or that the aircraft could more suitably be registered in some other country, or that it is inexpedient in the public interest that the aircraft should remain registered in Fiji.

(7) The Authority shall not cancel the certificate of registration of an aircraft which is the subject of an undischarged international interest or mortgage that has priority unless the holder of that international interest or mortgage has consented to the cancellation.

[subreg (7) subst LN 3 of 2013 reg 3, opn 15 Jan 2013]

[CIA 12,865] Application for registration

5 (1) An application for the registration of an aircraft in Fiji shall be made in writing to the Authority and shall be accompanied by such particulars and evidence relating to the aircraft and its ownership and chartering thereof as may be required by the Authority.

[subreg (1) am LN 82 of 2009 reg 3, opn 6 Feb 2010]

(2) In applying for the registration of aircraft, the owner of the aircraft whether individuals or a firm or a body corporate provided that where the owner is a firm or body corporate, then the firm or body corporate shall notify the Authority who is authorised to sign on behalf of the firm or body corporate in the relevant application form for registration of aircraft.

[subreg (2) insrt LN 82 of 2009 reg 3, opn 6 Feb 2010]

[CIA 12,870] Register of aircraft

6 (1) Upon the registration of an aircraft, the Authority shall furnish a certificate of registration to the person in whose name the aircraft has been registered and shall enter in the register the following particulars—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
- (c) the name of the manufacturer of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e) (i) the name and address of every person who is the owner of the aircraft; and
(ii) in the case of an aircraft which is the subject of a charter by demise, the name of the charterer;
- (f) any mortgage (other than an international interest) to which the aircraft is subject that the Authority has notice of.

[subreg (1) am LN 3 of 2013 reg 4, opn 15 Jan 2013]

(2) The register of aircraft registered in Fiji shall be open for inspection by members of the public at such times and subject to such conditions as may be specified by the Authority.

[CIA 12,875] Change of ownership

7 In the event of any change in the ownership of an aircraft registered in Fiji—

- (a) the registered owner of the aircraft shall forthwith notify the Authority in writing of such change of ownership;
- (b) any person who becomes the owner of such aircraft (hereinafter referred to as the new owner) shall forthwith inform the Authority in writing of the fact of his or her ownership of the aircraft and may make an application for a certificate of registration. Until such application is made and the certificate of registration is furnished to the new owner, it shall not be lawful for any person to fly such aircraft except in accordance with and subject to the permission in writing of the Authority;

- (c) the registration and the certificate thereof shall remain valid until such registration and certificate have been cancelled by the Authority.

[CIA 12,880] Irrevocable deregistration and export request authorisations

7A (1) A debtor must submit an irrevocable deregistration and export request authorisation to the Authority for registration if the debtor—

- (a) is the holder of a certificate of registration in relation to an aircraft; and
- (b) issues an irrevocable deregistration and export request authorisation in relation to that aircraft substantially in the form annexed to the Protocol.

(2) If the Authority receives a submission under subregulation (1), the Authority must, in relation to that aircraft, register the irrevocable deregistration and export request authorisation on the Register.

[reg 7A insrt LN 3 of 2013 reg 5, opn 15 Jan 2013]

[CIA 12,885] Deregistration requests

7B (1) Notwithstanding anything to the contrary in these Regulations, an authorised party (or the authorised party's certified designee) may, in accordance with the relevant irrevocable deregistration and export request authorisation registered under regulation 7A(2), submit a deregistration request to the Authority.

(2) In a request submitted under subregulation (1), the authorised party must certify in writing that—

- (a) the aircraft is not subject to any registered interest that ranks in priority to the international interest that the authorised party holds in the aircraft or other mobile equipment; or
- (b) if the aircraft is subject to a registered interest that ranks in priority to the international interest that the authorised party holds in the aircraft, the holder of the higher-ranking registered interest has consented to the deregistration and exportation of the aircraft.

(3) If the Authority receives a deregistration request under subregulation (1) that is accompanied by the statement specified in subregulation (2), the Authority must, as soon as practicable but, in any event, within 5 working days of receiving the request, revoke the relevant certificate of registration.

(4) If the Authority revokes a certificate of registration under subregulation (3), the Authority must remove the registration from the Register, facilitate and not impede the export of the aircraft from Fiji.

[reg 7B insrt LN 3 of 2013 reg 5, opn 15 Jan 2013]

[CIA 12,890] Removal requests

7C (1) An authorised party (or the authorised party's certified designee) may, in accordance with the relevant irrevocable deregistration and export request authorisation recorded under regulation 7A(2), submit a removal request in writing to the Authority.

(2) A debtor may, in accordance with the relevant irrevocable deregistration and export request authorisation recorded under regulation 7A(2), submit a removal request in writing to the Authority if the debtor—

- (a) has obtained the written consent of the authorised party to do so; and
- (b) provides a copy of the written consent to the Director with the removal request.

(3) If the Authority receives a removal request under subregulations (1) or (2), the Authority must, as soon as practicable but, in any event, within 5 working days of receiving the request, revoke the relevant irrevocable deregistration and export request authorisation.

(4) If the Authority revokes an irrevocable deregistration and export request authorisation under subregulation (3), the Authority must remove the authorisation from the Register.

[reg 7C insrt LN 3 of 2013 reg 5, opn 15 Jan 2013]

[CIA 12,895] Authority and Director may not exercise certain powers

7D The Authority and Director may not exercise any power that the Authority or Director may exercise under these regulation in relation to a certificate of registration if the exercise of that power would interfere with, or be contrary to, any right or obligation arising under this Part.

[reg 7D insrt LN 3 of 2013 reg 5, opn 15 Jan 2013]

[CIA 12,900] Aircraft destroyed or withdrawn from use

8 When an aircraft registered in Fiji has been destroyed or permanently withdrawn from use, the registered owner of the aircraft or, if he or she is dead his or her personal representative, or if being a body corporate it is dissolved its successor in title, shall as soon as possible notify the Authority accordingly, and the registration shall not lapse unless and until it is cancelled by the Authority.

[CIA 12,905] Nationality and registration marks

9 (1) Every aircraft registered in Fiji shall bear the capital letters DQ in roman character as nationality mark and a group of 3 capital letters in roman character assigned by the Authority as registration mark. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark. The letters shall always be kept clean and visible.

(2) The nationality and the registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence.

(3) The nationality and registration marks shall also be inscribed together with the name and address of the registered owner of the aircraft, on a fireproof metal plate affixed in a prominent position to the fuselage or, in the case of a balloon, to the car or basket, and near the main entrance to the aircraft.

[CIA 12,910] Position and size of nationality and registration marks

10 (1) Subject to the provisions of subregulations (2) and (3), the nationality and registration marks of aircraft registered in Fiji shall be placed in the position and shall be of the size specified hereunder—

1. Position of marks

(a) *Heavier than air aircraft—*

(i) *Wings* — The marks shall appear once on the lower surface of the wing structure. They shall be located on the left half of the lower surface of the wing structure unless they extend across the whole of the lower surface of the wing structure. So far as is possible, the

marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) *Fuselage (or equivalent structure) and vertical tail surfaces—*

The marks shall appear either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When there is a single vertical tail surface, they shall appear on both sides. When there is more than one vertical tail surface they shall appear on the outboard sides of the outer surfaces.

(b) *Lighter-than-air aircraft—*

(i) *Airships—* The marks shall appear on each side of the airship and also on the upper surface on the line of symmetry. They shall be placed length-wise near the maximum cross-section of the airship.

(ii) *Spherical balloons—* The marks shall appear in 2 places diametrically opposite. They shall be located near the maximum horizontal circumference of the balloon.

(iii) *Non-spherical balloons—* The marks shall appear on each side. They shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) *All airships and balloons—* The side marks shall be so placed as to be visible both from the sides and from the ground.

2. Size of marks

(a) *Heavier-than-air aircraft—*

(i) *Wings—* The height of the marks on the wings of heavier-than-air aircraft shall be at least 50 centimetres (20 inches).

(ii) *Fuselage (or equivalent structure) or vertical tail surface—*

The height of the marks on the fuselage (or equivalent structure) or on the vertical tail surfaces of heavier-than-air aircraft shall be at least 30 centimetres (12 inches) except that, for aircraft with a take-off mass of less than 5700 kilograms, the size of the marks may be less than 30 centimetres (12 inches) but no less than 20 centimetres (8 inches).

(b) *Lighter-than-air aircraft—*

The letters constituting each group of marks shall be of equal height.

The height of the marks shall be at least 50 centimetres (20 inches).

[subreg (1) subst LN 82 of 2009 reg 4, opn 6 Feb 2010]

(2) In cases where the constructional features of the aircraft do not permit compliance with any of the provisions of paragraph (1), the nationality and registration marks shall be affixed to the aircraft in such manner, and the letters constituting the marks shall be of such height, as may be approved by the Authority.

(3) The general specifications of marks shall be as follows—

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

(b) the letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting throughout with the background on which they appear. The thickness of the lines shall be one-sixth of the height of a letter;

- (c) as nearly as the constructional features of the aircraft permit, each letter shall be separated from the letter which immediately precedes or follows it by a space of not less than one quarter of the width of the individual letter. A hyphen shall be regarded as a letter for this purpose.
- (4) The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft.

[CIA 12,915] Use of other marks

11 (1) A Fiji registered aircraft shall not bear any design, mark, symbol or other feature that may interfere with the easy recognition of, or cause confusion with, the nationality and registration marks of the aircraft.

[reg 11 subst LN 82 of 2009 reg 5, opn 6 Feb 2010]

(2) An aircraft, other than a State aircraft, shall not bear any mark or sign prescribed for use by a State aircraft.

(3) An aircraft may display the national flag or colours of the country in which it is registered or the civil air ensign established by that country in such a manner that there is no confusion with the markings used by State aircraft.

(4) An aircraft shall not bear any marks which purport to indicate that the aircraft is registered in a country in which it is not registered.

[The next page is 98,721]

[CIA 12,920] Certificate of airworthiness

12 (1) An aircraft shall not be flown unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with, provided that the foregoing prohibition shall not apply to flights within Fiji of—

- (a) a glider, if it is not being used for public transport or aerial work;
- (b) a balloon, if it is not being used for public transport;
- (c) a kite;
- (d) an aircraft flying in accordance with a permit to fly issued by the Authority in respect of that aircraft;
- (e) an aircraft flying with a valid certificate of fitness issued in accordance with the requirements of regulation 14.

(2) In the case of an aircraft registered in Fiji, the certificate of airworthiness referred to in paragraph (1) shall be a certificate issued or rendered valid in accordance with the provisions of regulation 13.

[CIA 12,925] Issue of certificate of airworthiness

13 (1) The registered owner or operator of an aircraft may apply to the Authority for the issue or renewal of a certificate of airworthiness in respect of the aircraft or for the validation of a certificate of airworthiness issued in another country in respect of the aircraft.

(2) The Authority may issue, subject to such conditions as it thinks fit, a certificate of airworthiness in respect of an aircraft if it is satisfied that the aircraft is airworthy having regard to—

- (a) the design, construction, workmanship and material of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft;
- (b) the results of flying and such other tests of the aircraft as it may require; and
- (c) Notwithstanding paragraphs (a) and (b) above, the Authority may issue a certificate of airworthiness in respect of an aircraft provided it is Type Certified under an airworthiness code accepted by the Authority and published in the airworthiness standards document.

[subreg (2) am LN 82 of 2009 reg 6, opn 6 Feb 2010]

(3) The Authority may, subject to such conditions as it thinks fit, issue a certificate of validation rendering valid a certificate of airworthiness issued in respect of an aircraft under the law of any country other than Fiji.

(4) Subject to the provisions of these Regulations, a certificate of airworthiness or validation issued under this regulation shall remain in force for such period as may be specified in the certificate and may be renewed from time to time by the Authority for such further period as it thinks fit. The period of validity and renewal intervals shall be published in the Airworthiness Standards notified by the Authority.

[subreg (4) am LN 82 of 2009 reg 6, opn 6 Feb 2010]

(5) Every certificate of airworthiness shall state the category or categories specified

below as may, in the opinion of the Authority, be appropriate to the aircraft, and the certificate shall be issued subject to the condition that the aircraft shall be operated for the purposes indicated in relation thereto—

<i>Category</i>		<i>Purpose</i>
Transport category (Passenger)	-	Any purpose
Transport category (Cargo)	-	Any purpose other than the public transport of passengers
Aerial work category	-	Aerial work only
Private category	-	Any purpose other than public transport or aerial work
Special category	-	Any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

(6) Where the certificate of airworthiness permits the aircraft to be flown for the purposes of public transport, the certificate of airworthiness shall designate the performance group referred to in regulations 42(5) to 42(8) to which the aircraft belongs.

(7) No person shall fly an aircraft registered in Fiji, for the purpose of public transport, the certificate of airworthiness of which does not designate it as being an aircraft in performance groups specified in regulations 42(5) to 42(8) except in accordance with the permit issued by the Authority and subject to the conditions specified therein.

(8) (a) The Authority shall cause to be prepared and preserved in relation to each aircraft registered in Fiji a record enabling the aircraft, including its engines, and such of its equipment as the Authority may have considered necessary for the airworthiness of the aircraft in issuing, or varying a certificate of airworthiness or a certificate of validation, to be identified with the drawings and other documents on the basis of which the certificate was issued or varied as the case may be. All equipment so identified shall, for the purpose of these Regulations, be deemed to be equipment necessary for the airworthiness of the aircraft. The Authority shall cause such record to be produced for examination upon request being made therefor at any reasonable time by any person having, in the opinion of the Authority, reasonable grounds for examining it.

(b) The aircraft shall comply with all mandatory continuing airworthiness information and the operator of the aircraft shall establish a system for monitoring and recording compliance of the aircraft to such information on an ongoing basis.

(c) The Authority shall cause the operator to establish in relation to each aircraft registered in Fiji, a system for the exchange of continuing airworthiness information with the type design organisations, enabling the aircraft, including its engines, and such of its equipment as the Authority may have considered necessary for the airworthiness of the aircraft in issuing, renewal, or varying a certificate of airworthiness or a certificate of validation.

[subreg (8) am LN 82 of 2009 reg 6, opn 6 Feb 2010]

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

(10) The certificate of airworthiness or certificate of validation in respect of an aircraft issued or rendered valid under this regulation shall cease to be in force—

- (a) if the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or replaced otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft; or
- (b) until the completion of any inspection of the aircraft or of any of such equipment, being an inspection required by the Authority to be made for the purpose of ascertaining whether the aircraft remains airworthy;
- (c) until the completion to the satisfaction of the Authority of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Authority for the purpose of ensuring that the aircraft remains airworthy.

(11) The operator of an aircraft shall comply with airworthiness standards notified by the Authority.

[subreg (11) insrt LN 72 of 2003 reg 4, opn 1 July 2004; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

[CIA 12,930] Certificates of fitness for flight

14 (1) An aircraft registered in Fiji for which a certificate of airworthiness or validation has previously been in force under these Regulations or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force may be certified as fit for flight only for the purpose of enabling it, subject to the provisions of this regulation, to—

- (a) complete test flights in order to qualify for the issue or renewal of a certificate of airworthiness or certificate of validation or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval as the case may be; or
- (b) proceed to or from a place at which any inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in subparagraph (a), after such an application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
- (c) proceed to or from a place at which the aircraft is to be or has been stored.

(2) A certificate of fitness for flight may be issued in respect of an aircraft for the purpose of this regulation by the holder of an aircraft maintenance engineer's licence granted under these Regulations, being a licence which entitles him or her to issue such certificates in relation to an aircraft of that description or by a person approved by the Authority for the purpose of issuing certificates in respect of aircraft of that description under these Regulations and in accordance with that approval.

(3) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under these Regulations in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(4) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (1).

(5) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off from or land at an airport in accordance with normal aviation practice.

[CIA 12,935] Certificate of maintenance

15 (1) No person shall fly an aircraft registered in Fiji unless—

- (a) the aircraft including its engines, together with its equipment and radio station, is maintained in accordance with maintenance schedules approved by the Authority in relation to that aircraft;
- (b) there are in force in respect of that aircraft certificates of maintenance issued for public transport or aerial work aircraft in accordance with the provisions of this regulation certifying that maintenance has been carried out in accordance with such maintenance schedules.

[subreg (1) subst LN 82 of 2009 reg 7, opn 6 Feb 2010]

(2) A maintenance schedule approved under subregulation (1)(a) in relation to a public transport or aerial work aircraft shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance. The certificate certifies the date on which the maintenance was carried out and the date when the next review is due.

[subreg (2) subst LN 82 of 2009 reg 7, opn 6 Feb 2010]

(3) A certificate of maintenance may be issued for the purposes of this regulation only by—

- (a) the holder of a licence granted under these Regulations as an aircraft maintenance engineer, being a licence which entitles him or her to issue that certificate; or
- (b) the holder of a licence as such an engineer granted under the law of a country other than Fiji and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or
- (c) a person whom the Authority has authorised to issue a certificate of maintenance in a particular case, and in accordance with that authority; or
- (d) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval;
- (e) an approved maintenance organisation holding a valid approved maintenance organisation certificate granted by the Authority under regulation 145C,

provided that, upon approving a maintenance schedule, the Authority may direct that certificates of maintenance relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

[subreg (3) am LN 72 of 2003 reg 5, opn 1 July 2004]

(4) Every certificate of maintenance shall be issued in duplicate. One of the duplicates shall, during the validity of the certificate, be carried in the aircraft if required by regulation 32(1) and the other shall be kept by the operator.

(5) On the termination of every flight by an aircraft registered in Fiji for the purposes of public transport or aerial work, the pilot in command of the aircraft shall—

- (a) where a technical log is provided in which entries can be made, ensure the entry in that log particulars of—
 - (i) the times at which that flight began and ended; and
 - (ii) any defect in any part of the aircraft or its equipment which is known to him or her, being a part to which a maintenance schedule relates, or if no such defect is known to him or her, an entry to that effect;
 - (iii) and he or she shall sign and record the date and time of such entries;
- (b) where there is no physical technical log, endeavour to ensure that the data required in (a)(i) and (ii) above is recorded in a manner acceptable to the Authority, provided that, in the case of a number of consecutive flights beginning

and ending on the same day at the same aerodrome and with the same person as pilot in command of the aircraft, the pilot-in-command may, except where he or she becomes aware of a defect during an earlier flight, enter the particulars as aforesaid in a technical log at the end of the last of such flights.

[subreg (5) subst LN 82 of 2009 reg 7, opn 6 Feb 2010]

(6) Upon the rectification of any defect which has been entered in a technical log in accordance with the provisions of subregulation (5), a copy of the certificate of compliance required by regulation 16(1) in respect of the work done for the rectification on the defect shall be entered in the technical log in such a position or manner as to be readily identifiable with the entry of the defect to which it relates.

(7) The technical log referred to in subregulations (5) and (6) shall be carried in the aircraft if required by regulation 32(1) and the copies of the entries referred to in those paragraphs shall be kept by the operator.

(8) Subject to the provisions of regulation 127, every certificate of maintenance shall be preserved by the operator of the aircraft for a period of 2 years following the expiration of the period of validity of the certificate and for such further period as the Authority may require in any particular case.

[CIA 12,940] Certificate of compliance

16 (1) No person shall fly an aircraft registered in Fiji in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force if any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced or modified, or has been inspected as provided in regulation 13(10)(b), unless there is in force a certificate of compliance issued in accordance with this regulation relating to such overhaul, repair, replacement, modification or inspection, as the case may be, provided that—

- (a) unless the Authority gives a direction to the contrary in the particular case, nothing in this paragraph shall require a certificate of compliance to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg and in respect of which a certificate of airworthiness of the special category is in force;
- (b) if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable—
 - (i) for the repair or replacement to be carried out in such a manner that a certificate of compliance can be issued under this regulation in respect thereof; or
 - (ii) for such a certificate to be issued while the aircraft is at that place,

the aircraft may be flown to a place at which such a certificate can be issued, being the nearest place—

- (i) to which the aircraft can, in the opinion of the pilot-in-command thereof, safely fly by a route for which it is properly equipped; and
- (ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board,

and in such case, the pilot-in-command of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Authority within 10 days thereafter.

(2) Neither—

- (a) equipment provided in compliance with Table 1 of regulation 23(5) (except items listed in regulation 23(3)); nor

- (b) radio equipment provided in compliance with Table 2 of regulation 23(7) for use in public transport aircraft or in aircraft survival equipment carried therein, whether or not such equipment is provided in compliance with this regulation or any directions issued thereunder,

shall be installed, or placed on board for use, in an aircraft registered in Fiji after being overhauled, repaired or modified, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of compliance issued in accordance with this regulation, relating to such overhaul, repair or modification, as the case may be.

(3) For the purpose of this regulation, “certificate of compliance” means a certificate of release to service or a document certifying that the part of the aircraft or its equipment has been overhauled, repaired, replaced or modified as the case may be, in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and which identifies the overhaul, repair, replacement or modification to which it relates and includes particulars of the work done and, in relation to an inspection required by the Authority, that the inspection has been made in accordance with the requirements of the Authority, and that any consequential repair or replacement has been carried out as aforesaid.

[subreg (3) am LN 72 of 2003 reg 6, opn 1 July 2004]

(4) A certificate of compliance may be issued for the purposes of this regulation only by—

- (a) the holder of a licence granted under these Regulations as an aircraft maintenance engineer being a licence which entitles him or her to issue that certificate; or
- (b) the holder of a licence as such an engineer granted under the law of a country other than Fiji and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or
- (c) a person whom the Authority has authorised to issue the certificate in a particular case and in accordance with that authority; or
- (d) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval; or
- (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot’s Licence (Aeroplanes), a Senior Commercial Pilot’s Licence (Aeroplanes) or a Flight Navigator’s Licence granted or rendered valid under these Regulations; or
- (f) a person authorised in writing by an approved maintenance organisation certified by the Authority under regulation 145C.

[subreg (4) am LN 72 of 2003 reg 6, opn 1 July 2004]

(5) Subject to the provisions of regulation 127, if the aircraft to which a certificate of compliance relates is a public transport aircraft or an aerial work aircraft, the certificate of compliance shall be preserved by the operator of the aircraft for the period of time for which he or she is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be. In the case of any other aircraft the certificate shall be preserved by the operator of the aircraft for a period of 2 years.

(6) In this regulation, unless the context otherwise requires—

certificate of airworthiness of the special category means a certificate of airworthiness permitting an aircraft to fly for any purpose other than public transport specified in the certificate but not including the carrying of passengers unless expressly permitted; and

repair includes, in relation to a compass, the adjustment and compensation thereof, and the expression repaired shall be construed accordingly.

[CIA 12,945] Exits and break-in markings

17 (1) This regulation shall apply to every public transport aircraft registered in Fiji.

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

- (a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Authority either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the pilot in command of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the word “Exit” in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words “Emergency Exit” in capital letters.

- (4) (a) Every exit from the aircraft shall be marked with instructions in English, and with diagrams, to indicate the correct method of opening the exit.
- (b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is capable of being opened from the outside of the aircraft, on or near the exterior surface.
- (5) (a) An operator shall ensure that, if areas of the fuselage suitable for break-in are marked on aircraft, such areas shall be marked upon the exterior surface of its fuselage with markings to show the areas which can, for purposes of rescue, be most readily and effectively broken into by persons outside the aircraft;
- (b) The colour of the break-in markings shall be red or yellow and if necessary they shall be outlined in white to contrast with the background. If the corner markings are more than 2 metres apart, intermediate lines of 9cm by 3cm shall be inserted so that there is no more than 2 metres between adjacent marks.
- (c) The words “Cut Here in Emergency” shall be marked across the centre of each break-in area in capital letters.

[subreg (5) am LN 72 of 2003 reg 7, opn 1 July 2004]

- (6) The markings required by this regulation shall—
 - (a) be painted, or affixed by other equally permanent means;
 - (b) be red in colour and, in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;
 - (c) be kept at all times clean and unobscured.

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

- (a) the number of passengers carried and the position of seats which they occupy is in accordance with arrangements approved by the Authority either in relation to the particular aircraft or to a class of aircraft; and
- (b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words “Exit” or “Emergency Exit” are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red capital letters.

[CIA 12,950] Aircraft weight schedule

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

(2) The registered owner or operator of the aircraft, the weight and centre of gravity of which is determined in accordance with paragraph (1) shall prepare a weight schedule showing the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable lubricant in the aircraft and of such items of equipment as are indicated in the weight schedule and showing the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight.

[subreg (2) am LN 82 of 2009 reg 8, opn 6 Feb 2010]

(3) Subject to the provisions of regulation 127, the weight schedule shall be preserved by the owner or the operator of the aircraft for a period of 6 months after the aircraft is weighed again for the purposes of this regulation and a fresh weight schedule is prepared.

[CIA 12,955] Access and inspection for airworthiness purposes

19 The Authority may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part and any person authorised to do so in writing by the Authority may at a reasonable time inspect any part of an aircraft or its equipment or any documents relating thereto and may for that purpose enter any airport.

[CIA 12,960] Aircraft required to be equipped

20 No persons shall fly an aircraft unless it is so equipped with such instruments and equipment as to comply with the law of the country in which it is registered for an aircraft of that class or description, and to enable lights and markings to be displayed, and signals to be made and received in accordance of the provisions of these Regulations and any directions issued thereunder.

[CIA 12,965] Equipment of aircraft

21 (1) In the case of aircraft registered in Fiji, the equipment required to be provided shall be in accordance with regulation 23. Such equipment, except as specified in regulation 23(3), shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in manner so approved.

(2) In any particular case, the Authority may direct that an aircraft registered in Fiji shall carry such additional or special equipment or supplies as it may specify for the

purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons in the aircraft.

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

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

- (a) exhibited in a prominent position in every passenger compartment; or
- (b) provided individually for each passenger,

a notice stating where the life jackets, if any, are to be found, and containing instructions as to how they are to be used.

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

(6) Without prejudice to paragraph (1), all specialised navigational equipment, other than radio apparatus, when carried in an aircraft registered in Fiji, whether or not in compliance with these Regulations, shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in manner so approved.

(7) This regulation shall not apply in relation to radio equipment except that specified in Table 2 of regulation 23(7).

(8) The Authority may, if it is satisfied that circumstances so warrant, exempt an operator or aircraft from provision of equipment specified in Table 1 of regulation 23(5) subject to such conditions as it thinks fit.

[CIA 12,970] Radio equipment of aircraft

22 (1) Without prejudice to regulation 20, no person shall fly an aircraft unless it is so equipped with radio apparatus as to comply with the law of the country in which it is registered and to enable communications to be made and received, and the aircraft to be navigated, in accordance with the provisions of these Regulations and any directions issued thereunder.

(2) Every aircraft registered in Fiji shall carry radio equipment in accordance with the Table in regulation 23(7).

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

(4) The radio apparatus provided in compliance with these Regulations shall always be maintained in serviceable condition.

(5) All radio apparatus installed in an aircraft registered in Fiji, whether or not in compliance with these Regulations or directions issued thereunder, shall be of a type approved by the Authority as suitable for the purpose for which it is to be used, and shall be installed in a manner approved by the Authority. Neither the apparatus nor the manner in which it is installed shall be modified except with the approval of the Authority.

[The next page is 98,831]

[CIA 12,975] Equipment tables

23 (1) Every aircraft of a description specified in the first column of Table 1 set out in paragraph (5) and which is operated by an operator domiciled in Fiji shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this regulation the expression “adequate equipment” shall mean the scales of equipment respectively indicated in that Table, provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

[subreg (1) am LN 82 of 2009 reg 9, opn 6 Feb 2010]

(2) The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether these Regulations are complied with in respect of that aircraft.

(3) The following items of equipment in Table 1 aforesaid shall not be required to be of a type approved by the Authority—

- (a) the equipment referred to in Scale A (2);
- (b) first aid equipment and handbook, referred to in Scale B;
- (c) time-pieces, referred to in Scale F;
- (d) torches, referred to in Scales G, H and J;
- (e) whistles, referred to in Scale H;
- (f) sea anchors, referred to in Scales I and J;
- (g) rocket signals, referred to in Scales I and J;
- (h) equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale I;
- (i) paddles, referred to in Scale J;
- (j) food and water, referred to in Scale J;
- (k) first aid equipment, referred to in Scale J;
- (l) megaphones, referred to in Scale U.

(4) Where an aircraft is required by the certificate of airworthiness to carry 2 pilots the items of equipment specified in the Scales D, E and F set out in paragraph (6) shall be installed in such manner that they are clearly visible to both the pilots from their seats; if not, such equipment shall be duplicated.

TABLE 1

<i>(5) Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of equipment required</i>
Gliders (except hang-gliders)	(1) flying for purposes other than public transport or aerial work; and	A
	(a) when flying by night	C, D and G(3)(b)
	(b) when carrying out aerobatic manoeuvres	M
	(2) flying for the purpose of public transport or aerial work; and when flying by night	A, B, D and F(1) C and G
All other aircraft	(1) flying for purposes other than public transport; and	A
	(a) when flying by night	C and D

<i>(5) Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of equipment required</i>
	(b) when flying under Instrument Flight Rules	V
	(i) outside controlled airspace	D
	(ii) within controlled airspace	E with E(4) duplicated and F
	(c) when carrying out aerobatic manoeuvres	M
	(2) flying for the purpose of public transport;	A, B, D, F(1) and V
	and	
	(a) when flying by night	C, F and G
	(b) when flying under Instrument Flight Rules	E with E(4) duplicated and F
	(c) when flying over water beyond gliding distance from land	H
	(d) when flying over water:	
	(i) in the case of an aeroplane classified in its certificate of airworthiness as being of performance group A or C when either more than 400 nautical miles or more than 90 minutes flying time from the nearest airport at which an emergency landing can be made	H and J
	(ii) in the case of all other aircraft, when more than 30 minutes flying time from such an airport	H and J
	(e) on all flights which involve manoeuvres on water	H and I(3)
	(f) when flying at a height of more than 10,000 feet above mean sea level	K
	(g) on flights when the weather reports or forecasts available at the airport at the time of departure indicate that conditions favouring ice formation are likely to be met	L
	(h) when carrying out aerobatic manoeuvres	M
	(i) on all flights on which the aircraft carries a flight crew of more than one person	N
	(j) on all flights for the purpose of the public transport of passengers	Q and U
	(k) on all flights by a pressurised aircraft	R

<i>(5) Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of equipment required</i>
<p>Turbine-jet aircraft having a maximum total weight authorised exceeding 5,700 kg or pressurised aircraft having a maximum total weight authorised exceeding 11,400 kg.</p>	<p>when flying for the purpose of public transport</p>	<p>O</p>
<p>Turbine-engined aeroplanes having a maximum total weight authorised exceeding 5,700 kg and piston-engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg, first issued with a type certificate before 1 April 1971;</p>	<p>when flying on any flight</p>	<p>P</p>
<p>(a) which are operated by an air transport undertaking under a certificate of airworthiness of the Transport Category (Passenger) or the Transport Category (Cargo); . . .</p>		
<p>or</p>		
<p>(b) in respect of which application has been made and not withdrawn or refused for such a certificate and which fly or which are operated under a certificate of airworthiness of the Special Category . . .</p>	<p>when flying on any flight</p>	<p>P</p>
<p>Provided that this section shall not apply to aeroplanes having a maximum total weight authorised exceeding 230,000 kg.</p>		

<i>(5) Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of equipment required</i>
------------------------------------	--------------------------------	------------------------------------

Aeroplanes first issued with a type certificate on or after 1 April 1971, and

<p>(a) which have a maximum total weight authorised exceeding 5,700 kg and in respect of which there is in force a certificate of air-worthiness in the Transport Category (Passenger) or Transport Category (Cargo);</p>	<p>when flying on any flight</p>	<p>S</p>
---	--	----------

<p>(b) having a maximum total weight authorised exceeding 230,000 kg and in respect of which there is in force such a certificate of airworthiness</p>	<p>when flying on any flight</p>	<p>S</p>
--	--	----------

Aeroplanes—

<p>(a) which have a maximum total weight authorised exceeding 27,000 kg and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo);</p>	<p>when flying on any flight</p>	<p>T</p>
---	--	----------

<p>(b) which have a maximum total weight authorised exceeding 230,000 kg and in respect of which there is in force such a certificate of airworthiness</p>	<p>when flying on any flight</p>	<p>T</p>
--	--	----------

<i>(5) Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of equipment required</i>
All turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5700 kg or authorised to carry more than 9 passengers.....	when flying for the purpose of public transport	W1
All piston-engined aeroplanes of a maximum certificated take-off mass in excess of 5700 kg or authorised to carry more than 9 passengers	when flying for the purpose of public transport	W2
All turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5,700 kg or authorised to carry more than 19 passengers	At all times	X
All aircraft	At all times	Y
All aircraft except—		
(i) aircraft that operate outside controlled airspace, no higher than 500 feet and no closer than 10 nm to an aerodrome serving air transport operations; or		
(ii) domestic aircraft due to be withdrawn by 1 January 2011 or		
(iii) international aircraft due to be withdrawn by 1 January 2014; or	On all flights on or after a date notified by the Minister in the Gazette unless permitted by the aircraft's Minimum Equipment List and with notification to and acceptance by ATC	Z

(5) *Description of aircraft* *Circumstances of flight* *Scale of equipment required*

(iv) any other aircraft where the requirement is specifically excluded, either indefinitely or until a date acceptable to the Authority, on the aircraft's certificate of airworthiness.

[subreg (5) am LN 82 of 2009 reg 9, opn 6 Feb 2010]

(6) The scales of equipment indicated in the foregoing Table shall be as follows—

Scale A

- (1) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10% of the number of each rating or 3 of each rating, whichever is the greater.
- (2) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under these Regulations or any directions issued thereunder for the intended flight of the aircraft, including any diversion which may reasonably be expected.
- (3)
 - (a) On all flights, subject to Scale B(3)(a), a safety belt or safety harness for every seat in use.
 - (b) On all flights—
 - (i) Subject to Scale B(3)(b), in all aeroplanes and helicopters for every pilot's seat and for any seat situated alongside a pilot's seat, a safety belt with one diagonal shoulder strap or a safety harness, provided that the Authority may permit a safety belt without diagonal shoulder strap to be fitted if it is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.
 - (ii) For every other seat in use a safety belt with or without one diagonal shoulder strap or a safety harness.
- (4) Portable fire extinguishers of an approved type which, when discharged, will not cause dangerous contamination of the air within the aircraft and located—
 - (a) in the pilots' compartment; and
 - (b) in each passenger compartment that is separate from the pilots' compartment and that is not readily accessible to the flight crew.

Scale B

- (1) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—
 - (a) roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;
 - (b) haemostatic bandages or tourniquets, scissors;
 - (c) antiseptic, analgesic and stimulant drugs;
 - (d) non-inflatable splints;

- (e) A handbook on First Aid.
- (2) In the case of an aircraft used for the public transport of passengers in which, while the aircraft is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency—
 - (a) is more than 1.83 metres from the ground when the undercarriage of the machine is in the normal position for taxiing; or
 - (b) would be more than 1.83 metres from the ground if the undercarriage or any part thereof should collapse, break or fail to function, apparatus readily available for use of each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the aircraft is on the ground, and can be readily fixed in position for use.
- (3)
 - (a) On all flights, if the maximum total weight authorised of the aircraft is more than 2,730 kg a safety harness for every pilot's seat in use, in place of the safety belt referred to under Scale A, provided that the Authority may permit a safety belt to be fitted if it is satisfied that it is not reasonably practicable to fit a safety harness.
 - (b) On all flights, if the maximum total weight authorised of the aircraft is more than 2,730 kg a safety harness for every pilot's seat in use, in place of the safety belt with one diagonal shoulder strap referred to under Scale A, provided that the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that it is not reasonably practicable to fit a safety harness.
- (4) On all flights any seats used by cabin crews during take off or landing shall be forward or rearward facing (within 15 degrees of the longitudinal axis of the aircraft) and be fitted with a safety harness.
- (5) If the pilot-in-command cannot, from his or her own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

Scale C

- (1) Equipment for displaying the lights required by the rules of the Air.
- (2) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.
- (3) Unless the aircraft is equipped with radio, equipment or devices for making any visual signal specified in the rules of the Air, or notified by the Authority as being signals that may be used by aircraft to acknowledge ATC signals given or indicate any specified condition or request.

Scale D

- (1)
 - (a) In the case of a helicopter, a slip indicator.
 - (b) In the case of any other aircraft, either—
 - (i) a turn indicator and a slip indicator; or
 - (ii) a gyroscopic bank and pitch indicator and gyroscopic direction indicator.
- (2) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale E

- (1)
 - (a) In the case of a helicopter, a slip indicator.
 - (b) In the case of any other aircraft, a turn indicator and a slip indicator.
- (2) A gyroscopic bank and pitch indicator.
- (3) A gyroscopic direction indicator.

- (4) A sensitive pressure altimeter adjustable for changes in barometric pressure, provided that any aircraft may, at the option of the operator, be equipped with an additional gyroscopic bank and pitch indicator *in lieu* of the turn indicator referred to in (1) of this Scale.

Scale F

- (1) A timepiece capable of indicating the time in hours, minutes and seconds.
- (2) A means of indicating whether the power supply to the gyroscopic instruments is adequate.
- (3) A rate of climb and descent indicator.
- (4) If the maximum total weight authorised of the aircraft exceeds 5,700 kg, a means of indicating the outside air temperature.
- (5) If the maximum total weight authorised of the aircraft exceeds 5,700 kg, 2 air speed indicators.

Scale G

- (1) Landing lights consisting of 2 single filament lamps, or one dual filament lamp with separately energised filaments.
- (2) An electric lighting system to provide illumination in every passenger compartment.
- (3)
 - (a) If the aircraft, in accordance with its certificate of airworthiness, may carry more than 19 persons over 2 years of age, 2 electric torches and an emergency lighting system to provide illumination in the passenger compartments sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2).
 - (b) In the case of any other aircraft, one electric torch for each member of the crew of the aircraft.
 - (c) In the case of an aircraft of which the maximum total weight authorised exceeds 5,700 kg—
 - (i) 2 electric torches and an emergency lighting system to provide illumination in the passenger compartments on the failure of the lighting system specified in paragraph (2);
 - (ii) an emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.
- (4) In the case of an aircraft of which the maximum total weight authorised exceeds 5,700 kg, means of observing the existence and build up of ice on the aircraft.

Scale H

For each person on board a lifejacket equipped with a whistle and waterproof torch, provided that life jackets constructed and carried solely for use by children under 2 years of age need not be equipped with a whistle.

Scale I

- (1) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board and provided in a place of stowage accessible from outside the aircraft.
- (2) Marine type pyrotechnic distress signals capable of making from the surface of the water, the pyrotechnic signal of distress specified in the rules of the Air.
- (3) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the aircraft on water, appropriate to its size, weight and handling characteristics.

Scale J

- (1) Liferrafts sufficient to accommodate all persons on board the aircraft and within each life raft the following equipment—
 - (a) means for maintaining buoyancy;
 - (b) a sea anchor;
 - (c) life lines, and means of attaching one liferaft to another;
 - (d) paddles or other means of propulsion;
 - (e) means of protecting the occupants from the elements;
 - (f) a waterproof torch;
 - (g) marine type pyrotechnic distress signals;
 - (h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in item (i) hereunder;
 - (i) for each 4 or proportion of 4 persons the life raft is designed to carry: 100 grams of glucose toffee tablets; 0.5 litre of fresh water in durable containers, provided that, in any case in which it is not reasonably practicable to carry the quantity of water specified above, as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in item (h), to provide 0.5 litre of water for each 4 or proportion of 4 persons the life raft is designed to carry;
 - (j) first aid equipment.

Items (f) to (j) inclusive, shall be contained in a pack.
- (2) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of life rafts specified in column 1 hereunder shall be not less than the number specified in, or calculated in accordance with, column 2 hereunder:

<i>Column 1</i>	<i>Column 2</i>
Not more than 8 liferafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 liferafts.....	one additional survival beacon radio apparatus.

Scale K

Section 1

- (1) In every aircraft which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight crew compartment and in the compartments in which passengers are carried—
 - (a) a supply of oxygen sufficient, in the event of failure to maintain such pressure occurring in the circumstances specified in columns 1 and 2 of the table set out in section 2 of this Scale, for continuous use, during the periods specified in column 3 of the said section 2 by the persons for whom oxygen is to be provided in accordance with column 4 of the said section 2; and
 - (b) in addition, in every case where the aircraft flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of 2 passengers, together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (2) In any other aircraft—

- (a) a supply of oxygen sufficient for continuous use by all the crew, and, if passengers are carried, by 10% of the number of passengers, for any period exceeding 30 minutes during which the aircraft flies above flight level 10,000 feet but not above flight level 130; and
- (b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the aircraft flies above flight level 130, together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (3) The quantity of oxygen required for the purpose of complying with paragraphs (1) and (2) of this Section of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual of the aircraft. Section 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Vertical displacement of the aircraft in relation to flight levels.</i>	<i>Capability of aircraft to descend.</i>	<i>Period of supply of oxygen.</i>	<i>Persons for whom oxygen is to be provided.</i>
Above 10,000 feet		30 minutes or the period specified at (a) hereunder whichever is the greater.	In addition to any passengers for whom oxygen is provided as specified below, all the crew.
Above 10,000 feet but not above flight level 300	Aircraft is either flying at or below flight level 150 or is capable of descending as specified at (x) hereunder.	30 minutes or the period specified at (a) hereunder whichever is the greater.	10% of the number of passengers.
	Aircraft is flying above flight level 150 and is not so capable.	10 minutes or the period specified at (b) hereunder whichever is the greater, and in addition	All passengers.
		30 minutes or the period specified at (c) hereunder whichever is the greater.	10% of the number of passengers.
Above flight level 300 but not above flight level 350	Aircraft is capable of descending and continuing to descend as specified at (y) hereunder.	30 minutes or the period specified at (a) hereunder whichever is the greater.	15% of the number of passengers.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
	Aircraft is not so capable	10 minutes or the period specified at (b) hereunder whichever is the greater and in addition 30 minutes or the period specified at (c) hereunder whichever is the greater.	All passengers. 15% of the number of passengers.
Above flight level 350		10 minutes or the period specified at (b) hereunder whichever is the greater and in addition 30 minutes or the period specified at (c) hereunder whichever is the greater.	All passengers. 15% of the number of passengers.

- (a) The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the aircraft flies above 10,000 feet.
- (b) The whole period during which, after a failure to maintain such pressure has occurred, the aircraft flies above flight level 150.
- (c) The whole period during which, after a failure to maintain such pressure has occurred, the aircraft flies above 10,000 feet, but not above flight level 150.
- (d) The aircraft is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.
- (e) The aircraft is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows, or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale M

Safety harness for every seat in use, provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale N

An intercommunication system for use by all members of the flight crew and including microphones, not of a handheld type, for use by the pilots and flight engineer, if any.

Scale O

A radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulonimbus clouds and other potentially hazardous weather conditions, provided that a flight may continue if the set becomes unserviceable—

- (a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or
- (b) on take-off, but the weather report or forecasts available to the pilot in command of the aircraft indicate that cumulonimbus clouds or other potentially hazardous weather conditions which can be detected by the set when in working order are unlikely to be encountered on the intended route or any planned diversion therefrom or the pilot-in-command has satisfied himself or herself that any such weather conditions will be encountered in daylight and can be seen and avoided and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

A flight data recorder which is capable of recording, by reference to a time-scale, the following data—

- (a) indicated air speed;
- (b) indicated altitude;
- (c) vertical acceleration;
- (d) magnetic heading;
- (e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (g) flap positions;
- (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded, provided that any aeroplane having a maximum total weight authorised not exceeding 11,400 kg may be provided with—
 - (i) a flight data recorder capable of recording the data described in subparagraphs (a) to (h) of this Scale; or
 - (j) a 4 channel cockpit voice recorder.

In addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 27,000 kg, a 4 channel cockpit voice recorder.

The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane, provided that an aeroplane shall not be required to carry the said flight data

recorder and cockpit recorder, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Authority.

Scale Q

If the maximum total weight authorised of the aircraft exceeds 5,700 kg, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked only from the flight crew compartment.

Scale R

- (1) Equipment sufficient to protect the eyes, nose and mouth of the pilot in command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes; and
- (2) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and
- (3) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

Scale S

A flight recording system comprising—

- (1) in respect of aeroplanes having a maximum total weight authorised not exceeding 11,400 kg, either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale data from which the following information can be ascertained: the flight path of the aeroplane; the altitude of the aeroplane; and the basic lift, thrust and drag forces acting upon the aeroplane;
- (2) in respect of aeroplanes having a maximum total weight authorised exceeding 11,400 kg but not exceeding 27,000 kg, a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the information specified in paragraph (1) can be ascertained;
- (3) in respect of aeroplanes having a maximum total weight authorised exceeding 27,000 kg a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the following information can be established: the flight path of the aeroplane; the altitude of the aeroplane; the basic lift, thrust and drag forces acting upon the aeroplane; the selection of high lift devices, if any, and airbrakes, if any; the position of primary flying control and pitch trim surfaces; cockpit warnings relating to engine fire and engine shutdown, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply, outside air temperature, instrument landing system deviations; use made of automatic flight control system; radio altitude, if any, and the level of essential AC electricity supply. The cockpit voice recorder or flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident, provided that an aeroplane shall not be required to carry the said flight data recorder and cockpit voice recorder, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Authority.

Scale T

An underwater sonar location device.

Scale U

On all flights—

- (1) If the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable battery powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.
- (2) If the aircraft has a total seating capacity exceeding 149 passengers, 2 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

Scale V

In respect of aeroplanes which have a maximum total weight authorised exceeding 5,700 kg—

- (a) An emergency power supply, independent of and activated automatically on the failure of the main generating system, for the purpose of operating and illuminating one or more altitude indicating instruments for a minimum period of 30 minutes and an indicator on the instrument panel to show that the altitude indicating instruments are being operated by such emergency power.
- (b) The altitude indicating instruments specified in this scale shall be so located as to permit the pilot to see their indications with the minimum practical deviation from the position and line of vision he or she normally assumes when looking forward along the flight path.

Scale W 1

Equipment of a type approved by the Authority that includes a forward looking terrain avoidance function, and that provides automatically a timely and distinctive warning to the flight crew when the aeroplane is in potentially hazardous proximity to the earth's surface and provides warnings of the following circumstances—

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration;
 - (i) gear not locked down;
 - (ii) flaps not in a landing position; and
- (e) excessive descent below the instrument glide path.

For aircraft of less than 5700 kg but approved to carry 10 to 19 passengers and fitted for ADS-B surveillance, TAWS class A or TAWS Class B as defined in TSO-C151A or any replacement of it is acceptable to the Authority.

Scale W 2

A Ground Proximity Warning System or equipment of a type approved by the Authority which provides warnings of excessive descent rate, excessive altitude loss after take-off or go-around, warning of unsafe terrain clearance and a forward looking terrain avoidance function.

Scale X

An airborne collision avoidance system of a type approved by the Authority that operates in accordance with the relevant provisions of Annex 10 Volume 4 and shall meet the requirements of FAA TSO-C119b.

Scale Y

A pressure-altitude reporting transponder of a type approved by the Authority that operates in accordance with the relevant provisions of Annex 10 Volume 4. All aircraft for which the individual aircraft's first certificate of airworthiness was issued after 1 January 2007 shall be equipped with a data source that provides pressure altitude information with a resolution of 7.62 m (25 ft), or better.

Scale Z

Serviceable and operating ADS-B equipment that meets a standard notified by the Authority.

[subreg (6) am LN 72 of 2003 reg 2, opn 1 July 2004; LN 82 of 2009 reg 9, opn 6 Feb 2010]

(7) Where an aircraft does not meet a requirement of this regulation but an alternative means of compliance that provides an equivalent level of safety has been found acceptable by the type certification authority taking into consideration its intended operation then that alternative means of compliance may be acceptable to the Authority.

[subreg (7) subst LN 82 of 2009 reg 9, opn 6 Feb 2010]

(8) With reference to regulation 22(2), every aircraft shall be provided when flying in the circumstances specified in the first column of the following Table, with the scales of radio equipment respectively indicated in that Table, provided that, if the aircraft is flying in a combination of such circumstances, the scale of equipment shall not on that account be required to be duplicated.

[subreg (8) renum LN 82 of 2009 reg 9, opn 6 Feb 2010]

Table

Aircraft and Circumstances of Flight	Scale of Equipment Required					
	A	B	C	D	E	F
(1) All aircraft registered in Fiji, wherever they may be:						
(a) when flying for the purpose of public transport under Instrument Flight Rules—						
(i) while making an approach to landing	A	B	C	D		
(ii) on all other occasions	A	B	C			
(b) when flying for the purpose of public transport under Visual Flight Rules.	A	B				
(2) All aircraft within Fiji:						
(a) when flying under Instrument Flight Rules—						
(i) within controlled airspace	A	B			E	
(ii) while making an approach to landing	A	B		D	E	
(b) where required by these Regulations to comply in whole or in part with Instrument Flight Rules in Visual Meteorological Conditions	A	B			E	
(c) when flying within any airspace in respect of which special rules are prescribed by the regulations in relation to a particular airport, so as to require two-way radio communication with that airport	A					
(d) when making an approach to landing at an airport using Instrument Landing System	A	B				F

(9) The scales of radio equipment indicated in the foregoing Table shall be as follows—

Scale A

Radio equipment capable of maintaining two-way communication with the appropriate aeronautical radio stations from at least 25 nautical miles away when in flight.

Scale B

Radio equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be notified by the Authority.

Scale C

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Equipment capable of receiving signals from one or more aeronautical stations to enable the aircraft to be guided to a point from which a visual landing can be made at the airport at which the aircraft is to land.

Scale E

Radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate.

Scale F

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

[subreg (9) am and renum LN 82 of 2009 reg 9, opn 6 Feb 2010]

[The next page is 99,047]

PART 3 — OPERATION OF AIRCRAFT

[CIA 12,980] Agreement for transfer of Functions and Duties in accordance with Article 83 bis of the Chicago Convention

24 (1) This regulation authorises the transfer of all or part of the State of Registry's functions and duties in respect of an aircraft under Articles 12, 30, 31 and 32(a) of the Chicago Convention from any contracting State to the Republic of Fiji or from the Republic of Fiji to any contracting State when there is in place an Article 83 bis agreement between the Republic of Fiji and that contracting State.

(2) The State of Registry shall be relieved of any responsibility in respect of the function or duty that is transferred to the State of Operator.

(3) The State of Operator shall have the sole responsibility in respect of the function or duty that is transferred until such time the Article 83 bis agreement ceases to be in force under subregulation (7).

(4) The operation of this regulation shall not be effective unless Fiji has registered with the Council of the International Civil Aviation Organization the Article 83 bis agreement detailing the following—

- (a) the name of the Contracting State that is the other party;
- (b) the date of commencement of the agreement;
- (c) the aircraft to which the agreement relates;
- (d) the responsibilities of the aircraft's State of Registry that are transferred by the agreement; and
- (e) the provisions in this regulation that are stated in the agreement to be related to the responsibilities.

(5) If the Republic of Fiji has entered into an Article 83 bis agreement or an Article 83 bis agreement to which the Republic of Fiji is a party has been amended, the Authority shall publish a notice in the Gazette setting out particulars of the agreement or amendment.

(6) Without limiting subsection (6), the notice must set out—

- (a) the Contracting State that is the other party to the agreement; and
- (b) the date of commencement of the agreement or amendment; and
- (c) the aircraft to which the agreement or amendment relates; and
- (d) the functions of the State of registry in respect of the aircraft that are transferred under the agreement or amendment; and
- (e) the provisions of this Act that are stated in the agreement or amendment to be related to the functions.

(7) The Authority shall publish a notice in the Gazette when an Article 83 bis agreement ceases to be in force including the details of that cessation.

[reg 24 subst LN 82 of 2009 reg 10, opn 6 Feb 2010]

[CIA 12,985] Operation of foreign registered aircraft — private flights

24A All foreign registered aircraft granted approvals to operate private flights within Fiji shall conduct such flights at all times during the currency of such approvals, in accordance with all the laws of Fiji relating to civil aviation.

[reg 24A insrt LN 82 of 2009 reg 10, opn 6 Feb 2010]

[CIA 12,990] Operation of aircraft

25 No person shall use or operate an aircraft save in accordance with these Regulations and in the case of international commercial air transport, in accordance with relevant provisions of Annex 6 to the Convention on International Civil Aviation (Chicago 1944).

[reg 25 am Act 16 of 1999 s 47, opn 19 Mar 1999]

[CIA 12,995] Nationality and registration markings

26 Subject to the provisions of Part 1, no person shall fly an aircraft in Fiji unless it is registered and it bears its nationality and registration marks and the name and address of the registered owner affixed or painted thereon; in the case of aircraft registered in Fiji, in accordance with regulations 9 and 10, and in the case of aircraft registered elsewhere than in Fiji, in accordance with the law of the country in which it is registered.

[CIA 13,000] Operation of radio stations in aircraft

27 (1) No person shall operate the radio station in an aircraft whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and unless he or she is duly licensed or otherwise permitted to operate the radio station under that law.

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

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

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

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

(4) A person acting as a member of a flight crew of an aircraft domiciled in Fiji shall use a boom or throat microphone for the purpose of radio communication—

- (a) whilst the aircraft is manoeuvring for the purpose of flight; or
- (b) whilst the aircraft is below the transition level or altitude; or

(c) after landing, the aircraft is parked or secured.

[subreg (4) subst LN 82 of 2009 reg 11, opn 6 Feb 2010]

(5) Notwithstanding subregulation (4), a handheld microphone may be used whilst the aircraft is flying above the transition level or altitude.

[subreg (5) insrt LN 72 of 2003 reg 9, opn 1 July 2004]

(6) An aircraft in flight within the Nadi Flight Information Region shall not use any radio frequency except those specifically allocated and approved by or acceptable to the Authority.

[subreg (6) subst LN 82 of 2009 reg 11, opn 6 Feb 2010]

(7) Notwithstanding subregulation (6), the use of a company frequency for passing company operational information is permitted.

[subreg (7) insrt LN 72 of 2003 reg 9, opn 1 July 2004]

[CIA 13,005] Use of airborne collision avoidance systems

27A (1) This regulation applies to—

- (a) any aircraft that is required by regulation 23(6) Scale X to be fitted with an airborne collision avoidance system of a type approved by the Authority; and
- (b) any aircraft that is required by its State of Registry to be fitted with an airborne collision avoidance system in accordance with the requirements of Annex 6 section 6.18 whilst that aircraft is operating in the airspace over Fiji or departing from a place in Fiji.

(2) An aircraft to which this regulation applies shall not begin a flight if the aircraft is not fitted with an approved airborne collision avoidance system that is serviceable.

(3) Notwithstanding the requirement of subregulation (2), an aircraft that is not fitted with a serviceable airborne collision avoidance system may commence a flight—

- (a) for the ferrying of the aircraft to a place where an airborne collision avoidance system can be fitted to the aircraft or an unserviceable airborne collision avoidance system that is fitted can be repaired, replaced or overhauled; or
- (b) when the flight takes place, inclusion in the aircraft of an approved but unserviceable airborne collision avoidance system is a permissible unserviceability in the aircraft.

(4) The pilot-in-command shall advise air traffic services of the non-availability of a serviceable airborne collision avoidance system at least 30 minutes before departure.

(5) The pilot-in-command of any aircraft to which this regulation applies shall ensure that the airborne collision avoidance system is activated at all times while the aircraft is in flight.

(6) If the airborne collision avoidance system fitted to an aircraft to which this regulation applies becomes unserviceable during flight whilst in or before entering airspace administered by Fiji, then the pilot-in-command shall advise the air traffic service unit administering that airspace as soon as practicable.

[subreg (6) insrt LN 82 of 2009 reg 11, opn 6 Feb 2010]

[CIA 13,010] Cockpit and emergency check lists

28 Every aircraft registered in Fiji shall carry cockpit and emergency check lists for that particular type of aircraft. Such lists shall be carried in the cockpit of the aircraft readily accessible to the pilot in flight.

[CIA 13,015] Carriage of arms, explosives or dangerous goods

29 (1) Except as provided for in this regulation, no person shall carry or cause or permit to be carried, in any aircraft flying to, from, within or over Fiji any munitions or

implements of war, explosives, articles of a highly inflammable nature, arms, ammunition, military stores, oxidising material, corrosive substance, compressed gas, tear gas, radioactive materials, poisonous substance or other goods notified by the Authority to be dangerous goods.

(2) Notwithstanding anything contained in subregulation (1), the following classes of goods may, subject to the provisions of subregulation (3) be carried in an aircraft, namely—

- (a) such goods as are required for the purpose of ensuring proper navigation or safety of the aircraft or the well-being of any person on board;
- (b) such goods as may be permitted in writing by the Authority to be carried either in aircraft generally or in aircraft of any class specified in the permission; and
- (c) any other goods the carriage of which is permitted in writing by the Authority, in accordance with and subject to the terms and conditions of such permission.

(3) Where the carriage of any goods is permitted or authorised by or under paragraph (2), it shall be the duty of the consignor of the goods and the operator and his or her agents to take all precautions to avoid danger to aircraft or persons therein or to any other person or property and, in particular, to ensure—

- (a) that the goods are so packed, protected and secured as to avoid the possibility of their being a source of danger;
- (b) that the goods are carried so as not to be accessible to the passengers on the aircraft; and
- (c) that the nature of the goods is plainly and conspicuously marked on the outside of the package containing them. The operator of the aircraft shall inform the pilot-in-command thereof of all particulars of such goods before they are placed on board the aircraft.

(4) For the purposes of these Regulations, the International Civil Aviation Organization, Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended from time to time) shall be the prescribed standards approved by the Authority.

[subreg (4) insrt LN 72 of 2003 reg 10, opn 1 July 2004]

(5) An operator consignor or agent shall comply with dangerous goods packaging, storage and transportation standards notified by the Authority.

[subreg (5) insrt LN 72 of 2003 reg 10, opn 1 July 2004; am LN 82 of 2009 reg 8, opn 6 Feb 2010]

[CIA 13,020] Aircraft crew and licensing

30 (1) Every aircraft shall carry and be operated by the flight crew prescribed by, and such crew shall be licensed in accordance with the provisions of these Regulations, provided that an aircraft not registered in Fiji shall carry the flight crew prescribed by the law of the country in which it is registered and such crew shall be licensed in accordance with the law of that country.

(2) No person shall fly as pilot in command of an aircraft which is not included or entered in the aircraft type rating of his or her licence.

[subreg (2) am LN 72 of 2003 reg 2, opn 1 July 2004]

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

(4) An aircraft operated by an operator domiciled in Fiji when carrying 10 or more passengers on a flight of a duration exceeding one hour shall not carry less than 2 pilots as members of the flight crew thereof, unless the Authority otherwise directs and the flight is conducted in accordance with any conditions specified in such directions.

[subreg (4) am LN 82 of 2009 reg 12, opn 6 Feb 2010]

(5) An aircraft operated by an operator domiciled in Fiji and engaged on a flight for the purpose of public transport shall carry—

- (a) a flight navigator as a member of the flight crew; or
- (b) navigational equipment approved by the Authority and used in accordance with any conditions subject to which that approval may have been given,

if, on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be flown over areas where the total distance between any 2 consecutive radio navigational aids within 30 nautical miles of the route of the proposed flight and capable of being used by the aircraft radio station is more than 400 nautical miles.

[subreg (5) am LN 82 of 2009 reg 12, opn 6 Feb 2010]

(6) An aircraft operated by an operator domiciled in Fiji which is required by or under the provisions of regulations 22 and 23 to be equipped with radio communication apparatus shall carry a person holding a Flight Radio Telephone Operator Licence as a member of the flight crew.

[subreg (6) am LN 82 of 2009 reg 12, opn 6 Feb 2010]

(7) Notwithstanding the provisions of subregulation (1), a person may, within Fiji, act as a flight radiotelephony operator without being the holder of such a licence if—

- (a) he or she does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in Fiji to perform duties as a member of the flight crew of an aircraft; and
- (b) he or she is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station by the Authority or other appropriate authority under any enactment; and
- (c) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft; and
- (d) messages are transmitted only on a frequency exceeding 60 megahertz assigned by the Authority for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in subparagraph (a); and

- (e) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency; and
- (f) the operation of the transmitter requires the use only of external switches; and
- (g) the stability of the frequency radiated is maintained automatically by the transmitter.

(8) The Authority may, if it appears to it to be expedient in the interest of safety, direct an operator of any aircraft registered in Fiji that the aircraft operated by him or her shall not fly in such circumstances as the Authority may specify unless the aircraft carries, in addition to the flight crew required to be carried therein by the provisions of this regulation, such additional flight crew as it may specify in the direction.

(9) Notwithstanding the provisions of subregulation (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Fiji for the purpose of undergoing training or test—

- (a) for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein; or
- (b) for admission in the Republic of Fiji Military Forces,

without being the holder of a licence which entitles him or her to perform the functions which he or she undertakes in relation to the aircraft concerned and the flight on which it is engaged, if the following conditions are complied with—

- (i) no other person is carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with these Regulations, a person authorised by the Authority to witness the aforesaid training or test or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of a licence as aforesaid, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and
- (ii) the person acting as the pilot of the aircraft without being the holder of a licence as aforesaid shall not be the pilot in command of the aircraft unless within 6 months immediately preceding he or she was serving as a qualified pilot of aircraft in the Republic of Fiji Military Forces, and his or her physical condition has not, so far as he or she is aware, so deteriorated during that period as to render him or her unfit for the licence for which he or she intends to qualify.

[subreg (9) am LN 72 of 2003 reg 2, opn 1 July 2004]

(10) Notwithstanding the provisions of subregulation (1), a person may act as a member of the flight crew of an aircraft registered in Fiji without being the holder of a licence which entitles him or her to perform the functions which he or she undertakes in relation to the aircraft concerned and the flight on which it is engaged if, in so doing, he or she is acting in the course of his or her duty as a member of the Republic of Fiji Military Forces.

[subreg (10) am LN 72 of 2003 reg 2, opn 1 July 2004]

(11) Notwithstanding anything in this regulation—

- (i) the holder of a licence granted or rendered valid under these Regulations, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standards, shall not act as a member of the flight crew of an aircraft registered in Fiji in or over the territory of another Contracting State, except in accordance with permission granted by the competent authorities of that State;
- (ii) the holder of a licence granted or rendered valid under the law of a Contracting State other than Fiji, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over Fiji except in accordance

with permission granted by the Authority whether or not the licence is or is deemed to be rendered valid under these Regulations.

(12) Every air transport operator domiciled in Fiji and operating an air transport flight with an aircraft fitted with 21 or more passenger seats shall ensure that the aircraft carries on board the minimum number of cabin crew as either—

- (a) specified by the manufacturer's recommended emergency evacuation procedures for the aircraft configuration being used; or
- (b) specified by the certified design criteria for the aircraft (if available) and that will ensure at least one cabin crew member is present in each occupied compartment and in accordance with the following table—

Number of passenger seats	Number of cabin crew
21–50	1
51–100	2
101–150	3
151–200	4+1 additional crew for every additional 50 passenger seats or fraction thereof over 200 passenger seats.

[subreg (12) subst LN 82 of 2009 reg 12, opn 6 Feb 2010]

(13) The Authority may direct that the operator of any public transport aircraft registered in Fiji shall have on board such aircraft at least one cabin crew when the aircraft carries less than 20 passengers.

[subreg (13) am LN 72 of 2003 reg 2, opn 1 July 2004]

(14) In a twin aisle aircraft and notwithstanding subregulation (12), a cabin crew during take-off and landing shall be located at each floor level emergency exit.

[subreg (14) subst LN 72 of 2003 reg 11, opn 1 July 2004]

(15) For the purpose of subregulation (14), if only one deck is occupied by passengers on a twin deck aircraft, a cabin crew, during take off and landing, shall be located at each floor level emergency exit of the occupied deck.

[subreg (15) insrt LN 72 of 2003 reg 11, opn 1 July 2004]

(16) Notwithstanding anything prescribed in this regulation or as a condition on an Air Operator's Certificate, one less cabin crew may be carried to allow the continuation of an air operation in the event a required cabin crew becomes unfit because of sickness or injury during their tour of duty, provided—

- (a) the remaining cabin crew are trained and competent to operate safely with the reduced number of cabin crew in accordance with the procedures specified in the operator's operations manual for operating in this configuration; and
- (b) at least one cabin crew member is present in each occupied compartment; and
- (c) the numbers are restored to comply with the minimum number prescribed for that aircraft in this regulation or elsewhere, whichever is the more restrictive, at the first aerodrome of landing where a replacement would normally be expected to be available.

[subreg (16) subst LN 82 of 2009 reg 12, opn 6 Feb 2010]

(17) For charter flights, the operator may apply to the Authority for a variation to the number of cabin crew to be carried for such flights.

[subreg (17) subst LN 82 of 2009 reg 12, opn 6 Feb 2010]

(18) For non-revenue training, ferry or private flights with less than 20 passengers, the carriage of any cabin attendants is not mandatory.

[subreg (18) insrt LN 82 of 2009 reg 12, opn 6 Feb 2010]

[CIA 13,025] Augmented Crew Operations

30A (1) When a flight crew member is provided relief in-flight from his or her duties at his or her normal station by another flight crew member, the relieving flight crew member shall have the qualifications set out in subregulations (3), (4) or (5).

(2) In this regulation, “in the cruise” means that part of the flight predominantly in level or cruise or climb flight.

(3) The pilot-in-command may pass authority for the conduct of the flight to—

- (a) Another qualified pilot-in-command; or
- (b) For operations above FL200 and in the cruise, a pilot who—
 - (i) holds an ATPL on type; and
 - (ii) has been trained and demonstrated competency to operate, in the cruise, in the appropriate seat; and
 - (iii) has successfully completed that part of the Command Course relating to in-flight decision-making; and
 - (iv) has been route qualified in accordance with the requirements of regulation 46(1).

(4) The co-pilot may be relieved by—

- (a) Another qualified co-pilot; or
- (b) For operations above FL200 and in the cruise, a pilot who—
 - (i) holds a valid Commercial Pilot licence with an Instrument Rating; and
 - (ii) has been trained and demonstrated competency to operate, in the cruise, in the appropriate seat; and
 - (iii) has successfully completed conversion training and checking including type rating, except that the requirement for takeoffs and landings is not required; and
 - (iv) has successfully completed all required recurrency and recency requirements, except that the requirement for takeoffs and landings is not required; and
 - (v) has successfully completed all required recency flying requirements.

(5) A system panel operator, normally the holder of a Flight Engineer Licence, may be relieved in flight by—

- (a) another qualified Flight Engineer; or
- (b) for operations above FL200 and in the cruise, a pilot who has met training, checking and currency requirements acceptable to the Authority.

[reg 30A insrt LN 82 of 2009 reg 12, opn 6 Feb 2010]

[CIA 13,030] Authority and duties of the pilot in command

31 (1) The pilot in command of an aircraft shall have final authority as to the disposition of the aircraft while he or she is in command. Every person in an aircraft operated by an operator domiciled in Fiji shall obey all lawful commands which the pilot in command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein.

[subreg (1) am LN 82 of 2009 reg 13, opn 6 Feb 2010]

(2) The pilot in command of an aircraft registered in Fiji shall ensure before the aircraft takes off—

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

- (b) that the equipment, including radio apparatus, required by or under these Regulations to be carried in the circumstances of the intended flight is carried and is in a fit condition for use in as far as the equipment is included in the operator's minimum equipment list (MEL);
- (c) that the aircraft is in every way fit for the intended flight, and that where certificates of maintenance are required under these Regulations to be in force, they are in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) that sufficient fuel, lubricants, oxygen and engine coolant, if required, are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, the instructions in the operations manual relating to fuel, lubricants, oxygen and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) that, having regard to the performance of the aircraft in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination or alternate thereto in accordance with subparagraph (a);
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

[subreg (2) am LN 82 of 2009 reg 13, opn 6 Feb 2010]

(3) The pilot in command of an aircraft registered in Fiji shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under these Regulations to carry 2 pilots, both pilots shall remain at the controls during the take-off and landing. If the aircraft, while engaged on a flight for the purpose of public transport of passengers, carries 2 or more pilots, whether or not required to do so, the pilot-in-command shall remain at the controls during the take-off and landing. Each pilot at the controls shall be secured in his or her seat by either a safety belt or a safety harness except that during take-off and landing a safety harness shall be used.

(4) No person shall interfere with the pilot or with a member of the crew of an aircraft in flight, in a manner that may impede the ability of the pilot or member to perform their duties or tamper with the aircraft or its equipment, so as to endanger the safety of the aircraft or another person or property therein.

[subreg (4) subst LN 82 of 2009 reg 13, opn 6 Feb 2010]

(5) The pilot-in-command shall be responsible for the operation and safety of the aircraft from the moment the aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight and any engine used as primary propulsion units is shut down.

In the case of a push-back at the start of a flight or tow-in at the end of a flight, the operator may delegate some responsibility for the operation and safety of the aircraft to the associated ground crew and the details of such delegation shall be specified in both Engineering and Flight Operations Manuals.

[subreg (5) insrt LN 82 of 2009 reg 13, opn 6 Feb 2010]

(6) The pilot-in-command shall ensure that all the appropriate and relevant aeronautical charts and other similar documents applicable to the intended flight or any

diversion therefrom are on board and accessible to any flight crew member requiring such charts or documents, which may be provided in any format (printed or electronic) that is acceptable to the Authority.

[subreg (6) insrt LN 82 of 2009 reg 13, opn 6 Feb 2010]

(7) The pilot-in-command shall be responsible for reporting all suspected or known defects in the aircraft to the operator at the termination of the flight.

[subreg (7) insrt LN 82 of 2009 reg 13, opn 6 Feb 2010]

(8) The pilot-in-command shall be responsible for the entries into the journey log book including all the general declaration containing all the necessary information including—

- (a) aircraft nationality and registration;
- (b) date;
- (c) names of flight crew;
- (d) assignments listing of flight crew in accordance with rank;
- (e) place and time of departure;
- (f) place and time of arrival;
- (g) hours of flight;
- (h) nature of flight (private, aerial work, scheduled or non scheduled);
- (i) incidents and observations if any; and
- (j) signature of person in charge.

[subreg (8) insrt LN 82 of 2009 reg 13, opn 6 Feb 2010]

(9) The pilot-in-command shall have the authority to disembark or to refuse carriage of any person or any cargo or part thereof that, in the pilot's opinion, may represent a potential hazard to the safety of the aircraft or person or property therein.

[subreg (9) insrt LN 82 of 2009 reg 13, opn 6 Feb 2010]

[CIA 13,035] Documents to be carried in aircraft

32 (1) No person shall fly an aircraft unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Fiji shall carry on board the documents specified in regulation 33, provided that if the flight is intended to begin and end at the same airport, the documents may be kept at that airport instead of being carried in the aircraft.

(3) Documents required to be carried, including any maps or charts required by subregulation 23(6) Scale A subregulation (2), may, subject to the approval of the Authority, be carried in an electronic or other format. The information or data in such electronic or other format of documents shall be capable of being readily accessible to any crew member who may need it.

[subreg (3) insrt LN 82 of 2009 reg 14, opn 6 Feb 2010]

[CIA 13,040] Specific documents

33 The documents required by regulation 32 to be carried are—

(1) While the aircraft is engaged in international air navigation, whether or not for public transport—

- (a) the certificate of registration in force in respect of the aircraft;
- (b) the certificate of airworthiness so in force;
- (c) the flight manual, if required by these Regulations;
- (d) the appropriate licences in force for each member of the flight crew;
- (e) the licence in force in respect of the radio station installed in the aircraft;
- (f) a copy of the load sheet, if required by these Regulations in respect of the flight;
- (g) a copy of each certificate of maintenance, if any, in force in respect of the aircraft;
- (h) the aircraft's journey log book in which shall be entered the particulars required under subregulation 31(h) and the aircraft's technical log unless the journey and technical logs are combined into one document, whatever named;
- (i) the operations manual;
- (j) a document attesting noise certification;
- (k) documents attesting that the aircraft is approved to operate in any of the following categories of airspace — RVSM, MNP, RNP10, RNP4 or similar variants thereof;
- (l) a certified true copy of the operator's air operator certificate and related authorisations, conditions and limitations; and
- (m) if the aircraft is carrying passengers, a list of their names and places of embarkation and destination and if it is carrying cargo, a manifest and detailed declarations of the cargo.

[subreg (1) am LN 72 of 2003 reg 12, opn 1 July 2004; LN 82 of 2009 reg 15, opn 6 Feb 2010]

(2) Notwithstanding subregulation (1), documents specified in paragraphs (1)(a), (b), (d), (e), (g), (h), (i), (j) and (k) shall be carried in an aircraft engaged in international air navigation for the purpose of aerial work.

[subreg (2) subst LN 72 of 2003 reg 12, opn 1 July 2004; am LN 82 of 2009 reg 15, opn 6 Feb 2010]

(3) While the aircraft is engaged in navigation which is not international air navigation—

- (a) in the case of public transport aircraft, the documents specified in (b) to (i) under heading 1;
- (b) in the case of an aerial work aircraft, the documents specified in (b), (d), (e), (g) and (h) under heading 1.

[subreg (3) renum LN 72 of 2003 reg 12, opn 1 July 2004]

[CIA 13,045] Air operator's certificate of competency

34 (1) An aircraft operated by an operator domiciled in Fiji shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator by the Authority in accordance with subregulation (2).

[subreg (1) am LN 82 of 2009 reg 16, opn 6 Feb 2010]

(2) The Authority may grant to any person applying therefore an air operator's certificate if it is satisfied that such person is competent, having regard to his or her previous conduct and experience, his or her equipment, organisation, staffing, quality assurance systems, safety management systems, procedures for the exercise of operational control, maintenance and other arrangements, to secure the safe operation of aircraft of

the types specified in the certificate, on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

[subreg (2) am LN 82 of 2009 reg 16, opn 6 Feb 2010]

(3) The Authority may, for the purpose of securing the safety of aircraft operation under these Regulations or of satisfying itself that the holder of an air operator's certificate is competent to operate safely and securely, direct the owner or operator of an aircraft operated by an operator domiciled in Fiji to make available, free of charge, within 7 days of the direction or, if the circumstances so warrant, at a shorter notice, a seat on the aircraft to a person authorised by it in writing to undertake—

- (a) en route examination and inspection of the work of a flight crew member;
- (b) inspection of the maintenance facilities at the en route and terminal stations;
- (c) inspection of an aircraft or of its equipment; and
- (d) such other examination or inspection as may be necessary for the purpose of securing the safety of aircraft operation.

[subreg (3) am LN 82 of 2009 reg 16, opn 6 Feb 2010]

(4) In any case where such transportation at short notice requires off loading of a passenger or cargo being carried on the particular flight, the operator shall be reimbursed by the Authority to the extent of the net loss of revenue thereby caused, if any.

(5) The operator shall comply with Air Operator's Certificate of Competency standards notified by the Authority.

[subreg (5) insrt LN 72 of 2003 reg 13, opn 1 July 2004; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(6) Notwithstanding subregulation (2) above, no person shall fly an aircraft for the purpose of public transport under an Air Operator's Certificate of Competency issued by the Authority unless it is maintained and its Certificate of Release to Service is issued by an Approved Maintenance Organisation certificated under regulation 145C.

[subreg (6) insrt LN 82 of 2009 reg 16, opn 6 Feb 2010]

(7) The Operator shall prepare and submit to the Authority its maintenance control manual and maintenance procedures manual for approval. The content of the maintenance control and maintenance procedures manuals shall be in accordance with the standards document for air operators published by the Authority.

[subreg (7) insrt LN 82 of 2009 reg 16, opn 6 Feb 2010]

(8) No operator shall operate an aircraft under a Lease arrangement or for ETOPS, RVSM, RNP, PBN, ADS-B, ADS-C or similar requirement unless such type of operation is approved under the air operator's certificate issued by the Authority. The operator when conducting such operation shall comply with any relevant standards document issued by the Authority. When deemed necessary by the Authority, the operator shall produce a supplement to its other manuals, explaining how to safely conduct such operation and submit the same for the Authority's acceptance or approval.

[subreg (8) insrt LN 82 of 2009 reg 16, opn 6 Feb 2010]

[CIA 13,050] Public transport operations — Duties of pilot in command

35 The pilot in command of an aircraft registered in Fiji and engaged for the purpose of public transport of passengers shall—

- (a) before the aircraft takes off, take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harnesses, oxygen equipment and lifejackets, and all other devices

- required by or under these Regulations and intended for use by passengers individually in case of an emergency occurring to the aircraft, provided that in relation to lifejackets this requirement may, except in the case of a seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land;
- (b) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time from the nearest land, take all reasonable steps to ensure that before that point is reached all passengers are given a practical demonstration of the method of use of the lifejackets required by or under these Regulations for the use of passengers;
 - (c) if the aircraft is a seaplane, take all reasonable steps to ensure that, before the aircraft takes off, all passengers are given a practical demonstration of the method of use of the equipment referred to in subparagraph (b);
 - (d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that the cabin crews carried in compliance with these Regulations are properly secured in seats which shall be in a passenger compartment and which shall be so situated that the cabin crews can readily assist passengers;
 - (e) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during flight he or she considers the precaution necessary, take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses, provided that, during any take-off or landing, each person on board shall occupy a seat approved under these Regulations, with a separate safety belt or harness properly secured about that person, except that any persons under 2 years of age may be held by an adult who is occupying a seat;
 - (f) in an emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take;
 - (g) except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—
 - (i) before the aircraft reaches flight level 130, the method of use of the oxygen provided in the aircraft in compliance with the requirements of Scale K of regulation 23(6) is demonstrated to all passengers;
 - (ii) on reaching such altitude, all passengers are recommended to use oxygen;
 - (iii) during any continuous period exceeding 30 minutes when the aircraft is flying above flight level 100 but not above flight level 130, and whenever the aircraft is flying above flight level 130, oxygen is used by all the crew of the aircraft.

[reg 35 am LN 72 of 2003 reg 2, opn 1 July 2004]

[CIA 13,055] Operating conditions

36 (1) An aircraft operator domiciled in Fiji shall not permit the aircraft to fly for the purpose of public transport unless he or she has—

- (a) designated a pilot to be the pilot in command of the aircraft for the flight;
- (b) satisfied himself or herself by every reasonable means that the aeronautical radio stations and navigational aids available on the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and
- (c) satisfied himself or herself by every reasonable means that the airports at which it is intended to take-off or land and any alternate airport at which a landing may

be made are suitable for the purpose and, in particular, are adequately manned and equipped to ensure the safety of the aircraft and its passengers, provided that the operator of the aircraft shall not be required to satisfy himself or herself as to the adequacy of fire-fighting, search and rescue or other services which are required only after the occurrence of an accident.

[subreg (1) am LN 82 of 2009 reg 17, opn 6 Feb 2010]

(2) An aircraft operator domiciled in Fiji shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport, except a flight for the sole purpose of training testing or checking persons to perform duties in aircraft, unless such person has had the training, experience, practice and periodical tests specified in regulations 45 and 46 in respect of the duties which he or she is to perform and unless the operator has satisfied himself or herself that such person is competent to perform his or her duties and, in particular, to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information in respect of records relating to the foregoing matters in accordance with regulation 47.

[subreg (2) am LN 82 of 2009 reg 17, opn 6 Feb 2010]

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

[subreg (3) am LN 82 of 2009 reg 17, opn 6 Feb 2010]

[CIA 13,060] ETOPS

36A (1) No person shall operate an aeroplane with two turbine engines, for the purposes of public transport, on a route where the flight time at single engine cruise speed to an ETOPS en route alternate aerodrome is greater than 60 minutes unless the operation is conducted in accordance with subregulation (2).

(2) No person shall commence an ETOPS flight unless—

- (a) the operation will be within the limitations placed by the character of the terrain, the kind of operation, the performance of the aeroplane used and the likely safety outcome of any occurrence during the flight;
- (b) ETOPS is authorised by the certificate holder's Air Operator Certificate of Competency and associated approval and conditions documents;
- (c) procedures for ETOPS are specified in the certificate holder's Operations Manual;
- (d) each en route alternate aerodrome, and the departure and destination aerodromes if used as an en route alternate, required by the procedures in paragraph (c) will be available during any possible period of use; and
- (e) the meteorological requirements at each en route alternate aerodrome; and the departure and destination aerodromes when used as an en route alternate, meet those specified in the operator's manual as en route alternate minima for ETOPS.

(3) Each ETOPS procedure established by an operator shall contain information and instructions necessary to enable the operating staff to perform their duties including but not limited to the following—

- (a) requirements for the aircraft airworthiness certification and design standards for ETOPS;
- (b) requirements for ensuring ongoing reliability and the monitoring and assessment of the propulsion system;
- (c) requirements for flight dispatch procedures, routes to be flown, anticipated operating conditions and location of adequate en route alternate aerodromes;

- (d) maintenance and operating practice procedure; and
- (e) training programme of flight crew and maintenance personnel.

(4) The operator of an aircraft shall comply with ETOPS standards notified by the Authority.

[reg 36A insrt LN 82 of 2009 reg 17, opn 6 Feb 2010]

[CIA 13,065] Aerodrome operating minima — Aircraft registered in Fiji operated by an operator domiciled in Fiji

37 (1) The operator of every aircraft to which regulation 43 applies shall establish and include in the operations manual relating to the aircraft, particulars of airport operating minima appropriate to every airport of intended departure or landing and every alternate airport, provided that, in relation to any flight wherein it is not practicable to include such information in the operations manual, the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished, in writing, to the pilot in command of the aircraft particulars of the airport operating minima appropriate to every airport of intended departure or landing and every alternate airport and calculated in accordance with the specified method; and the operator shall cause a copy of the said particulars to be retained for a minimum period of 3 months.

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

(3) The airport operating minima specified shall not, in respect of any airport, be less favourable than any declared in respect of that airport by the competent authority unless that authority otherwise permits in writing.

(4) In establishing airport operating minima for the purposes of this regulation the operator of the aircraft shall take into account the following matters—

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant airport and its surroundings;
- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant airport any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use, the nature of any such aids that are in use, and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids,

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

(5) No aircraft to which regulation 43 applies shall commence a flight at a time when—

- (a) the cloud ceiling or the visibility at the airport of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the pilot in command of the aircraft, it would not be able, without contravening subregulation (6), to commence or continue an approach to landing at the airport of intended destination at the estimated time of arrival there and at any alternate airport at the time at which according to a reasonable estimate the aircraft would arrive there.

(6) No aircraft to which regulation 43 applies shall—

- (a) commence or continue an approach to landing at any airport if the visibility at that airport is at the time less than the specified minimum for landing, except that an approach to landing may be continued if, at the time the pilot in command of the aircraft receives information that the visibility is less than the specified minimum for landing—
 - (i) the aircraft is below the specified decision height;
 - (ii) the specified visual reference has been established at the decision height and is maintained; and
 - (iii) the approach to landing has, at least until the specified visual reference has been established, been made by use of an instrument landing system notified for the purpose of these Regulations; or
- (b) continue approach to landing at any airport by flying below the specified decision height unless from that height the specified visual reference for landing is established and is maintained.

(7) If, according to the information available, an aircraft would as regards any flight, be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the airport of intended landing, the pilot in command of the aircraft shall select prior to take-off an alternate airport unless he or she is notified by the Authority that an alternate airport is not required.

[subreg (7) subst LN 82 of 2009 reg 18, opn 6 Feb 2010]

[CIA 13,070] Aerodrome operating minima — Aircraft not registered in Fiji operated by an operator domiciled in a country other than Fiji

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

[subreg (1) am LN 82 of 2009 reg 19, opn 6 Feb 2010]

(2) The aircraft shall not begin or end a flight at an airport in Fiji in contravention of the airport operating minima so specified in relation to that airport or of the instructions referred to in paragraph (1).

(3) Without prejudice to the provisions of subregulation (2), a public transport aircraft operated by an operator domiciled in a country other than Fiji shall not—

- (a) commence or continue an approach to landing at any airport in Fiji if the visibility at the airport is at the time less than the specified minimum for landing, except that an approach to landing may be continued if, at the time the pilot in command of the aircraft receives information that the visibility is less than the specified minimum for landing—
 - (i) the aircraft is below the specified decision height;
 - (ii) the specified visual reference has been established at the decision height and is maintained; and

- (iii) the approach to landing has, at least until the specified visual reference has been established, been made by use of an instrument landing system notified for the purpose of these Regulations; or
- (b) continue an approach to landing at any airport in Fiji by flying below the specified decision height unless from that height the specified visual reference is established and is maintained.

[subreg (3) am LN 82 of 2009 reg 19, opn 6 Feb 2010]

[CIA 13,075] All weather operations

38A (1) An operator shall establish, for each aerodrome planned to be used, an aerodrome operating minima that are not lower than the values notified by the Authority.

(2) For the purpose of subregulation (1)—

- (a) The method of determination of such minima must be acceptable to the Authority; and
- (b) Such minima shall not be lower than any that may be established for such aerodromes by the Authority or by the State in which the aerodrome is located.

(3) Notwithstanding (1), in-flight calculations of minima for a non-planned alternate aerodrome may be carried out in accordance with a notified acceptable method.

(4) In establishing the aerodrome operating minima that will apply to any particular operation, an operator must take full account of—

- (a) the type, performance and handling characteristics of the aeroplane;
- (b) the composition of the flight crew, their competence and experiences;
- (c) the dimensions and characteristics of the runways which may be selected for use;
- (d) the adequacy and performance of the available visual and non-visual ground aids;
- (e) the equipment available on the aeroplane for the purpose of navigation or control of the flight path, as appropriate, during the take-off, the approach, the flare, the landing, roll-out and the missed approach;
- (f) the obstacles in the approach, missed approach and the climb-out areas required for the execution of contingency procedures and necessary clearance;
- (g) the obstacle clearance altitude or height for the instrument approach procedures; and
- (h) the means to determine and report meteorological conditions.

(5) The aeroplane categories referred to in this regulation must be derived in accordance with ICAO standards notified by the Authority.

(6) An operator shall not conduct Category II or III operations unless—

- (a) each aeroplane concerned is certified for operations with decision heights below 200 ft, or no decision heights, and equipped in accordance with ICAO standards notified by the Authority;
- (b) a suitable system for recording approach or automatic landing success and failure is established and maintained to monitor the overall safety of the operation;
- (c) the operations are approved by the Authority;
- (d) the flight crew consist of at least 2 pilots; and
- (e) Decision Height is determined by means of a radio altimeter.

(7) An operator shall not conduct low visibility take-offs in less than 150 m RVR (Category A, B and C aeroplanes) or 200 m RVR (Category D aeroplanes) unless approved by the Authority.

(8) An operator shall not use an aerodrome for Category II or III operations unless the aerodrome is approved for such operations by the Authority.

(9) An operator shall verify that LVP have been established, and will be enforced, at aerodromes where low visibility operations are to be conducted.

(10) An operator shall ensure that, prior to conducting Low Visibility Take-Off, Category II and III operations—

(a) each flight crew member—

(i) completes the training and checking requirements including flight simulator training in operating to the limiting values of RVR and Decision Height appropriate to the operator's Category 2 or 3 approval; and

(ii) is qualified in accordance with training requirements provided for in the Operations Manual;

(b) the training and checking is conducted in accordance with a detailed syllabus approved by the Authority and included in the Operations Manual; and

(c) the flight crew qualification is specific to the operation and the aeroplane type.

(11) An operator must establish procedures and instructions to be used for Low Visibility Take-Off and Category II and III operations, and such procedures must be included in the Operations Manual and contain the duties of flight crew members during taxiing, take-off, approach, flare, landing, roll-out and missed approach as appropriate.

(12) The pilot-in-command shall ensure that—

(a) the necessary NOTAMs are reviewed for the status of the visual and non-visual facilities prior to commencing a Low Visibility Take-Off or a Category II or III approach;

(b) appropriate LVP are in force according to information received from Air Traffic Services, before commencing a Low Visibility Take-off or a Category II or III approach; and

(c) the flight crew members are properly qualified prior to commencing a low visibility take-off in a RVR of less than 150 m (Category A, B and C aeroplanes) or 200 m (Category D aeroplane) or a Category II or III approach.

(13) An operator must include in the Operations Manual the minimum equipment that has to be serviceable at the commencement of a Low Visibility Take-off or a Category II or III approach in accordance with the aircraft flight manual or other approved document notified by the Authority.

(14) The pilot-in-command shall ensure that the status of the aeroplane and of the relevant airborne systems is appropriate for the specific operation to be conducted.

[reg 38A insrt LN 82 of 2009 reg 19, opn 6 Feb 2010]

[CIA 13,080] Fuel and lubricant supply

39 No person shall fly an aircraft operated by an operator domiciled in Fiji for the purpose of public transport unless, taking into consideration the meteorological conditions forecast, expected air traffic control routings and traffic delay, one instrument approach at the airport of intended destination including a missed approach, procedures specified in the operations manual for loss of pressurisation or failure of one power unit whilst en route and any other conditions that may delay the landing of the aircraft or increase fuel and/or lubricant consumption, and any delays expected during the flight, the aircraft carries sufficient fuel, lubricant and engine coolant (if required by the operations manual relating to the aircraft), ascertained in accordance with regulation 40, to ensure that the aircraft can safely complete the flight.

[reg 39 am LN 82 of 2009 reg 20, opn 6 Feb 2010]

[CIA 13,085] Computation of quantities

40 For the purpose of regulation 39, the minimum quantities of fuel, lubricant and engine coolant (if required as aforesaid) to be carried by the aircraft shall be computed as follows—

(1) For propeller driven aircraft on a flight which, taking into consideration its duration and the prevailing meteorological conditions, may be conducted in accordance with Visual Flight Rules, quantities sufficient to enable the aircraft to fly to the airport of intended destination and thereafter for a period of 45 minutes;

(2) For propeller driven aircraft on a flight for which an alternate airport is required, quantities sufficient to enable the aircraft to fly—

(a) to the airport of intended destination, then to the most critical alternate airport specified in the flight plan and thereafter for a period of 45 minutes; or

(b) to the alternate airport via any predetermined point and thereafter for a period of 45 minutes, provided that the quantities are not less than those required to enable the aircraft to fly to the airport of intended destination and thereafter for 45 minutes plus 15% of the flight time planned to be spent at the cruising level or levels, or 2 hours, whichever is less.

(3) For propeller driven aircraft on a flight for which no alternate airport is notified as required by the Authority, quantities sufficient to enable the aircraft to fly to the airport of intended destination and thereafter, for 45 minutes plus 15% of the flight time planned to be spent at cruising level or levels or 2 hours, whichever is less, provided that the quantities of fuel, lubricant or engine coolant required to be carried by this paragraph may be varied if the Authority so permits.

(4) For turbojet aircraft on a flight which, taking into consideration the duration of the flight and the prevailing meteorological conditions, may be conducted in accordance with Visual Flight Rules, quantities sufficient to enable the aircraft to fly to the airport of intended destination and additionally—

(a) to fly for 30 minutes at holding speed at 1,500 ft above the airport of intended destination under standard temperature conditions; and

(b) to provide for the increased consumption on the occurrences of any of the potential contingencies specified by the operator and approved by the Authority.

(5) For turbo-jet aircraft on a flight for which an alternate airport is required quantities sufficient to enable the aircraft—

(a) to fly to and execute an approach, and a missed approach, at the airport of intended destination, and thereafter—

(i) to fly to an alternate airport specified in the flight plan; and then

(ii) to fly for 30 minutes at holding speed that is to say the speed appropriate to the navigation aid as notified by the Authority or if no such speed is notified or the aircraft is unable to maintain the speed notified, the speed for the procedure specified in the flight manual at 1,500 ft above the alternate airport under standard temperature conditions at the altitude as specified in the international standard atmosphere, and make an approach and land; and

(iii) to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator and approved by the Authority; or

(b) to fly to the alternate airport via any predetermined point and thereafter for 30 minutes at 1,500 ft above the alternate airport and to provide for the increased consumption on the occurrence of any of the potential contingencies specified by the operator and approved by the Authority provided that such quantities shall

not be less than the amount required to fly to the airport of intended destination and thereafter for 2 hours at normal cruise consumption.

(6) For turbojet aircraft on a flight for which no alternate airport is notified as required by the Authority, quantities sufficient to enable the aircraft to fly to the airport of intended destination and thereafter for a period of 2 hours at normal cruise consumption, provided that the quantities of fuel, lubricant and engine coolant required to be carried by this regulation may be varied if the Authority so permits.

(7) For a helicopter, a flight shall not commence unless the helicopter carries sufficient fuel and lubricant to ensure that it can safely complete the flight.

[subreg (7) insrt LN 72 of 2003 reg 14, opn 1 July 2004]

(8) In taking into account both the meteorological conditions and any delays that are expected in flight, the fuel and oil quantities shall be determined by—

- (a) meteorological conditions forecast;
- (b) expected air traffic control routings and traffic delays;
- (c) for IFR flights, one instrument approach at the destination heliport, including a missed approach;
- (d) the procedures for loss of pressurisation, where applicable, or failure of one power unit while en route; and
- (e) any other conditions that may delay the landing of the helicopter or increase fuel or lubricant consumption.

[subreg (8) insrt LN 72 of 2003 reg 14, opn 1 July 2004]

(9) For a helicopter conducting VFR operations, quantities sufficient to allow the helicopter to—

- (a) fly to the heliport to which the flight is planned;
- (b) fly thereafter for a period of 20 minutes at best- range speed plus 10% of the planned flight time; and
- (c) provide an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of potential contingencies, as determined by the Authority.

[subreg (9) insrt LN 72 of 2003 reg 14, opn 1 July 2004]

(10) For a helicopter conducting IFR operations—

- (a) where no alternate aerodrome is required, to fly to the heliport to which the flight is planned, and thereafter—
 - (i) to fly 30 minutes at holding speed at 1500 feet above the destination heliport under standard temperature conditions and approach and land; and
 - (ii) to have an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of potential contingencies;
- (b) where an alternate aerodrome is required, to fly to and execute an approach, and a missed approach at the heliport to which the flight is planned, and thereafter—
 - (i) to fly to the alternate specified in the flight plan; and
 - (ii) to fly for 30 minutes at holding speed at 1500 feet above the alternate under standard temperature conditions, and approach and land; and
 - (iii) to have an additional amount of fuel sufficient to provide for the increased consumption on the occurrence of potential contingencies;
- (c) where no suitable alternate aerodrome is available, to fly to the heliport to which the flight is planned and thereafter for a period of 2 hours at holding speed.

[subreg (10) insrt LN 72 of 2003 reg 14, opn 1 July 2004]

[reg 40 am LN 82 of 2009 reg 21, opn 6 Feb 2010]

[CIA 13,090] Loading

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

- (a) the load may safely be carried on the flight; and
- (b) the conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with, provided that the provisions of this regulation shall not apply to the operator of a helicopter if he or she is exempted from compliance therewith by the Authority.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say, the aggregate of the basic weight shown in the weight schedule referred to in regulation 18 and the weight of such additional items in or on the aircraft as the operator thinks fit to include, and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight, provided that this regulation shall not apply in relation to a flight if—

- (a) the aircraft's maximum total weight authorised does not exceed 1,150 kg; or
- (b) the aircraft's maximum total weight authorised does not exceed 2,730 kg and the intended flight is of a duration not exceeding 60 minutes and is either—
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same airport.

(3) The person supervising the loading of the aircraft shall not cause or permit the aircraft to be loaded in contravention of the instructions referred to in paragraph (1).

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in paragraph (6) and shall submit the load sheet for examination by the pilot in command of the aircraft who shall put his or her signature thereon, provided that the foregoing requirements of this regulation shall not apply if—

- (a) the load and the distribution and securing thereof upon the next intended flight are to be unchanged from the previous flight and the pilot in command of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, inako kay yel, dicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or
- (b) paragraph (2) does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when regulation 32(1) so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instruction referred to in this regulation shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft.

(6) Every load sheet shall contain the following particulars—

- (a) the nationality and registration marks of the aircraft;
- (b) particulars of the flight to which the load sheet relates;
- (c) the total weight of the aircraft as loaded for that flight;
- (d) the weights of the several items from which the total weight of the aircraft, as so loaded, has been calculated, including, in particular, the weight of the aircraft

prepared for service and the respective total weights of the crew (unless included in the weight of the aircraft prepared for service), passengers, baggage and cargo intended to be carried on the flight;

- (e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits,

and shall include at the foot or end of the load sheet a certificate, signed by the person referred to in paragraph (1) as responsible for the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him or her by the operator of the aircraft pursuant to the said subregulation.

(7) For the purpose of calculating the total weight of the aircraft, the respective total weights of the passengers and crew entered in the load sheet shall be computed from the actual weight of each person and, for that purpose, each person shall be separately weighed, provided that, in the case of an aircraft of which the maximum total weight authorised exceeds 18,000 kg or which has a total seating capacity of 30 or more persons, the total weights of the passengers and crew may, subject to the provisions of paragraph (9), be calculated at not less than the weights shown in Table 1 and the load sheet shall bear a notation to that effect—

TABLE 1

<i>Age Group</i>	<i>Weight in Kilograms</i>
Males over 12 years	77
Females over 12 years	77
Children aged 2 or more, but not over 12 years	35
Infant under 2 years	10

[subreg (7) am LN 72 of 2003 reg 15, opn 1 July 2004; LN 82 of 2009 reg 22, opn 6 Feb 2010]

(8) For the purpose of calculating the total weight of the aircraft, the respective total weights of the baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container and, for that purpose, each piece or container shall be separately weighed, provided that, in the case of an aircraft of which the maximum total weight authorised exceeds 18,000 kg or which has a total seating capacity of 30 or more persons, the total weights of the baggage may, subject to the provisions of paragraph (9) be calculated at not less than the weights shown in Table 2 and the load sheet shall bear a notation to that effect—

TABLE 2

1	2	3
<i>Journey made by the aircraft</i>	<i>Cabin baggage per passenger</i>	<i>Hold baggage per piece</i>
Domestic	5 kg	15 kg
International	5 kg	20 kg

[subreg (8) am LN 72 of 2003 reg 15, opn 1 July 2004]

(9) If it appears to the person supervising the loading of the aircraft that any passenger or baggage to be carried exceeds the weights set out in Table 1 of paragraph (7) or Table 2 of paragraph (8), he or she shall, if he or she considers it necessary in the interests of the safety of the aircraft, or if the Authority has so directed in the particular case, require any such person or baggage to be weighed for the purpose of the entry to be made in the load sheet.

(10) If any person or baggage has been weighed pursuant to paragraph (9), the weights entered in the load sheet shall take account of the actual weight of that person or baggage, or of the weight determined in accordance with the respective provisos to paragraph (7) or paragraph (8), whichever weight shall be the greater.

(11) For the purposes of this regulation, the operator may apply to the Authority to vary the requirements set out in Tables 1 and 2.

[subreg (11) insrt LN 72 of 2003 reg 15, opn 1 July 2004]

[CIA 13,095] Aircraft weight and performance

42 (1) No operator domiciled in Fiji shall fly an aircraft for the purpose of public transport, except for the sole purpose of training persons to perform duties in the aircraft, unless in compliance with—

- (a) for an aircraft registered in Fiji or an aircraft for which the responsibility has been transferred to Fiji, the requirements of this regulation; or
- (b) for any other aircraft not covered by paragraph (a), the requirements of the State of Registry in regard to aircraft weight and performance.

[subreg (1) subst LN 82 of 2009 reg 23, opn 6 Feb 2010]

(2) The assessment of the ability of an aircraft to comply with the provisions of paragraph (1) shall be based on the information as to its performance contained in its certificate of airworthiness. In the event such information is insufficient for that purpose, such assessment shall be based on the best information available to the pilot in command of the aircraft.

(3) For the purpose of this regulation—

- (a) the weight of the aircraft at the commencement of the take-off run shall be taken to be its gross weight, including everything and everyone carried in or on it at the commencement of the take-off run;
- (b) the landing weight of the aircraft shall be taken to be the weight of the aircraft at the estimated time of landing, allowing for the weight of the fuel and lubricant expected to be used on the flight to the airport at which it is intended to land or alternate airport, as the case may be;
- (c) where any take-off distance available, landing distance available or emergency distance available has been declared in respect of any airport by the authority responsible for regulating air navigation over the territory of the Contracting State in which the airport is situated, and in the case of an airport in Fiji, notified by the Authority, that distance shall be deemed to be the relevant distance, except that, in determining any relevant distances under this regulation, allowance shall be made for the runway length required to align the aircraft prior to the commencement of take-off.

[subreg (3) am LN 82 of 2009 reg 23, opn 6 Feb 2010]

(4) In assessing the ability of an aircraft to comply with conditions specified at paragraphs 5(d) and 5(e), account may be taken of any reduction in the weight of the aircraft which may be achieved after the failure of a power unit by such jettisoning of fuel as is feasible and prudent in the circumstances of the flight and in accordance with the flight manual and the certificate of airworthiness relating to the aircraft.

(5) For the purposes of paragraph (1), an aircraft registered in Fiji in respect of which there is in force a certificate of airworthiness in which the aircraft is designated as being of performance group A shall not fly for the purpose of public transport unless the weight of the aircraft at the commencement of the take-off run is such that the following conditions are satisfied—

Condition (a): The weight does not exceed the maximum take-off weight for altitude and temperature specified for the altitude and the air temperature at the airport at which the take-off is to be made.

Condition (b): The take-off run, take-off distance and the emergency distance respectively required for take-off, specified as being appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude at the airport;
- (iii) the air temperature at the airport;
- (iv) the condition of the surface of the runway from which the take-off will be made;
- (v) the slope of the surface of the airport in the direction of take-off over the take-off run available, the take-off distance available and the emergency distance available, respectively; and
- (vi) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off,

do not exceed the take-off run, the take-off distance and the emergency distance available, respectively, at the airport at which the take-off is to be made; in ascertaining the emergency distance required, the point at which the pilot is assumed to decide to discontinue the take off shall not be nearer to the start of the take-off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he or she is assumed to decide to continue the take-off, in the event of power unit failure.

Condition (c): The net take-off flight path with 1-power unit inoperative, specified as being appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude at the airport;
- (iii) the air temperature at the airport; and
- (iv) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off,

and plotted from a point 35 feet or 50 feet, as appropriate, above the end of the take-off distance required at the airport at which the take-off is to be made to a height of 1,500 feet above the airport, shows that the aircraft will clear any obstacle in its path by a vertical interval of at least 35 feet; and if it is intended that the aircraft shall change its direction of flight by more than 15 degrees the vertical interval shall not be less than 50 feet during the change of direction.

For the purpose of this condition, an obstacle shall be deemed to be in the path of the aircraft if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aircraft does not exceed—

- (i) a distance of 60 metres plus half the wing span of the aircraft plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aircraft;
or
- (ii) 1,500 metres,
whichever is less.

In assessing the ability of the aircraft to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

Condition (d): The aircraft will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power unit or units operating within the maximum continuous power conditions specified, be capable of continuing the flight, clearing by a vertical interval of at least 2,000 feet any obstacles within 10 nautical miles either side of the intended track, to an airport at which it can comply with condition (g), relating to an alternate airport, and on arrival over such airport the gradient of the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the airport; and in assessing the ability of the aircraft to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting, provided that where the operator of the aircraft is satisfied, taking into account the navigation aids which can be made use of by the aircraft on the route, that the pilot in command of the aircraft will be able to maintain his or her intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this paragraph shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

Condition (e): The aircraft will, in the meteorological conditions expected for the flight, in the event of any 2 power units becoming inoperative at any point along the route or on any planned diversion therefrom of more than 90 minutes' flying time in still air with all power units operating at the economical cruising speed, from the nearest airport at which it can comply with condition (g) relating to an alternate airport, be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions, clearing by a vertical interval of at least 2,000 feet any obstacles within 10 nautical miles either side of the intended track to such an airport, and on arrival over such airport, the gradient of the specified net flight path with 2 power units inoperative shall not be less than zero at 1,500 feet above the airport, and in assessing the ability of the aircraft to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting, provided that, where the operator of the aircraft is satisfied, taking into account the navigation aids which can be made use of by the aircraft on the route, that the pilot in command of the aircraft will be able to maintain his or her intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this paragraph shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

Condition (f): The landing weight of the aircraft will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the airport at which it is intended to land and at any alternate airport.

Condition (g): The landing distances required, respectively specified as being appropriate to airports of destination and alternate airports, do not exceed, at the airport at which it is intended to land or at any alternate airport, as the case may be, the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions; and
- (ii) the runway that may be required for landing because of the forecast wind conditions, provided that, if an alternate airport is designated in the flight plan, the specified landing distance required may be that appropriate to an alternate airport when assessing the ability of the aircraft to satisfy this condition at the airport of destination.

For the purposes of this condition, the landing distance required shall be that specified as being appropriate to—

- (i) the landing weight;
- (ii) the altitude at the airport;
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the airport;
- (iv) (a) a level surface in the case of runway usable in both directions;
(b) the average slope of the runway in the case of runways usable in only one direction; and
- (v) (a) still air conditions in the case of the most suitable runway for a landing in still air conditions;
(b) not more than 50% of the forecast wind component opposite to the direction of landing or not less than 150% of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

(6) For the purposes of paragraph (1), an aircraft registered in Fiji in respect of which there is in force a certificate of airworthiness in which the aircraft is designated as being of performance group C shall not fly for the purpose of public transport unless the weight of the aircraft at the commencement of the take-off is such that the following conditions are satisfied—

Condition (a): That the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the airport at which the take-off is to be made.

Condition (b): That the take-off run required and the take-off distance, required, specified as being appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude of the airport;
- (iii) the air temperature at the airport;
- (iv) the average slope of the surface of the airport in the direction of take-off over the emergency distance available; and
- (v) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off,

do not exceed the take-off run available and the emergency distance available, respectively, at the airport at which the take-off is to be made.

Condition (c): That, subject to condition (d), the net take-off flight path with all power units operating specified as being appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude of the airport;
- (iii) the air temperature at the airport;
- (iv) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the take-off distance required at the airport at which the take-off is to be made to a height of 1,500 feet above the airport shows that the aircraft will clear any obstacle in its path by a vertical interval of not less than 35 feet; and if it is intended that the aircraft shall change its direction of flight by more than 15 degrees before reaching 1,500 feet the vertical interval shall be not less than 50 feet while the aircraft is changing direction.

For the purpose of this condition, an obstacle shall be deemed to be in the path of the aircraft if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aircraft does not exceed 75 metres.

In assessing the ability of the aircraft to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

Condition (d): In the case of an aircraft which is intended to be flown for any period before reaching a height of 1,500 feet above the airport from which the take-off is to be made in conditions which will not ensure that any obstacles can be located by means of visual observations, the net take-off flight path with one power unit inoperative specified as being appropriate to the factors contained in subparagraphs (i) to (iv) of condition (c) and plotted from the point on the net take-off flight path with all power units operating specified as being appropriate to those factors at which in the meteorological conditions expected for the flight the loss of visual reference would occur, shows that the aircraft will clear by a vertical interval of not less than 35 feet any obstacle in its path and if it is intended that the aircraft shall change its direction of flight by more than 15 degrees the vertical interval shall not be less than 50 feet during the change of direction.

For the purpose of this condition, an obstacle shall be deemed to be in the path of the aircraft if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aircraft does not exceed—

- (i) 75 metres plus one-eighth of the distance from such point to the end of the emergency distance available measured along the intended line of flight of the aircraft; or
 - (ii) 1,500 metres,
- whichever is less.

In assessing the ability of the aircraft to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

Condition (e): the aircraft, at any time after it reaches a height of 1,500 feet above the airport from which the take-off is made, will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units operating within the specified maximum continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aircraft, to a point 1,500 feet above an airport at which a safe landing can be made and after arrival at that point, be capable of maintaining that height, provided that, in assessing the ability of the aircraft to satisfy this condition, it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling, with all power units operating, specified as being appropriate to its estimated weight at that point.

Condition (f): The landing weight of the aircraft will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the airport at which it is intended to land and at any alternate airport.

Condition (g): Subject to condition (h), the distance required by the aircraft to land from a height of 50 feet otherwise than in accordance with specified data for short field

landing does not, at the airport at which it is intended to land and at any alternate airport, exceed 70% of the landing distance available on the most suitable runway for a landing in still air conditions, and on the runway that may be required for landing because of the forecast wind conditions; and, for the purposes of this condition, the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to—

- (i) the landing weight;
- (ii) the altitude at the airport;
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the airport;
- (iv) (a) a level surface in the case of runways usable in both directions;
(b) the average slope of the runway in the case of runways usable in only one direction; and
- (v) (a) still air conditions in the case of the most suitable runway for landing in still air conditions;
(b) not more than 50% of the forecast wind component opposite to the direction of landing or not less than 150% of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Condition (h): As an alternative to condition (g), the distance required by the aircraft, with all power units operating and with one power unit inoperative, to land in accordance with specified data for short field landing, does not at the airport of intended destination and at any alternate airport exceed the landing distance available on the most suitable runway for a landing in still air conditions and on the runway that may be required for landing because of the forecast wind conditions; and, for the purpose of this condition, the distance required to land from the appropriate heights shall be taken to be that specified as being appropriate to the factors set forth in subparagraphs (i) to (v) of condition (g) and the appropriate height shall be—

- (a) for a landing with all power units operating, any height between 30 and 50 feet in Fiji, and 50 feet elsewhere; and
- (b) for a landing with one power unit inoperative, 50 feet in Fiji and elsewhere, provided that—
 - (i) if the specified distance required to land with one power unit inoperative from a height of 50 feet at the airport of intended destination exceeds the landing distance available, it shall be sufficient compliance with paragraph (b) if an alternate airport, which has available the specified landing distance required to land with one power unit inoperative from such a height, is designated in the flight plan;
 - (ii) the distance required by the aircraft to land shall be determined in accordance with condition (g) and not in accordance with this condition if it is intended to land at night, or when the cloud ceiling or ground visibility forecast for the estimated time of landing at the airport at which it is intended to land and at any alternate airport, in accordance with the specified data for short fielding landing with all power units operating, are less than 500 feet and 1,500 metres respectively.

(7) For the purpose of subregulation (1), an aircraft registered in Fiji in respect of which there is in force a certificate of airworthiness in which the aircraft is designated as being of performance group D shall not fly for the purpose of public transport at night or

when the cloud ceiling or visibility prevailing at the airport of departure and forecast for the estimated time of landing at the airport at which it is intended to land and at any alternate airport are less than 1,000 feet and 1,500 metres respectively and shall not fly for the purpose of public transport at any other time unless the weight of the aircraft at the commencement of the take-off run is such that the following conditions are satisfied—

Condition (a): That weight does not exceed the maximum take-off weight specified for the altitude and air temperature at the airport at which the take-off is to be made.

Condition (b): The take-off run required and the take-off distance required, specified as being appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude of the airport;
- (iii) the air temperature at the airport;
- (iv) the average slope of the surface of the airport in the direction of take-off over the emergency distance available; and
- (v) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off, do not exceed the take-off run available and the emergency distance available, respectively at the airport at which the take-off is to be made.

Condition (c): The net take-off flight path with all power units operating, specified as being appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude at the airport;
- (iii) the air temperature at the airport; and
- (iv) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the take-off distance required at the airport at which the take-off is to be made to the point at which the aircraft reaches a height of 1,000 feet above the airport shows that the aircraft will clear any obstacle in its path by a vertical interval of not less than 35 feet, except that, if it is intended that the aircraft shall change its direction of flight by more than 15 degrees before reaching 1,000 feet, the vertical interval shall be not less than 50 feet while the aircraft is changing direction.

For the purpose of this condition, an obstacle shall be deemed to be in the path of the aircraft if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aircraft does not exceed 75 metres.

In assessing the ability of the aircraft to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

Condition (d): The aircraft, at any time after it reaches a height of 1,000 feet above the airport from which take-off is to be made, will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units, if any, operating within the maximum specified continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitudes for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aircraft to a point 1,000 feet above a place at which a safe landing can be made, provided that, in assessing the ability of the aircraft to satisfy this condition, it shall not be

assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling with all power units operating specified as being appropriate to its estimated weight at that point.

Condition (e): The landing weight of the aircraft will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the airport at which it is intended to land and at any alternate airport.

Condition (f): The distance required by the aircraft to land from a height of 50 feet does not, at the airport at which it is intended to land and at any alternate airport, exceed 70% of the landing distance available on the most suitable runway for a landing in still air conditions, and on the runway that may be required for landing because of the forecast wind conditions; and, for the purposes of this condition, the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to—

- (i) the landing weight;
- (ii) the altitude at the airport;
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the airport;
- (iv) (a) a level surface in the case of runways usable in both directions;
(b) the average slope of the runway in the case of runways usable in only one direction; and
- (v) (a) still air conditions in the case of the most suitable runway for a landing in still air conditions;
(b) not more than 50% of the forecast wind component opposite to the direction of landing or not less than 150% of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

(8) For the purposes of subregulation (1), an aircraft registered in Fiji in respect of which there is in force a certificate of airworthiness in which the aircraft is designated as being of performance group E shall not fly for the purpose of public transport unless the weight of the aircraft at the commencement of the take-off run is such that the following conditions are satisfied—

Condition (a): That the weight does not exceed the maximum take-off weight for the altitude and the air temperature at the airport at which the take-off is to be made specified as being appropriate to—

- (i) the weight at which the aircraft is capable, in the en route configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and
- (ii) the weight at which the aircraft is capable, in the en route configuration and if it is necessary for it to be flown solely by reference to instruments for any period before reaching the minimum altitude for safe flight on the first stage of the route to be flown, stated in or calculated from the information contained in the operation manual relating to the aircraft and with one power unit inoperative, of a rate of climb of 150 feet per minute.

Condition (b): The distance required by the aircraft to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of 1.33 does not exceed the emergency distance available at the airport at which the take-off is to be made. The distance required by the aircraft to attain a height of 50 feet shall be that appropriate to—

- (i) the weight of the aircraft at the commencement of the take-off run;
- (ii) the altitude at the airport;
- (iii) the air temperature at the airport; and
- (iv) not more than 50% of the reported wind component opposite to the direction of take-off or not less than 150% of the reported wind component in the direction of take-off.

Condition (c): The aircraft will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units, if any, operating within the specified maximum continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual to a point 1,000 feet above a place at which a safe landing can be made, provided that, in assessing the ability of the aircraft to satisfy this condition, it shall not be assumed to be capable of flying at any point on its route or on any planned diversion therefrom at an altitude exceeding that at which it is capable of a rate of climb with all power units operating within the maximum continuous power conditions specified, of 150 feet per minute and if it is necessary for it to be flown solely by reference to instruments, be capable with one power unit inoperative, of a rate of climb of 100 feet per minute.

Condition (d): The landing weight of the aircraft for the altitude and the expected air temperature for the estimated time of landing at the airport at which it is intended to land and at any alternate airport will not exceed the maximum landing weight specified—

- (i) at which the aircraft is capable, in the en route configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and
- (ii) at which the aircraft is capable, in the en route configuration and, if it is necessary for it to be flown solely by reference to instruments, for any period after leaving the minimum altitude for safe flight on the last stage of the route to be flown, stated in, or calculated from the information contained in the operations manual relating to the aircraft and with one power unit inoperative, of a rate of climb of 150 feet per minute.

Condition (e): The landing distance required does not, at the airport at which it is intended to land and at any alternate airport, exceed 70% of the landing distance available on the most suitable runway for a landing in still air conditions and, for the purposes of this subregulation, the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to—

- (i) the landing weight;
- (ii) the altitude at the airport; and
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the airport.

Condition (f): An aircraft designated as an aircraft of performance group E shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the airport of departure and forecast for the estimated time of landing at the airport at which it is intended to land and at any alternate airport are less than 1,000 feet and 1,500 metres respectively, provided that the

foregoing prohibition shall not apply if the aircraft is capable, in the en route configuration and with one power unit inoperative, of a rate of climb of 150 feet per minute.

(9) Any aircraft registered in Fiji which does not have a performance group specified under these Regulations in its Certificate of Airworthiness shall be operated in accordance with conditions specified or approved by the Authority.

[The next page is 99,479]

[CIA 13,100] Operations manual

43 (1) This regulation applies to all public transport and flights conducted under an Air Operator Certificate issued under these Regulations, except aircraft used for the time being solely for flights which are training testing or checking persons to perform duties in an aircraft.

[subreg (1) am LN 82 of 2009 reg 24, opn 6 Feb 2010]

(2) An operator may add to the content of an operations manual matters not stipulated in subregulation (4).

(3) The operator of an aircraft to which this regulation applies shall—

- (a) make available to each member of his or her operating staff an operations manual or the portion(s) thereof relevant to his or her functions and responsibilities; and
- (b) keep and update the Operations Manual and parts thereof.

[subreg (3) am LN 82 of 2009 reg 24, opn 6 Feb 2010]

(3A) The Operations Manual or any part thereof may, subject to the approval of the Authority, be provided in an electronic or other format. The information or data in such electronic or other format of documents shall be capable of being readily accessible to any staff member who may need it. Authority approval will require the operator to demonstrate that they have provided the facility and training for staff members to be able to access the data or information needed for their function and responsibility.

[subreg (3A) insrt LN 82 of 2009 reg 24, opn 6 Feb 2010]

(4) Each operations manual shall contain all information and instructions necessary to enable the operating staff to perform their duties as such, including but not limited to information and instructions relating to the following—

- (a) operations, administration and supervision—
 - (i) titles, names and responsibilities of operations personnel pertaining to the conduct of light operations and supporting operations;
 - (ii) checklists of emergencies and safety equipment in accordance with regulations 23 and instructions for its use;
- (b) a safety management system—
 - (i) company safety policy;
 - (ii) responsibility of personnel;
 - (iii) a flight data analysis programme which is non-punitive and contains adequate safeguards to protect the sources of the data that is established and maintained by or on behalf of operators who operate aeroplanes of a maximum certificated take-off mass in excess of 27,000 kg;
- (c) personnel training—
 - (i) flight crew training programmes and requirements;
 - (ii) cabin crew duties and training programmes;
- (d) fatigue and flight time limitations as required by regulations 49;
- (e) flight operations—
 - (i) the minimum flight crew required for each type of operation including the designation of the succession of command;
 - (ii) the in-flight and emergency duties assigned to each crew member;
 - (iii) specific instructions for the computation of the quantities of fuel and oil to be carried, having regard to all circumstances of the operation including the possibility of the failure of one or more of power plants while en route in accordance with regulations 39;
 - (iv) the conditions under which oxygen shall be used and the amount of oxygen to be carried in accordance with the regulation 23(6) Scale K;

- (v) instructions for mass and balance control in accordance with regulations 41;
- (vi) instructions for the conduct and control of ground de-icing or anti-icing operations;
- (vii) the specifications for the operational flight plan;
- (viii) the normal, abnormal and emergency procedures to be used by the flight crew, the checklists relating to those procedures and aircraft systems information taking into account human factor principles;
- (ix) standard operating procedures for each phase of flight;
- (x) instructions on the use of normal checklists and the timing of their use;
- (xi) emergency evacuation procedures;
- (xii) departure contingency procedures;
- (xiii) instructions on the maintenance of altitude awareness and the use of automated flight crew callout;
- (xiv) instructions on the use of auto-pilots and auto throttles in IMC;
- (xv) instructions on the clarifications and acceptance of ATC clearances, particularly where terrain clearance is involved;
- (xvi) departure and approach briefings;
- (xvii) route and destination familiarisation;
- (xviii) stabilised approach procedures;
- (xix) limitations on high rates of descent near the earth's surface;
- (xx) conditions required to commence or continue an instrument approach in accordance with regulation 37;
- (xxi) instructions for the conduct of precision and non-precision approaches;
- (xxii) allocation of flight crew duties and procedures for the management of crew workload during night and IMC instrumental approach and landing operations;
- (xxiii) instructions and training requirements for the avoidance of controlled flight into terrain and policy for the use of GPWS;
- (xxiv) for operators of Fiji registered aircraft operating internationally information and instructions relating to the interception of civil aircrafts for pilots-in-command of intercepted aircrafts, the procedures to be followed by such aircraft and visual signals for use by intercepting and intercepted aircraft;
- (xxv) for aircraft intended to be operated above FL490, action to be taken in the event of exposure to solar cosmic radiation;
- (f) aircraft performance, operating instructions and climb performance with all engines operating to enable the pilot-in-command to determine the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique, in accordance with regulations 42;
- (g) route guides and charts, a route guide to ensure that the flight crew will have, for each flight, information relating to communication facilities, navigation aids, aerodromes and such other information as the operator deems necessary for the proper conduct of flight operations;
- (h) minimum flight altitudes—
 - (i) the method of determining minimum flight altitudes, in accordance with regulations 118 for IFR operations and regulation 114 for VFR operations;
 - (ii) the minimum flight altitudes for each IFR route to be flown;
- (i) aerodrome operating minima, in accordance with regulation 37—

- (i) the methods for determining aerodrome operating minima;
- (ii) aerodrome operating minima for each of the aerodromes likely to be used for landings or as alternates for both ETOPS and non ETOPS flights, as applicable;
- (iii) the increase of aerodrome minima in case of degradation of approach or aerodrome facilities;
- (j) search and rescue—
 - (i) the ground-air visual signal code for use by survivors;
 - (ii) procedures for pilots-in-command observing an accident in accordance with ICAO Annex 12;
- (k) dangerous goods, in accordance with regulations 29—
 - (i) information and instructions on the carriage of dangerous goods;
 - (ii) action to be taken in the event of an emergency;
- (l) navigation—
 - (i) a list of navigation equipment to be carried in accordance with regulation 22 and any requirements relating to Required Navigation Performance;
 - (ii) long-range navigation procedures to be used;
- (m) communications — the circumstances in which a radio listening watch is to be maintained;
- (n) security—
 - (i) security instruction and guidance;
 - (ii) on board each aircraft a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage;
 - (iii) the checklist in (ii) must contain information on the least-risk bomb location specific to each aircraft type;
- (o) human factors — the operators’ training programme and syllabus for the development of knowledge and skills related to human performance;
- (p) approved scheme — any particulars required to be entered under a scheme approved under these Regulations;
- (q) mercy flights — Operator policy on mercy flights;
- (r) Minimum Equipment List for each aircraft; and
- (s) Procedures for the operation of airborne collision avoidance systems (ACAS), as applicable; and
- (t) operational procedures for refuelling when passengers are embarking, on board or disembarking.

[subreg (4) am LN 82 of 2009 reg 24, opn 6 Feb 2010]

(5) The operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(6) An aircraft to which this regulation applies shall not fly unless, not less than 30 days prior to such flight, the operator has furnished to the Authority a copy of the whole of the operations manual in respect of that aircraft.

(7) Any amendment or addition to the operations manual must be furnished to the Authority before they come into effect—

(8) Without prejudice to subregulations (6) and (7), the operator must make such amendments or additions to the operations manual as the Authority may require for the purposes of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(9) Notwithstanding subregulation (8), the operator shall submit to the Authority for the Authority's approval the contents of the operations manual set out in paragraphs (4) (c), (d), (i), (l) and (r).

(10) In this regulation, "operating staff" means the servants and agents employed by the operator, whether or not as a crew member, to ensure flights are conducted in a safe manner, and includes an operator who himself or herself performs those functions.

[reg 43 subst LN 72 of 2003 reg 16, opn 1 July 2004]

[CIA 13,105] Training manual or the training section of the Operations Manual

44 (1) An aircraft operated by an operator domiciled in Fiji and engaged for the purpose of public transport shall not be flown unless the operator thereof has furnished to the Authority, not less than 30 days prior to such flight, a copy of his or her training manual relating to the crew of that aircraft.

[subreg (1) am LN 82 of 2009 reg 25, opn 6 Feb 2010]

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or supervise the training, experience, practice and periodical tests required under regulation 36 to perform his or her duties as such including in particular information and instructions relating to the matters specified in subregulation (6).

(3) The operator of the aircraft to which the provisions of subregulation (1) apply shall—

- (a) make a copy of the training manual available to every person appointed by the operator for the purposes referred to in subregulation (2); and
- (b) ensure that each copy of the training manual is kept up-to-date.

(4) Notwithstanding other provisions of these Regulations, an aircraft shall not be flown for the purposes of public transport until the operator's training manual (including any amendment) has been approved by the Authority.

[subreg (4) subst LN 82 of 2009 reg 25, opn 6 Feb 2010]

(5) The operator of an aircraft to which the provisions of subregulation (1) apply shall make such amendments or additions to the training manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(6) The following information and instructions in relation to the training, experience, practice and periodical tests required under subregulation (2) shall be included in the training manual—

- (a) the manner in which the training, practice and periodical tests required under regulation 36(2) and specified in regulation 45 are to be carried out;
- (b)
 - (i) the minimum qualifications and experience which the operator requires of persons appointed by him or her to give or to supervise the said training practice and periodical tests;
 - (ii) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and
 - (iii) the type of aircraft in respect of which each such person is appointed to give or to supervise the said training, practice and periodical tests;
- (c) the minimum qualifications and experience required of each member of the crew undergoing the said training, practice and periodical tests;
- (d) the syllabus for, and specimen forms for recording' the said training, practice and periodical tests;

- (e) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;
 - (f) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport;
 - (g) the use to be made in the said training and testing of apparatus approved for the purpose by the Authority.
- (7) The operator shall set out in the training manual—
- (a) details of the ground training facilities and equipment available to meet the operator's training requirements;
 - (b) the content of initial and refresher Crew Resource Management (CRM) and Dangerous Goods (DG) and emergency procedures training for both flight crew and cabin crew (when carried) and for the integration of such training;
 - (c) criteria for nomination as a Pilot-in-Command and details of the operator's Command Training courses;
 - (d) the qualifications and training for in-flight relief of flight crew;
 - (e) the qualifications and training for a pilot to operate in a position other than his or her normal crew position;
 - (f) details of the training for operation in specific classes of airspace such as, but not limited to, Reduced Vertical Separation Minima (RVSM), Minimum Navigation Performance Specification (MNPS), Required Navigation Performance (RNP); and
 - (g) details of the training for operation and use of specific types of safety equipment fitted to or installed in the aircraft such as, but not limited to, Traffic Alert and Collision Avoidance Systems (TCAS) or Airborne Collision Avoidance Systems (ACAS), Ground Proximity Warning Systems (GPWS), Global Positioning System (GPS) including any associated augmentation systems or Automatic Dependent Surveillance - Broadcast (ADS-B), both '-Out' and '-In' as appropriate.

[subreg (7) instr LN 82 of 2009 reg 25, opn 6 Feb 2010]

[CIA 13,110] Crew training and tests

45 (1) The training, experience, practice and periodical tests required under regulation 36(2) in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows—

- (a) Every member of the crew shall—
 - (i) have been tested, within the relevant period, by or on behalf of the operator as to his or her knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight; and
 - (ii) have practised, within the relevant period, under the supervision of the operator or of a person appointed by him or her for the purpose, the carrying out of the duties required of him or her in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in apparatus approved by the Authority for the purpose and controlled by persons so approved.
- (b) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall, within the relevant period, have been tested by or on behalf of the operator—
 - (i) as to his or her competence to perform his or her duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be

used on the flight, including the use of the instruments and equipment provided in the aircraft IFR (Line Check); and

- (ii) as to his or her competence to perform his or her duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft IFR (Base Check).

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight. The other tests required by this paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority. The tests specified in subparagraph (1)(b)(i) when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the Authority.

- (c) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his or her licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall, within the relevant period, have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight—
 - (i) as to his or her competence to act as pilot thereof while executing normal manoeuvres and procedures VFR (Line Check); and
 - (ii) as to his or her competence to act as pilot thereof while executing emergency manoeuvres and procedures VFR (Base Check).
- (d) Every pilot included in the flight crew who is seated at the flying controls during take-off or landing shall, within the relevant period—
 - (i) have been satisfactorily tested with an Annual Instrument Rating renewal; and
 - (ii) have carried out when seated at the flying controls not less than 3 take-offs and 3 landings in aircraft of the type to be used on the flight.
- (e) Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator—
 - (i) as to his or her competence to perform his or her duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight (Line Check);
 - (ii) as to his or her competence to perform his or her duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight (Base Check).

The other tests required by this paragraph may be conducted either in the aircraft in flight, or under supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority.

- (f) [Repealed]

[subreg (1) am LN 82 of 2009 reg 26, opn 6 Feb 2010]

(2) In this regulation, “relevant period” means a period which immediately precedes the commencement of the flight, being a period—

- (a) in the case of subparagraph (1)(d)(ii), of 3 months;
- (b) in the case of subparagraphs (1)(b)(ii), (1)(c)(ii) and (1)(e)(ii), of 6 months; and
- (c) in the case of subparagraphs (1)(a)(i) and (ii), (1)(b)(i), (1)(c)(i), (1)(d)(i) and (1)(e)(i), of 13 months, provided that any pilot of an aircraft to whom the

provisions subparagraphs (1)(b)(ii) or (1)(c)(ii), and any flight engineer of the aircraft to whom the provisions or subparagraph (1)(e)(ii) apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he or she has qualified to perform his or her duties in accordance therewith on 2 occasions within the period of 13 months immediately preceding the flight, such occasions being separated by an interval of not less than 4 months.

[subreg (2) am LN 82 of 2009 reg 26, opn 6 Feb 2010]

[CIA 13,115] Pilots in command

46 (1) Without prejudice to the provisions of regulation 45, the training, experience and practice of the pilot designated as pilot-in-command of the aircraft for the flight shall include the requirement that, within the relevant period, he or she has demonstrated to the satisfaction of the operator that he or she has adequate knowledge of the route to be taken, the airports of take-off and landing, and any alternate airports, including, in particular, knowledge of—

- (a) the terrain;
- (b) the seasonal meteorological conditions;
- (c) the meteorological communications;
- (d) air traffic facilities, services and procedures;
- (e) the search and rescue procedures; and
- (f) the navigational facilities relevant to the route.

(2) In determining whether a pilot's knowledge of the matters referred to in subregulation (1) is sufficient to render him or her competent to perform the duties of pilot-in-command on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following—

- (a) the experience of other members of the intended flight crew;
- (b) the influence of terrain and obstructions on departure and approach procedures at the airports of take-off and intended landing and at alternate airports;
- (c) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;
- (d) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;
- (e) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;
- (f) the adequacy of the information available regarding the airport of intended landing and any alternate airport;
- (g) the nature of air traffic control procedures and familiarity of the pilot with such procedures;
- (h) the influence of terrain on route conditions and the extent of the assistance obtainable en route from navigational aids and air-to-ground communication facilities;
- (i) the extent to which it is possible for the pilot to become familiar with unusual airport procedures and features of the route by means of ground instruction and training devices.

(3) In this regulation, "relevant period" means the period of 13 months immediately preceding the commencement of the flight, provided that the requirements of subregulation (2) shall be deemed to have been complied with within the relevant period by a pilot designated as pilot-in-command of the aircraft for the flight if, having become qualified so to act on flights between the same places over the same route more than 13

months before commencement of the flight, he or she has within the period of 13 months immediately preceding the flight, flown as pilot of an aircraft between those places over that route.

[CIA 13,120] Records relating to training etc

47 (1) The records to be maintained by an operator under regulation 36(2) shall be accurate and up-to-date records so kept as to show, on any date, in relation to each person who has, during the period of 2 years immediately preceding that date flown, as a member of the crew of any public transport aircraft operated by that operator—

- (a) the date and particulars of each test required by these Regulations undergone by that person during the said period including the name and qualifications of the examiner;
- (b) the date upon which that person last practised the carrying out of duties referred to in regulation 45(1)(a)(ii);
- (c) the operator's conclusions based on each such test and practice as to that person's competence to perform his or her duties;
- (d) the date and particulars of any decision taken by the operator during the said period in pursuance of regulation 46(1) including particulars of the evidence upon which that decision was based.

(2) The operator, shall whenever called upon to do so by the Authority or any authorised person, produce for inspection all records referred to in subregulation (1) and furnish to the Authority or the authorised person all such information as it or he or she may require in connection with any such records and produce for inspection all log books, certificates, papers and other documents, whatsoever which it or he or she may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall, at the request of any person in respect of whom he or she is required to keep records as aforesaid, furnish to that person, or to any operator of public transport aircraft by whom that person may subsequently be employed, particulars of any qualifications in accordance with these Regulations obtained by such person whilst in his or her service.

PART 4 — FLIGHT TIME LIMITATIONS

[CIA 13,125] Application

48 This Part applies in relation to any aircraft operated by an operator domiciled in Fiji which is either engaged in a flight for the purposes of public transport or aerial work.
[reg 48 am LN 82 of 2009 reg 27, opn 6 Feb 2010]

[CIA 13,130] Responsibility to prevent fatigue of flight crew

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

- (a) he or she has established a scheme for the regulation of flight times, duty periods and rest periods for every person flying in that aircraft as a member of its crew; and
- (b) the scheme is approved by the Authority subject to such conditions and amendments it thinks fit; and
- (c) either the scheme is incorporated in the operator's operations manual or, when an operations manual is not required, in a document, a copy of which has been made available to every person flying in that aircraft as a member of the crew; and
- (d) he or she has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

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

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

(4) The operator shall comply with flight time limitation standards notified by the Authority.

[subreg (4) insrt LN 72 of 2003 reg 17, opn 1 July 2004; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

[CIA 13,135] Flight time limitations

50 (1) A person shall not act as a member of the flight crew of an aircraft registered in Fiji if, at the beginning of the flight, the aggregate of all his or her previous flight times—

- (a) during the period of 168 consecutive hours immediately preceding the time at which the flight begins exceeds 40 hours;
- (b) during the 28 consecutive days immediately preceding the day on which the flight begins exceeds 100 hours;
- (c) during the period of 364 consecutive days immediately preceding the day on which the flight begins exceeds 1,000 hours,

or if, within the 10 consecutive days preceding the day on which the flight begins, that person has not had a continuous period of rest of at least 36 hours, which includes at least 2 periods between the hours of 2300 and 0400 local standard time.

(2) An operator shall not cause or take any steps calculated to cause a person to act as a member of the flight crew of an aircraft in contravention of subregulation (1).

[CIA 13,140] Records of duty periods and flight times

51 (1) The operator of an aircraft to which this Part applies shall maintain an accurate and up-to-date record in respect of every person employed by him or her as a member of the flight crew of the aircraft for any flight in respect of the 28 days immediately preceding such flight showing—

- (a) all his or her flight times;
- (b) all his or her duty periods.

(2) The record referred to in subregulation (1) shall be preserved for a period of 12 months from the date of any flight referred to therein.

[CIA 13,145] Reports

52 If, in respect of any flight of an aircraft, the flight times or duty periods of any member of the flight crew of that aircraft exceed the duty period or the flight times established in respect of that person for that flight by the operator in accordance with the requirements of regulation 49(1)(a), that person shall report the circumstances in writing to the operator, and the operator shall forward the report with his or her comments to the Authority within 7 days of the termination of this flight.

[The next page is 99,889]

PART 5 — PERSONNEL LICENSING

[CIA 13,150] Licences and ratings

53 (1) A person shall not perform any duty or exercise any function for which a licence, or rating is required under this Part unless he or she is the holder of an appropriate licence, or rating authorising him or her to perform that duty or exercise that function.

(2) The Authority may, in accordance with the provisions of this Part, grant or renew the licences and ratings specified hereunder subject to such conditions as it thinks fit, and upon being satisfied that an applicant therefore is a fit and proper person to hold the licence or rating applied for and is qualified by reason of his or her knowledge, experience, competence, skill and is physically and mentally fit to act in the capacity to which the licence or the rating relates—

- (a) Private Pilot's Licence (balloons, aeroplanes and helicopters)
- (b) Commercial Pilot's Licence (aeroplanes and helicopters)
- (c) Senior Commercial Pilot's Licence (aeroplanes) and Multi-Crew Pilot Licence
- (d) Airline Transport Pilot's Licence (aeroplanes and helicopters)
- (e) Commercial Pilot's Licence (Gliders)
- (f) Such other Instructor Ratings as may be prescribed in Standards issued by the Authority
- (g) [Repealed]
- (h) Flight Radiotelephony Operator's (General) Licence
- (i) Flight Radiotelephony Operator's (Restricted) Licence
- (j) Aircraft Maintenance Engineer's Licence
- (ja) Aeronautical facility technicians
- (k) Aircraft Type Rating
- (l) Instrument Rating
- (m) Night Rating
- (n) Flight Instructor's Rating
- (o) Assistant Flight Instructor's Rating
- (p) Air Traffic Controller's Licence
- (q) Flight Information Service Officer's Licence
- (r) Aeronautical Station Operator's Licence
- (s) Aerodrome Control Rating
- (t) Approach Control Procedural Rating
- (u) [Repealed]
- (v) Approach Control Surveillance Rating
- (w) Approach Precision Radar Control Rating
- (x) Area Control Procedural Rating
- (y) [Repealed]
- (z) Area Control Surveillance Rating
- (aa) Aeronautical Facility Technician's Licence
- (bb) Commercial Pilot's Licence (Balloons)
- (cc) VHF RTF Rating (Airport Airside Operations)
- (dd) VHF/HF RTF Rating (Fiji Domestic Airspace)
- (ee) HF RTF and Air-ground Operations Rating (Nadi Flight Information Region)
- (ff) Aerodrome Flight Information Service Rating (Fiji Domestic Aerodrome)
- (gg) Domestic Flight Information Service (Fiji Domestic Airspace)

(hh) Nadi Flight Information Service Rating (Nadi Flight Information Region)

[subreg (2) am Act 16 of 1999 s 48, opn 19 Mar 1999; LN 72 of 2003 reg 2, opn 1 July 2004; LN 82 of 2009 reg 28, opn 6 Feb 2010]

(3) All personnel licensed under this regulation shall comply with licensing standards notified by the Authority.

[subreg (3) insrt LN 72 of 2003 reg 18, opn 1 July 2003; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

[CIA 13,155] General privileges and conditions for issue or renewal of licences

54 (1) For the purposes of regulation 53, the applicant for a licence or rating shall furnish such evidence of having acquired such experience, and shall pass such tests and examinations, as may be required by the Authority.

(2) Subject to the provisions of these Regulations and to any conditions of the licence, a licence of any class specified in regulation 61 shall entitle the holder to perform the functions specified in that regulation in respect of that licence under the heading “privileges”; and a rating of any class specified in regulation 64 shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in that regulation.

(3) Subject to the provisions of subregulation (10) and of regulations 30(9) and 66, the holder of a licence shall not be entitled to perform any of the functions specified in regulation 64 in respect of a rating unless his or her licence includes that rating.

(4) The holder of a licence shall not be entitled to perform any of the functions to which his or her licence or rating relates if he or she knows or has reason to believe that his or her physical or mental condition renders him or her temporarily or permanently unfit to perform such function.

(5) The holder of a licence which includes an instrument rating, assistant flight instructor rating, flight instructor rating or other type of instructor rating authorised under subregulation 53(2)(f) shall not be entitled to perform the functions relating to the ratings included in the licence unless the licence bears a certificate signed by a person authorised by the Authority to sign such certificates, indicating that the holder has, within the period of 13 months, in the case of instrument rating and an assistant flight instructor rating, 25 months in the case of a flight instructor rating and such period as is prescribed in the relevant Standard for any other instructor rating, preceding the day on which he or she performs those functions, passed a test of his or her ability to perform the functions to which the rating relates, being a test required by the Authority.

[subreg (5) subst LN 82 of 2009 reg 29, opn 6 Feb 2010]

(6) Every holder of a licence, other than a flight radiotelephony operator’s licence, granted or rendered valid under these Regulations who—

- (a) suffers any personal injury involving incapacity to undertake the functions to which his or her licence relates; or
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or
- (c) becomes pregnant;

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

[subreg (6) am LN 72 of 2003 reg 19, opn 1 July 2004; LN 82 of 2009 reg 29, opn 6 Feb 2010]

(7) A licence holder to whom subregulation (6) applies shall cease to exercise the privileges of his or her licence until such time the licence holder has been medically examined by a designated medical examiner and declared fit to resume his or her functions and duties under the licence.

[subreg (7) subst LN 82 of 2009 reg 29, opn 6 Feb 2010]

(8) A licence or permit holder who becomes pregnant may continue, if the pregnancy is determined to be low-risk by an approved medical authority, to exercise the privileges of their licence for the periods as advised in Annex 1 Chapter 6 relevant to the particular medical standard for their licence or permit.

[subreg (8) subst LN 82 of 2009 reg 29, opn 6 Feb 2010]

(8A) [subreg (8A) rep LN 82 of 2009 reg 29, opn 6 Feb 2010]

(9) Nothing in these Regulations shall prohibit the holder of a pilot's licence from acting as a pilot of an aircraft having a maximum total weight authorised of not more than 5,700 kg, when he or she is testing, with the permission of the Authority, any person for the purposes of this regulation, notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft type rating included in his or her licence.

[subreg (9) am LN 72 of 2003 reg 2, opn 1 July 2004]

(10) Nothing in these Regulations shall be taken to prohibit the holder of a commercial pilot's licence, senior commercial pilot's licence or airline transport pilot's licence from acting as pilot in command of an aircraft carrying passengers by night, by reason of the lack of a night rating in his or her licence.

[CIA 13,160] Minimum age

55 (1) No person under 16 years of age shall have sole control of a glider in flight and no person under 17 years of age shall have sole control of an aircraft, other than a glider in flight.

(2) The minimum age of a person who is otherwise qualified and to whom a licence of any class may be granted under the provisions of this Part shall be the minimum age specified in regulation 61 for a licence of that class.

[CIA 13,165] Medical standards

56 (1) No licence or rating referred to in regulation 53 being a licence or rating which is granted or renewed subject to physical and mental fitness shall be issued or renewed unless the applicant undergoes medical examination with an approved medical authority and satisfies the medical standards notified by the Authority, provided that, if, in the opinion of the approved medical authority, the failure of the applicant to meet a prescribed medical standard is not such as to introduce any hazard either of sudden incapacity or of inability to perform his or her duties safely during the validity of his or her licence or rating and is capable of being compensated and the Authority has satisfactory evidence that the applicant has already acquired and demonstrated his or her ability, skill and experience which compensate for failure, the licence or rating may be renewed or endorsed with any special limitations when safe performance of flight duties is dependent on compliance with such limitations.

(2) The Authority may require the holder of a licence or rating issued or rendered valid under these Regulations to undergo a medical examination by the approved medical authority at any time if, in its opinion, such examination is necessary in the interest of safety of aircraft operations.

(3) In this regulation, "approved medical authority" means any person or persons (being in the opinion of the Authority, suitably qualified) approved by the Authority for the purposes of this regulation.

(4) All personnel licensed under regulation 53 shall comply with medical standards notified by the Authority.

[subreg (4) insrt LN 72 of 2003 reg 20, opn 1 July 2004; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

[CIA 13,170] Checks, tests and examinations

57 (1) For the purposes of issue or renewal of licences and ratings under this Part, the Authority may—

- (a) conduct examinations and lay down the procedure for conducting such examinations;
- (b) appoint examiners for carrying out practical tests, technical examinations and oral examinations when necessary;
- (c) determine the manner in which such tests and examinations shall be carried out and appoint the persons including those persons holding licences of any of the classes specified in regulation 61, for the purpose of carrying out such tests and examinations.

[subreg (1) subst LN 82 of 2009 reg 30, opn 6 Feb 2010]

(2) The Authority may require such examiners to submit their reports to it in respect of—

- (a) any practical tests, including flying tests on an aircraft for which a type rating is sought to be included in a licence; or
- (b) which is included in a licence the renewal of which is required; or
- (c) for testing proficiency at any time in respect of any aircraft specified in the aircraft type rating included in the licence; or
- (d) any other form of practical test, technical examination or oral examination.

[subreg (2) subst LN 82 of 2009 reg 30, opn 6 Feb 2010]

(3) The syllabi for the technical examinations for the issue or renewal of licences specified in regulation 53(2) shall be as notified by the Authority from time to time.

[subreg (3) am LN 82 of 2009 reg 30, opn 6 Feb 2010]

(4) All licensed personnel shall comply with check, tests and examination standards notified by the Authority.

[subreg (4) insrt LN 72 of 2003 reg 21, opn 1 July 2004; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

[CIA 13,175] Validity of licences

58 A licence granted or renewed under regulation 53 shall, subject to regulation 151, remain in force for such period as may be indicated in the licence upon its grant or renewal, as the case may be, not exceeding the period specified in regulation 61 for a licence of that class.

[CIA 13,180] Validation of foreign licence

59 Where a licence to act as a member of the flight crew of aircraft has been granted under the law of a country other than Fiji and is for the time being in force, the Authority may, subject to such conditions and limitations and for such period as it thinks fit, issue a certificate of validation rendering such licence valid for the purpose of flying aircraft registered in Fiji as if it had been granted under these Regulations.

[CIA 13,185] Signature of licence holder

60 On the issue of a licence to an applicant, he or she shall forthwith sign his or her name on the licence in ink with his or her ordinary signature.

[The next page is 99,993]

[CIA 13,190] Classes of licences, validity and privileges

61 (1) The classes of licences which may be issued pursuant to regulation 53 are as follows—

Private Pilot's Licence (Balloons)

Minimum age — 17 years

Maximum period of validity — 24 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the endorsements and ratings included in the licence, the holder of the licence shall be entitled to act as pilot-in-command of any type of balloon which is entered in the aircraft type rating included in the licence and may carry passengers, provided that—

- (a) he or she shall not fly such a balloon for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests, in either case, in a balloon owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
- (b) he or she shall not receive any remuneration for his or her services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso.

Private Pilot's Licence (Aeroplanes)

Minimum age — 17 years

Maximum period of validity — 24 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of endorsements and ratings included in the licence, the holder of the licence shall be entitled to act as pilot-in-command or co-pilot of any aeroplane which is specified in the aircraft type rating included in the licence and may carry passengers except when the aeroplane is flying for the purpose of public transport or aerial work or when he or she receives any remuneration in respect of the flight, not being remuneration for the giving of instruction in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instructions are members, provided that the licence shall not entitle the holder to act as pilot-in-command or co-pilot at night on a flight on which passengers are carried unless the licence includes a valid night rating (aeroplanes) or an instrument rating (aeroplanes) and he or she has within the preceding 6 months carried out as pilot-in-command not less than 5 take-offs and 5 landings by night.

Private Pilot's Licence (Helicopter)

Minimum age — 17 years

Maximum period of validity — 24 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of endorsements and ratings included in the licence, the holder of the licence shall be entitled to act as pilot-in-command or co-pilot of a helicopter of any type specified in the aircraft type rating included in the licence, except when—

- (a) the helicopter is flying for the purpose of public transport or aerial work; or
- (b) the holder of the licence receives any remuneration in respect of the flight, other than remuneration for the giving of instruction in a helicopter owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are members, provided that the licence shall not entitle the holder to act as pilot-in-command at night on a flight on which any passenger is carried unless the licence includes a night rating and the holder has within the immediate preceding 90 days carried out as pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 feet and a landing, by night.

Commercial Pilot's Licence (Aeroplanes)

Minimum age — 21 years.

Maximum period of validity — 6 months from the date of issue or, in the case of renewal, from the date of expiry.

- (a) Privileges — Subject to the validity of endorsements and ratings included in the licence, the holder of the licence shall be entitled to—
 - (a) exercise all the privileges of the holder of a private pilot licence, aeroplane;
 - (b) act as pilot-in-command in any aeroplane engaged in operations other than commercial air transportation;
 - (c) act as pilot-in-command in commercial air transportation in any aeroplane certified for single-pilot operation or in such aeroplane of which the maximum total weight authorised does not exceed 5700 kg;
 - (d) if the privileges of the licence are to be exercised at night—
 - (i) the holder of the licence shall have received dual instruction in aeroplanes in night flying, including take-off landings and navigation; and
 - (ii) the licence includes an instrument rating; or
 - (iii) the licence holder has, within the immediate 90 preceding days carried out as pilot-in-command not less than 5 take-offs and 5 landings by night.

When an aircraft type rating is issued limiting the privileges to act as co-pilot or inflight crew relief, such limitation shall be endorsed on the rating.

Multi-Crew Pilot Licence

Minimum age — 18 years

Maximum period of validity — 6 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements and ratings on the licence and subject to the requirements of Annex 1 paragraphs 1.2.5, 1.2.6, 1.2.7.1, 1.2.9 and 2.1, the holder shall be entitled—

- (i) to exercise all the privileges of the holder of a private pilot licence in the aeroplane category provided the requirements of Annex 1 paragraph 2.3.3 have been met;

- (ii) to exercise the privileges of an instrument rating in a multi-crew operation; and
- (iii) to act as a co-pilot of an aeroplane required to be operated with a co-pilot.

Note — Fiji will not be carrying out the original issue of any Multi-Crew Pilot Licences, it will only be validating or issuing a licence as a conversion of a licence issued by a State acceptable to the Authority.

Commercial Pilot's Licence (Helicopters)

Minimum age — 18 years.

Maximum period of validity — 6 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements and ratings included in the licence, the holder of the licence shall be entitled—

- (a) to exercise all the privileges of a Private Pilot's Licence (Helicopters);
- (b) to act as pilot-in-command of any helicopter of a type which is specified in the aircraft type rating included in the licence when the helicopter is engaged in a flight for any purpose whatsoever, provided that the holder of the licence—
 - (i) shall not fly such a helicopter at night on a flight on which any passenger is carried unless he or she has within the immediate preceding 90 days carried out as a pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 ft and a landing, by night;
 - (ii) shall not fly a helicopter on a flight for the purpose of public transport if its maximum total weight authorised exceeds 5,700 kg;
- (c) to act as co-pilot of any helicopter of a type which is specified in the aircraft type rating included in the licence when the helicopter is engaged in a flight for any purpose whatsoever.

When an aircraft type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum age — 21 years.

Maximum period of validity — 6 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements and ratings included in the licence, the holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) and a Commercial Pilot's Licence (Aeroplanes) except that proviso (iv) of paragraph (b) of the privileges of the Commercial Pilot's Licence (Aeroplanes) shall not apply.

When an aircraft type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.

Airline Transport Pilot's Licence (Helicopters)

Minimum age — 21 years.

Maximum period of validity — 6 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements and ratings included in the licence, the holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters), except that proviso (ii) to paragraph (b) shall not apply.

When an aircraft type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.

Commercial Pilot's Licence (Gliders)

Minimum age — 18 years.

Maximum period of validity — 6 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to validity of the endorsements and ratings included in the licence, the holder of the licence shall be entitled to act as pilot-in-command of any glider of the type specified in the aircraft type rating included in the licence and to carry passengers therein under Visual Flight Rules, provided that—

- (i) he or she shall not be entitled to act as pilot-in-command of the glider on aero-tow flights unless the licence includes an aero-tow rating; and
- (ii) he or she shall not be entitled to act as pilot-in-command of the glider unless one of the following methods of launching is used—
 - (a) winch launching;
 - (b) auto-launching;
 - (c) aero-tow launching;
- (iii) if any other method of launching is used he or she shall not be entitled to act as pilot-in-command of the glider and to carry passengers therein unless he or she has completed an approved course of training and a flying test to the satisfaction of the Authority.

Flight Radiotelephone Operator's (General) Licence

Minimum age — 18 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements included in the licence, the holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft equipped with radio apparatus in accordance with these Regulations.

Flight Radiotelephony Operator's (Restricted) Licence

Minimum age — 17 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the endorsements included in the licence, the holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

Air Traffic Controller's Licence

Minimum Age — 21 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements included in the licence, the holder of an air traffic controller's licence may, in accordance with these Regulations, Annex 1 and Annex 11 to the Convention on International Civil Aviation and the Air Traffic Services Standards, provide or supervise air traffic control services at a place and in the capacity to which the ratings relate and the ratings shall be deemed to form part of the licence.

Flight Information Service Officer's Licence

Minimum Age — 18 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements included in the licence, the holder of a flight information service officer's licence may, in accordance with these Regulations, ICAO Circular 211 and the Air Traffic Services Standards, at a place specified in the licence by the Authority, provide advice and information for the safe and efficient conduct of flight.

Aeronautical Station Operator's Licence

Minimum Age — 18 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements included in the licence, the holder of an aeronautical station operator's licence may, in accordance with these Regulations, and as notified by the Authority, act as an operator in an aeronautical station.

Aeronautical Facility Technicians Licence

Minimum Age — 18 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements included in the licence, the holder of an aeronautical facility technician's licence may, in respect of aeronautical facilities, in accordance with these Regulations and as notified by the Authority, certify fitness for use with respect to aeronautical facilities and remove and install operational facilities for the purposes of inspections, repairs, replacements and modifications so approved.

Commercial Pilot's Licence (Balloons)

Minimum Age — 18 years.

Maximum period of validity — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the licence.

Privileges — Subject to the validity of the endorsements and ratings included in the licence, the holder shall be entitled to fly, when the balloon is flying for any purpose

whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft type rating included in the licence. The holder shall not act as pilot-in-command on a flight for the purpose of the public transport of passengers unless the holder has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 3 flights each of not less than 5 minutes' duration.

[subreg (1) am Act 19 of 1999 s 49, opn 19 Mar 1999; LN 72 of 2003 reg 2, opn 1 July 2004; LN 82 of 2009 regs 31 and 83, opn 6 Feb 2010]

(2) All licensed personnel shall comply with licence renewal, issuance, validity and privileges standards notified by the Authority.

[subreg (2) insrt LN 72 of 2003 reg 22, opn 1 July 2004]

[CIA 13,195] Aircraft Maintenance Engineer's Licence

62 (1) The Authority may, in accordance with regulation 53(2), grant to any person applying therefore a licence of a category specified in regulation 63 to act as an aircraft maintenance engineer and to sign such certificates in connection with maintenance, overhaul, repair, replacement, modification and inspection of aircraft or its equipment as may be required by or under these Regulations. The Authority may include a rating in the licence limiting the licence to particular types of aircraft or equipment.

(2) A licence of any category specified in regulation 63 shall, subject to any conditions and ratings included therein, entitle the holder thereof to issue and sign certificates of maintenance, certificates of compliance or certificates of fitness for flight, as the case may be, specified in that regulation in respect of a licence of that category.

[The next page is 100,099]

[CIA 13,200] Categories of Aircraft Maintenance Engineer's Licences

63 (1) The categories of licences which may be issued pursuant to regulation 62 are as follows—

Aircraft Maintenance Engineer's Licence — Category A (Aircraft)

Privileges — The holder of the licence may, subject to the conditions of the licence, issue certificates as follows—

In relation to aircraft (not including engines)—

- (i) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations;
- (ii) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;
- (iii) certificates of fitness for flight of aircraft for the purpose of enabling it —
 - (a) to qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft; or
 - (b) to proceed to or from a place at which any inspection, approval, test or weighing of, or installation of equipment in the aircraft is to take place for the purpose referred to in (a) above.

Aircraft Maintenance Engineer's Licence — Category B (Aircraft)

Privileges — The holder of the licence may, subject to the conditions of the licence, issue certificates as follows—

In relation to aircraft (not including engines), certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications in accordance with these Regulations.

Aircraft Maintenance Engineer's Licence — Category C (Engines)

Privileges — The holder of the licence may, subject to the conditions of the licence, issue certificates as follows—

In relation to engines—

- (i) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations;
- (ii) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;
- (iii) certificates of fitness of aircraft engines for flight for the purpose of enabling the aircraft—
 - (a) to qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the engines of the aircraft; or
 - (b) to proceed to or from a place at which any inspection, approval, test or weighing of, or installation of equipment in, the aircraft or the engines is to take place for the purpose referred to in (a) above.

Aircraft Maintenance Engineer's Licence — Category D (Engines)

Privileges — The holder of the licence may, subject to the conditions of the licence, issue certificates as follows—

In relation to engines, certificates of compliance in respect of inspection, overhauls, repairs, replacements and modifications approved under these Regulations.

Aircraft Maintenance Engineer's Licence — Category X

Compasses.

Instruments.

Electrical Equipment.

Automatic Pilots.

Privileges — The holder of the licence may, subject to the conditions of the licence, issue certificates as follows—

In relation respectively to compasses, instruments, electrical equipment or automatic pilots—

- (i) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations;
- (ii) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Maintenance Engineer's Licence — Category R (Radio)

Privileges — The holder of the licence may, subject to the conditions of the licence, issue certificates as follows—

In relation to aircraft radio stations—

- (i) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations;
- (ii) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

The privileges of the licence shall also include the issue of certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications of any aircraft radio apparatus approved under these Regulations, if the licence bears an endorsement to that effect.

(2) A licence issued under this regulation and any rating included therein shall, subject to the provisions of these Regulations, be valid for the periods specified therein, not exceeding 2 years, but may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit and proper person and is qualified.

(3) The Authority may issue a certificate rendering valid for the purposes of these Regulations any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted under the law of any country other than Fiji. Such certificate may be issued subject to such conditions, and for such periods, as the Authority thinks fit.

(4) The aircraft maintenance engineers licensed under regulation 53 shall comply with licensing standards notified by the Authority.

[subreg (4) insrt LN 72 of 2003 reg 23, opn 1 July 2004; am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(5) Prior to the grant or extension of a licence an applicant shall be not less than—

- (i) 20 years of age for a LWTR; and
- (ii) 21 years of age for a Type Rating.

[subreg (5) insrt LN 82 of 2009 reg 32, opn 6 Feb 2010]

[CIA 13,205] Ratings

64 (1) The following ratings may be included in a pilot's licence granted under regulations 53 and 61 and, subject to the provisions of these Regulations, the inclusion of a rating in a licence shall have the consequences respectively specified hereunder—

Aircraft Type Rating

Where an aircraft type rating is included in a pilot's licence, the holder of the licence shall be entitled to act as pilot only of aircraft of the types specified in the aircraft type rating and different types of aircraft may be specified in respect of different privileges of a licence.

Where an aircraft type rating is included in a flight engineer's licence, the holder of the licence shall be entitled to act as flight engineer only of an aircraft of the type specified in the aircraft type rating.

Instrument Ratings (“Aeroplane” and “Helicopter”)

When an instrument rating (Aeroplane) or (Helicopter) is included in a pilot's licence, the holder of the licence shall be entitled to act as pilot of an aeroplane or helicopter, respectively, flying in accordance with the Instrument Flight Rules.

Night Rating

Where a night rating (aeroplanes) is included in a Private Pilot's Licence (Aeroplanes), the holder of the licence shall be entitled to act as pilot-in-command at night of an aeroplane in which any passenger is carried.

Where a night rating (helicopters) is included in a Private Pilot's Licence (Helicopters), the holder of the licence shall be entitled to act as pilot-in-command at night of a helicopter in which any passenger is carried.

Flight Instructor's Rating

Where a Flight Instructor's Rating is included in a pilot's licence, the holder of the licence shall be entitled to give instruction in flying aircraft of such types as may be specified in the rating. The maximum period of a flight instructor's rating shall be 12 months.

Assistant Flight Instructor's Rating

Where an Assistant Flight Instructor's Rating is included in a pilot's licence, the holder of the licence shall be entitled to give instruction in flying aircraft of such types as may be specified in the rating, provided that—

- (a) such instruction shall only be given under the supervision of a person present during the take-off and landing at the airport at which the instruction is to begin and end and holding a pilot's licence endorsed with a flight instructor's rating; and
- (b) an assistant flight instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of—

- (i) his or her first solo flight being a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot's licence granted or rendered valid under these Regulations; or
 - (ii) his or her first solo flight by night; or
 - (iii) his or her first solo cross-country flight, being a flight during the course of which the aircraft is more than 5 nautical miles from the airport of departure; or
 - (iv) his or her first solo cross-country flight by night;
- (c) the licence holder may give flying training under indirect supervision and authorise trainees to fly solo in those sequence in which the trainee has previously completed solo practice, only after having logged 100 hours of flight instructions—
- (i) a flight instructor who is providing direct supervision may be temporarily absent from the premises of the flying school or the local training or associated circuit area of the flying school, if, during that absence, the licence holder may be contacted by radio, telephone or some other electronic means of contact.

The maximum period of validity of an assistant flight instructor's rating shall be 12 months.

direct supervision means guidance and supervision provided by an instructor who is on duty for that purpose and is on the premises of the flying school; or is flying in a local training area or an associated circuit area used by the flying school and can be controlled by radio, telephone or some other electronic means of contact;

indirect supervision means guidance and supervision provided by a Flight Instructor which includes periodic surveillance, assessment of the standard of instruction provided, standardisation of the methods of instruction used and guidance on the conduct of all flying school operations that are not required to be carried out under direct supervision.

[subreg (1) am LN 72 of 2003 regs 2 and 24, opn 1 July 2004; LN 82 of 2009 reg 33, opn 6 Feb 2010]

(2) The following ratings may be included in an air traffic controller's licence, a flight information service officer licence or an aeronautical station operator licence granted under regulations 53 and 61, and, subject to the provisions of these Regulations, the inclusion of a rating in a licence gives rise to the following entitlements—

VHF RTF Rating (Airport Air side Operations)

If a VHF RTF rating is included in an Aeronautical Station Operator Licence, the holder of the licence is entitled to provide and/or supervise the provision of VHF RTF with the use of ground-ground radio equipment within the boundary or portion of airports under the jurisdiction of the unit providing air traffic service.

VHF/HF RTF Rating (Fiji Domestic Airspace)

If a VHF/HF RTF rating is included in an Aeronautical Station Operator Licence, the holder of the licence is entitled to provide and/or supervise the provision of VHF/HF RTF with the use of air-ground radio equipment and systems within the airspace or portion of airspace under the jurisdiction of the unit providing area control service and/or aerodrome flight information service.

HF RTF & Air-ground Operations Rating (Nadi Flight Information Region)

If a HF RTF and air-ground operations rating is included in an Aeronautical Station Operator Licence, the holder of the licence is entitled to provide and/or supervise the provision of HF RTF and air-ground operations with the use of air-ground radio equipment and systems within the airspace or portion of airspace under the jurisdiction of the unit providing area control service.

Aerodrome Flight Information Service Rating (Fiji Domestic Aerodrome)

If an aerodrome flight information service rating is included in Flight Information Service Officer Licence, the holder of the licence is entitled to provide and /or supervise the provision of aerodrome flight information services with the use of VHF/HF RTF within the airspace or portion of airspace under the jurisdiction of the unit providing aerodrome flight information service.

Domestic Flight Information Service Rating (Fiji Domestic Airspace)

If a domestic flight information service rating is included in Flight Information Service Officer Licence, the holder of the licence is entitled to provide and /or supervise the provision of domestic flight information services with the use of VHF/HF RTF within the airspace or portion of airspace under the jurisdiction of the unit providing domestic flight information service.

Nadi Flight Information Service Rating (Nadi Flight Information Region)

If an international flight information service rating is included in Flight Information Service Officer Licence, the holder of the licence is entitled to provide and/or supervise the provision of international flight information services with the use of air-ground radio equipment and systems within the airspace or portion of airspace under the jurisdiction of the unit providing area control service.

Aerodrome Control Rating

If an aerodrome control rating is included in an air traffic control licence the holder of the licence is entitled to provide or to supervise the provision of aerodrome control services for the aerodrome for which the licence holder is rated.

Approach Control Procedural Rating

If an approach control procedural rating is included in an air traffic control licence the holder of the licence is entitled to provide or to supervise the provision of approach control service for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion of airspace under the jurisdiction of the unit providing approach control service.

Approach Control Surveillance Rating

If an approach control surveillance rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of approach control service with the use of radar or other surveillance systems for the aerodrome or aerodromes for which the licence holder is rated, within the airspace or portion of airspace under the jurisdiction of the unit providing approach control service.

Approach Precision Radar Control Rating

If an approach precision radar control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of precision approach radar service at the aerodrome for which the licence holder is rated.

Area Control Procedural Rating

If an area control procedural rating is included in an air traffic control licence the holder of the licence is entitled to provide and/or supervise the provisions of area control service within the control area or portion of a control area for which the licence holder is rated.

Area Satellite Based Systems (SBS) Control Rating

If an area satellite based systems (SBS) control rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/ or supervise the provision of area control services with the use of satellite based systems within the control area or portion of a control area for which the licence holder is rated.

Area Control Surveillance Rating

If an area control surveillance rating is included in an air traffic control licence, the holder of the licence is entitled to provide and/or supervise the provision of area control service with the use of radar or other surveillance systems within the control area or portion of a control area for which the licence holder is rated.

[subreg (2) insrt Act 16 of 1999 s 50, opn 19 Mar 1999; am LN 82 of 2009 reg 33, opn 6 Feb 2010]

(3) For the purposes of maintaining the ratings of a licence, the authority may specify—

- (a) entry qualifications for the commencement of training;
- (b) course content and duration;
- (c) graduation standards;
- (d) recency provisions;
- (e) validity periods;
- (f) privileges; and
- (g) renewal requirements.

[subreg (3) subst LN 72 of 2003 reg 24, opn 1 July 2004]

[CIA 13,210] Instruction in flying

65 (1) A person shall not give any instructions in flying to which this regulation applies unless—

- (a) he or she holds a licence, granted or rendered valid under these Regulations, entitling him or her to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his or her licence includes a flight instructor's rating or an assistant flight instructor's rating entitling the holder to give the instruction.

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

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

[CIA 13,215] Training permits

66 (1) No person shall undertake any training on any aeroplane, balloon or helicopter

registered in Fiji unless he or she is the holder of a Flying Training Permit, a foreign licence rendered valid under regulation 59 or a Pilot's licence of the type specified in regulation 53(2). The Authority may, subject to the applicant meeting the appropriate medical standards, grant or renew a Flying Training Permit for such period and carrying such privileges as are specified hereunder—

Minimum age — 17 years.

Maximum period of validity—

Maximum period of validity — 24 months from the date of issue or, in the case of renewal, from the date of expiry of the permit.

Privileges — The holder of the permit shall be entitled to fly within Fiji as pilot in command of any aeroplane, balloon or helicopter, provided that—

- (a) he or she shall fly at all times under the authority and supervision of a person holding a valid Flight Instructor's Rating or Assistant Flight Instructor's Rating, as appropriate;
- (b) he or she shall fly under Visual Flight Rules only;
- (c) he or she shall not carry in the aircraft any person or animals or goods or fly for hire, reward or remuneration of any kind;
- (d) he or she shall not undertake a solo cross country flight being a flight during the course of which the aircraft is more than 5 nautical miles from the airport of departure unless he or she has a minimum of 10 hours solo flight time and has passed examinations prescribed by the Authority.

[subreg (1) am LN 82 of 2009 reg 34, opn 6 Feb 2010]

(2) No person shall carry out the duties or function of an air traffic controller, aeronautical station operator or a flight information service officer unless the person holds an appropriate training permit or an appropriate licence of a type specified in regulation 53(2).

[subreg (2) subst LN 82 of 2009 reg 34, opn 6 Feb 2010]

(3) The Authority may, subject to the applicant meeting the appropriate medical standards, grant or renew the appropriate training permit for such period and carrying such privileges as are specified hereunder—

- (a) *Minimum age*—
 - (i) 18 years for FIS duties and functions;
 - (ii) 18 years for ASO duties and functions; or
 - (iii) 20 years for ATC duties and functions;
- (b) *Maximum period of validity* — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the permit;
- (c) *Privileges* — The holder of the permit shall at all times be under the authority and direct supervision of a person holding an authorisation to instruct in the activities being trained and holding appropriate licence(s) and rating(s) to actually carry out the duties and function being performed by the trainee.

[subreg (3) insrt LN 82 of 2009 reg 34, opn 6 Feb 2010]

(4) No person shall undergo on-the-job training as an aeronautical facility technician unless the person is the holder of an Aeronautical Facility Technician Training Permit.

[subreg (4) insrt LN 82 of 2009 reg 34, opn 6 Feb 2010]

(5) The Authority may, subject to the applicant meeting the appropriate medical standards, grant or renew an aeronautical facility technician training permit for such period and carrying such privileges as are specified hereunder—

- (a) *Minimum age* — 17 years of age;
- (b) *Maximum period of validity* — 12 months from the date of issue or, in the case of renewal, from the date of expiry of the permit;

- (c) *Privileges* — The holder of the permit shall be entitled to carry out the duties and functions of a trainee aeronautical facility technician provided he or she is at least 17 years of age, that he or she shall at all times be under the authority and direct supervision of a person holding an authorisation to instruct in the activities being trained and holding appropriate licence(s) and rating(s) to actually carry out the duties and function being performed by the trainee.

[subreg (5) insrt LN 82 of 2009 reg 34, opn 6 Feb 2010]

[The next page is 100,307]

[CIA 13,220] Application

67 (1) All aircraft registered in Fiji or operated by an operator domiciled in Fiji in flight over the high seas shall comply with the requirements of Annex 2 to the Convention on International Civil Aviation (Chicago 1944) except that, on flights over those parts of the high seas where a Contracting State has accepted, pursuant to a regional air navigation agreement, the responsibility of providing air traffic services, the aircraft registered in Fiji, or operated by an operator domiciled in Fiji shall comply with the rules and procedures notified by that State as being applicable in that airspace.

[s 67 am LN 82 of 2009 reg 35, opn 6 Feb 2010]

(2) These Regulations, other than regulations 70(2) and 78, shall not apply to or in relation to—

- (a) any lighter-than-air aircraft which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to it;
- (b) any kite weighing not more than 2 kilograms;
- (c) any other aircraft weighing not more than 5 kilograms.

[CIA 13,225] Compliance with regulations

68 (1) Every person and every aircraft shall comply with such of these Regulations as may be applicable to that person or aircraft in the circumstances of the case.

(2) The operation of an aircraft either in flight or on the manoeuvring area of an airport shall be in compliance with the general rules applicable under these Regulations and in addition, when in flight, either with—

- (a) the Visual Flight Rules; or
- (b) the Instrument Flight Rules.

(3) Notwithstanding subregulation (1), a pilot may conduct a mercy flight in accordance with guidelines or standards issued by the Authority.

[subreg (3) insrt LN 72 of 2003 reg 25, opn 1 July 2004; am LN 82 of 2009 reg 36, opn 6 Feb 2010]

(4) The decision to conduct a mercy flight is a sole responsibility of the pilot in command.

[subreg (4) insrt LN 72 of 2003 reg 25, opn 1 July 2004]

[CIA 13,230] Responsibility of the pilot in command

69 (1) Subject to the provisions of regulation 31, the pilot in command of an aircraft shall, whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the provisions of these Regulations.

(2) The pilot in command of an aircraft shall, before beginning a flight, familiarise himself or herself with all available information appropriate to the intended operation. Pre-flight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements and an alternative course of action if the flight cannot be completed as planned.

[CIA 13,235] Safety of aircraft operations

70 (1) No person shall pilot an aircraft or act as a flight crew member of an aircraft unless in possession of a licence, rating or permit issued or rendered valid by the Authority or document or authorisation acceptable to the Authority.

[subs (1) am LN 82 of 2009 reg 37, opn 6 Feb 2010]

(2) No person shall wilfully or negligently act in a manner likely to endanger an aircraft, or any person therein or cause or permit an aircraft to endanger any person or property.

(3) Where it appears to the Authority or to any authorised person that an aircraft is intended, or is likely to be operated in circumstances that would—

- (a) involve violation of these Regulations; or
- (b) be a cause of danger to persons or property,

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

(4) The Rules of the Air may be departed from to the extent necessary for avoiding immediate danger, or for complying with the law of any country other than Fiji in which the aircraft is for the time being.

(5) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the pilot in command of the aircraft shall, within 3 days thereafter, furnish in writing particulars of the departure and the circumstances giving rise to it, to the competent authority of the country within which the departure was made or if the departure was made over the high seas, to the Authority. In cases where such departure is made outside Fiji, the pilot in command of the aircraft registered in Fiji shall forward to the Authority a copy of the written particulars within 7 days thereafter.

[CIA 13,240] Mandatory occurrence reporting and investigation

71 (1) A person who—

- (a) is an aircraft operator domiciled in Fiji; or
- (b) is a crew member of an aircraft operated by an operator domiciled in Fiji; or
- (c) is a crew member of an aircraft operated by a foreign domiciled aircraft operator flying in Fiji or in airspace administered by Fiji; or
- (d) carries on the business of manufacturing, repairing or overhauling any aircraft, or any equipment or part thereof; or
- (e) is authorised to sign a certificate of maintenance or compliance in respect of any aircraft, part or equipment; or
- (f) is a holder of a licence granted or rendered valid under regulation 53; or
- (g) is the holder of a permit granted under regulation 66; or
- (h) is an aerodrome operator; or
- (i) is an air navigation service provider; or
- (j) is an authorised person for the purposes of these Regulations,

shall make a report to the Authority of any occurrence of the types outlined in subregulation (2), of which such person has knowledge and in such time and in such means as notified by the Authority.

(2) Occurrences which shall be reported to the Authority under subregulation (1) include but are not limited to the following—

- (a) damage or the likelihood of damage to an aircraft that affects or could affect the safety of flight;
- (b) death or injury of a person involved in an aviation activity;
- (c) impairment during a flight of the capacity of a member of the flight crew of an aircraft to undertake the functions to which his or her licence relates;

- (d) the use of any procedures taken for the purpose of overcoming an emergency;
 - (e) the failure of an aircraft system including failure of the flight controls, power plant, hydraulic, pneumatic, pressurisation, electrical, navigation or electronic systems or is an equipment of a type notified by the Authority;
 - (f) impairment to the control of an aircraft in flight by its flight crew;
 - (g) the failure or inadequacies of facilities or services on the ground used or intended to be used for purposes of or in connection with the operation of aircraft;
 - (h) arising from the loading or the carriage of passengers, cargo or fuel; and
 - (i) any other occurrence which, in the opinion of such a person constitutes an occurrence endangering, or which if not corrected would endanger, the safety of an aircraft, its occupants or any other person.
- (3) A person referred to in subregulation (1) shall make a report to the Authority—
- (a) by the quickest possible means, either verbally or electronically; and
 - (b) within 96 hours of the occurrence, in a current form approved by the Authority.
- (4) Notwithstanding subregulation (3)(b) the Authority may, at its absolute discretion, extend the reporting period in circumstances requiring detailed investigations.
- (5) No person referred to in subregulation (1) shall be required to report any occurrence which has been reported by another person to the Authority in accordance with subregulation (3).
- (6) In the case of a multi-crew aircraft, the pilot-in-command shall be responsible for reporting any occurrence to the Authority at the end of the flight.
- (7) A person shall not make any report under this regulation if the person knows or has reason to believe that the report is false in any particular.
- (8) Without prejudice to regulation 125(2) and subject to regulation 127, the operator of an aircraft shall, if he or she has reason to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a flight data recorder and any other data that the Authority may require which is relevant to the occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct and such record may be erased, when approved by the Authority, if the aircraft is outside Fiji and it is not reasonably practicable to preserve the record until the aircraft reaches Fiji.
- (9) Without prejudice to regulation 125(2) and subject to regulation 127, the operator of an air traffic service shall, if he or she has reason to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a voice or data communication recorder, the records of any data or surveillance displays and any other data that the Authority may require which is relevant to the occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct.
- (10) The Authority has the power to investigate such reportable occurrences.

[reg 71 subst LN 82 of 2009 reg 38, opn 6 Feb 2010]

[CIA 13,245] Use of intoxicating liquor, narcotics or drugs

72 (1) No person shall act as a crew member of an aircraft if such person has taken or used any alcoholic drink, sedative, psychoactive substance (including kava), narcotic or stimulant drug or preparation within 12 hours prior to the commencement of the flight and no such person shall, while so acting, take, use or be under the influence of any alcoholic drink, sedative, psychoactive substance (including kava), narcotic or stimulant drug or preparation.

[subreg (1) subst LN 72 of 2003 reg 27, opn 1 July 2004; renum LN 82 of 2009 reg 39, opn 6 Feb 2010]

(2) Every holder of a licence granted or rendered valid under regulation 53 shall not take or use any alcoholic drink, sedative, psychoactive substance (including kava), narcotic or stimulant drug or preparation within 12 hours prior to the commencement of his or her duties and no such person shall, while so acting, take, use or be under the influence of any alcoholic drink, sedative, psychoactive substance (including kava), narcotic or stimulant drug or preparation.

[subreg (2) insrt LN 72 of 2003 reg 27, opn 1 July 2004; renum LN 82 of 2009 reg 39, opn 6 Feb 2010]

[CIA 13,250] Smoking in aircraft

73 Smoking is prohibited in all aircraft registered in Fiji or any foreign registered aircraft operating under an Air Operator Certificate issued under these Regulations.

[reg 73 subst LN 72 of 2003 reg 28, opn 1 July 2004]

[CIA 13,255] Carriage of persons in unauthorised parts of aircraft

74 No person shall at any time be carried on the wings or under carriage of an aircraft in flight, or on or in any part thereof which is not a part designed for the accommodation of persons. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight, provided that a person may have temporary access to—

- (a) any part of an aircraft for the purpose of carrying out repairs to the aircraft or adjusting the machinery or equipment thereof, or for the purpose of doing anything which may be necessary for the safety of the aircraft or persons or goods carried therein;
- (b) any part of an aircraft in which goods or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

[CIA 13,260] Stowaways

75 No person shall secrete himself or herself in an aircraft for the purpose of being carried therein, or travel in an aircraft without the consent of the operator or pilot in command of the aircraft.

[CIA 13,265] Carriage of live animals in aircraft

76 (1) No person conducting an air transport operation arriving in, transiting through, operating within or departing from Fiji shall cause a live animal to be carried on board an aircraft except under and in accordance with a general or specific approval in writing issued by the Authority in this behalf and subject to any conditions specified therein.

(2) Nothing in this regulation grants any exemption or waiver from any health or quarantine requirements.

[reg 76 subst LN 82 of 2009 reg 40, opn 6 Feb 2010]

[CIA 13,270] Reporting of hazardous conditions

77 As far as is possible, weather observed en route shall be reported by the pilot in command of an aircraft at specified times, or points as requested by the appropriate meteorological authorities. Hazardous flight conditions encountered en route shall be reported to the appropriate air traffic control unit as soon as possible. The reports so rendered shall give such details as may be relevant to the safety of other aircraft.

[CIA 13,275] Operation of balloons, kites, airships or other lighter-than-air aircraft

78 (1) No aerial device may be towed, flown, tethered or operated—

- (a) within 3 kilometres of an aerodrome reference point of a domestic aerodrome and within 5 kilometres of an aerodrome reference point of an international aerodrome;
- (b) more than 200 feet (approximately 61 metres) above the earth's surface; and
- (c) so as to impinge on the safe operations of aircraft.

(2) Notwithstanding subregulation (1), an aerial device may be permitted to operate under any conditions and limitations imposed by the Authority.

(3) In this regulation, “aerial device” means a balloon, glider, hang glider, powered or towed parachute, ultra light or micro light aircraft, tethered or towed kite, model aircraft, rocket or firework display or any other similar device.

(4) For the purpose of subregulation (3), the Authority may deem other aerial contraptions to be aerial devices.

[reg 78 subst LN 72 of 2003 reg 29, opn 1 July 2004]

[CIA 13,280] Recreational Flying

78A (1) No person shall conduct any flight for the purposes of recreational flying unless such person has complied with the relevant standards and requirements notified by the Authority for such types of flights.

(2) Any offence against subregulation (1) is an offence of strict liability.

[reg 78A insrt LN 82 of 2009 reg 41, opn 6 Feb 2010]

[CIA 13,285] Towing, picking up and raising of persons and articles

79 (1) Subject to the provisions of this regulation, no aircraft in flight shall, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) No aircraft in flight shall tow any article, other than a glider, at night or when flight visibility is less than 1,500 metres.

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

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter, except with permission in writing from the Authority and subject to the conditions specified therein.

(5) Nothing in this regulation shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purpose, or any banner, flag or signal apparatus or article required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) be taken to permit the towing or picking up of a glider otherwise than in accordance with regulation 80.

[subreg (5) am LN 82 of 2009 reg 42, opn 6 Feb 2010]

[CIA 13,290] Towing of gliders

80 (1) No aircraft in flight shall tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

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

(3) The pilot in command of aircraft which is about to tow a glider shall satisfy himself or herself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;
- (c) that emergency signals have been agreed between the pilot in command of the towing aircraft and the pilot in command of the glider, to be used, respectively, by the pilot in command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot in command of the glider to indicate that the tow cannot be released.

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

[CIA 13,295] Dropping of articles and descent by parachute

81 (1) No article or animal, whether or not attached to a parachute, shall be dropped, or projected or lowered or permitted to drop, project or lower from an aircraft in flight so as to endanger persons or property.

(2) No article, animal or person, whether or not attached to a parachute, shall be dropped, projected or lowered or permitted to drop, project or lower to the surface from an aircraft in flight over Fiji, provided that this subregulation shall not apply to the descent of persons by parachute from an aircraft in an emergency, or to the dropping of articles by, or with the authority of, the pilot in command of the aircraft in the following circumstances—

- (a) the dropping, projecting or lowering of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (e) the dropping, projecting or lowering at an airport, of ropes, banners or similar

articles towed by aircraft with the prior permission of the Authority and in accordance with any conditions subject to which that permission may have been given;

- (f) the dropping of articles for the purposes of agriculture, horticulture, forestry or public health or as a measure against weather conditions, oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

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

[CIA 13,300] Operation of pilotless aircraft

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

[CIA 13,305] Aerobatic flight

83 No aircraft shall be flown aerobatically except under conditions prescribed by the Authority.

[CIA 13,310] Air pageants, displays or races

84 No air pageant, air display or air race shall be conducted in Fiji except with the permission in writing of the Authority and subject to any conditions as may be specified by it.

[CIA 13,315] Prohibited flight

85 Except under, and in accordance with the terms and conditions of, a permit issued by the Authority, no person shall operate an aircraft at a true flight Mach number greater than one in or over the territory of Fiji or over the high seas in a manner which may cause or is likely to cause sonic boom over the territory of Fiji.

[CIA 13,320] Prohibited, restricted or danger areas

86 (1) The Authority may from time to time notify any area or areas to be a Prohibited, Restricted or Danger Area, with or without limitation as to time, for the purpose of controlling air traffic, ensuring the safety of air navigation and facilitating the control of aircraft operations, so, however that the Authority shall not notify an area to be a prohibited area without the permission of the Minister responsible for civil aviation.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 82 of 2009 reg 43, opn 6 Feb 2010]

(2) In notifying an area to be a Prohibited, Restricted or Danger Area under this regulation, the Authority shall give notice of the action in an appropriate publication, as it may deem necessary under the circumstances.

[subreg (2) am LN 82 of 2009 reg 43, opn 6 Feb 2010]

(3) No person shall fly an aircraft—

- (a) in any Prohibited Area, at any time;
- (b) within an area notified by the Authority as a Restricted Area except in accordance with conditions notified by the Authority;

- (c) within an area notified by the Authority as a Danger Area except after due consideration of the information given by the air traffic service unit of such activities potentially dangerous to aircraft operations.

[subreg (3) subst LN 82 of 2009 reg 43, opn 6 Feb 2010]

(4) If the pilot in command of an aircraft finds that his or her aircraft is within an area notified as a Prohibited or Restricted Area in contravention of this regulation, or any notified condition prescribed, he or she shall—

- (a) immediately have the aircraft flown to a position outside the area; and
(b) as soon as possible report the full circumstances to the appropriate air traffic control unit; and
(c) obey any instructions given by an air traffic service unit or an intercepting aircraft as to the flight and manoeuvre of the aircraft, including any instruction to land at such airport as may be designated by the air traffic service unit or intercepting aircraft.

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

[subreg (5) am Act 16 of 1999 s 68, opn 19 Mar 1999]

[reg 86 am LN 82 of 2009 reg 43, opn 6 Feb 2010]

[CIA 13,325] Proximity of aircraft

87 (1) No person shall operate an aircraft in such proximity to other aircraft as to create a danger of collision.

[subreg (1) am LN 82 of 2009 reg 44, opn 6 Feb 2010]

(2) No person shall fly an aircraft in formation except by prior arrangement between the pilots in command of the aircraft concerned and prior notification to the appropriate air traffic control unit.

[subreg (2) am LN 82 of 2009 reg 44, opn 6 Feb 2010]

[CIA 13,330] Right of way

88 The aircraft that has the right-of-way in accordance with the provisions of these Regulations shall maintain its heading and speed, but nothing in these Regulations shall relieve the pilot in command of an aircraft from the responsibility of taking such action as will best avert collision. An aircraft that is obliged by these Regulations to keep out of the way of another, shall avoid passing over or under the other, or crossing ahead of it, unless passing well clear.

[CIA 13,335] Approaching head-on

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

[CIA 13,340] Converging

90 When 2 aircraft are converging at approximately the same level, the aircraft that has the other aircraft on its right shall give way, provided that—

- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
(b) airships shall give way to gliders and balloons;

- (c) gliders shall give way to balloons; and
- (d) power-driven aircraft shall give way to aircraft which are towing other aircraft or objects.

[CIA 13,345] Overtaking

91 (1) An aircraft that is being overtaken in the air 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 aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

(2) For the purpose of subregulation (1) an overtaking aircraft is an aircraft that approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, that is to say, in such a position with reference to the aircraft ahead, that at night it is unable to see either of the forward navigational lights of that aircraft.

[CIA 13,350] Landing

92 (1) An aircraft in flight, or operating on the ground or water, shall give way to other aircraft landing or in the final stages of an approach to land.

(2) When 2 or more heavier-than-air aircraft are approaching an airport for the purpose of landing, aircraft at the higher level shall give way to aircraft at the lower level, but the latter shall not cut-in in front of another aircraft which is in the final stages of an approach to land or overtake that aircraft, provided that—

- (a) power-driven heavier-than-air aircraft shall give way to gliders; and
- (b) when the pilot in command of an aircraft is aware that another aircraft is making an emergency landing he or she shall give way to that aircraft.

[CIA 13,355] Taking off

93 An aircraft about to take off shall not attempt to do so unless it is safe to do so and there is no apparent risk of collision with other aircraft or vehicle.

[CIA 13,360] Ground movements

94 When operating on the movement area of an airport—

- (a) an aircraft or a vehicle (including a vehicle towing an aircraft) shall give way to aircraft that are landing or taking off and in the case of a vehicle towing an aircraft, the responsibility for compliance with this regulation shall rest with the person in charge of the towing vehicle.
- (b) a vehicle shall give way to an aircraft or to another vehicle towing an aircraft.

[CIA 13,365] Avoidance of collision

94A Notwithstanding any of the right of way requirements in this Part or instructions from an air traffic controller, the pilot in command of an aircraft who is advised of a Resolution Advisory (RA) from the aircraft's Airborne Collision Avoidance System (ACAS) (also known as Traffic Alert and Collision Avoidance System (TCAS)) shall respond immediately by following the Resolution Advisory as indicated, unless doing so would jeopardise the safety of the aeroplane.

[CIA 13,370] Lights to be displayed by aircraft

95 (1) Between sunset and sunrise, all aircraft in flight or operating on the manoeuvring area of a land airport shall display lights in accordance with this regulation. Aircraft shall not display other lights which might obscure or otherwise impair the visibility of or be mistaken for the lights required under these Regulations.

[subreg (1) am LN 82 of 2009 reg 46, opn 6 Feb 2010]

(2) Every glider, kite or lighter-than air aircraft, authorised by the Authority to operate between sunset and sunrise, shall display lights as may be required by conditions attached to such authorisation.

(3) In the event of failure of any light which is required under this regulation to be displayed by an aircraft in flight, the pilot-in-command shall notify the appropriate air traffic control unit and continue the flight to the most suitable place for rectification or repairs as, in the opinion of the pilot-in-command, it can safely do so.

[subreg (3) am LN 82 of 2009 reg 46, opn 6 Feb 2010]

(4) Every power-driven heavier-than-air aircraft, when operating between sunset and sunrise, in the air or on the movement area of a land airport, shall display the following navigation lights intended to indicate the relative path of the aircraft to an observer and the extremities of their structure. Navigation lights shall be red on the port (left) wing, green on the starboard (right) wing and white at the tail of the aircraft. The characteristics of the lights shall meet the specifications notified by the Authority.

(5) All aircraft in flight or operating on the movement area of an airport shall (whether by day or by night) display anti-collision lights intended to attract attention to the aircraft. Anti-collision lights shall be flashing lights and may be red or white in colour except that when on the movement area of an airport an aircraft shall display a flashing red light to indicate that its engines are running. The characteristics of the lights shall meet the specifications notified by the Authority.

(6) The pilot-in-command may switch off or reduce the intensity of the flashing lights required under subregulation (5) if they significantly affect the flight crews' night vision, cause vertigo or adversely affect the satisfactory performance of their duties or cause harmful dazzle any relevant ATC unit shall be notified of such action.

[subreg (6) am LN 82 of 2009 reg 46, opn 6 Feb 2010]

(7) Notwithstanding any provision of this regulation, anti collision white strobe lights shall not be operated on the apron, taxiway or runway except on the runway immediately before take-off and immediately after landing.

[subreg (7) insrt LN 82 of 2009 reg 46, opn 6 Feb 2010]

[CIA 13,375] Simulated instrument flights

96 (1) No person shall fly an aircraft under simulated instrument flight conditions unless—

- (a) fully functioning dual controls are installed in the aircraft; and
- (b) an additional qualified pilot (in this regulation referred to as “a safety pilot”) occupies a second control seat to render such assistance as may be necessary to 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 if this condition cannot be met, a third pilot in communication with the safety pilot shall occupy a position in the aircraft from which his or her field of vision adequately supplements that of the safety pilot.

For the purpose of this regulation, the expression “simulated instrument flight” means a flight during which mechanical or optical devices approved by the Authority are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

[subreg (1) am LN 82 of 2009 reg 47, opn 6 Feb 2010]

(2) An aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless—

- (a) the appropriate air traffic services unit has previously been informed that the flight is to be made for the purpose of instrument approach practice;
- (b) an air traffic control clearance is obtained from the appropriate air traffic control unit, if required; and
- (c) the requirements of paragraph (1)(b) pertaining to the carriage of a safety pilot, are met.

[subreg (2) am Act 16 of 1999 s 68, opn 19 Mar 1999]

- (3) [subreg (3) rep LN 72 of 2003 reg 30, opn 1 July 2004]

[CIA 13,380] Operation on and in the vicinity of an airport

97 (1) Any person operating an aircraft on or in the vicinity of an airport shall, whether or not within an airport traffic zone—

- (a) observe vehicle traffic and aircraft, both on the ground and in the air for the purpose of avoiding collision;
- (b) conform with or avoid the pattern formed by other aircraft operating at the airport;
- (c) when approaching for landing and after taking off—
 - (i) make all turns to the left; or
 - (ii) make a right turn when such right-turn is necessitated for the purpose of facilitating a forced landing; and
 - (iii) where certain aerodromes have different procedures for taking off and landing, such procedures shall be observed;
- (d) land and take off into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;
- (e) operate in accordance with any air traffic control clearance issued; and
- (f) operate in accordance with any other requirements, including noise abatement that may be notified by the Authority as being applicable to operations on or in the vicinity of the airport.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 82 of 2009 reg 48, opn 6 Feb 2010]

(2) The pilot in command of an aircraft shall not turn after take-off until a height of at least 500 feet above ground has been attained, unless—

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

- (b) a turn is necessary as so as to be able to carry out a safe forced landing in the event of engine failure; or
- (c) the turn is approved by the air traffic control unit in operation at the airport.

[subreg (2) am LN 82 of 2009 reg 48, opn 6 Feb 2010]

(3) Without prejudice to the provisions of subregulations (1) and (2), at airports where an air traffic control unit is in operation, the pilot in command of an aircraft forming part of the airport 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 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 clearance before taxiing on the movement area;
- (c) obtain either by radio or by light signals, prior clearance from the unit for any manoeuvre associated with taxiing, landing or taking-off.

[subreg (3) am LN 82 of 2009 reg 48, opn 6 Feb 2010]

(4) After landing, the pilot-in-command shall ensure that the aircraft vacates and clears the runway as soon as possible, or where air traffic control service is in operation at the airport shall proceed as instructed by that unit.

[subreg (4) am LN 82 of 2009 reg 48, opn 6 Feb 2010]

(5) The pilot in command of an aircraft, who, in the exercise of the discretion provided for in subregulation (1)(b), takes-off or lands out of wind shall not adopt any course of action which will endanger other aircraft and shall avoid any situation which may lead to a collision with other airport traffic.

[CIA 13,385] Flights over or near water or on its surface

98 (1) An aircraft operated by an operator domiciled in Fiji, when flying over water for the purpose of public transport, shall, without prejudice to the regulations contained in Part 3, and except as may be necessary for the purpose of take-off or landing, fly at such an altitude as would enable the aircraft to reach a place at which it can—

- (a) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to that aircraft, land safely; or
- (b) if it has only one engine and in the event of the failure of that engine, carry out a safe forced landing.

[subreg (1) subst LN 82 of 2009 reg 49, opn 6 Feb 2010]

(2) When 2 aircraft or an aircraft and a vessel on the water are approaching one another and there is a risk of collision, the aircraft shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

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

(4) At night, all aircraft on the water shall display lights as prescribed in the International Regulations for Preventing Collisions at Sea and, in addition, any other lights as may be prescribed by the Authority.

(5) Any operation of aircraft on or near the surface of the water not provided for by this Regulation shall be subject to such conditions as may be notified by the Authority.

[CIA 13,390] Flight plans

99 (1) Airports Fiji may from time to time notify the requirements for the submission of flight plans to an air traffic services unit by a pilot in command of an aircraft.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999]

(2) Airports Fiji may notify any special procedures and conditions relating to flight plans.

[subreg (2) am Act 16 of 1999 s 68, opn 19 Mar 1999]

[CIA 13,395] Signals

100 (1) Upon observing or receiving any of the signals specified in these Regulations, or any other signals specified by the Authority, the pilot-in-command shall take such action as may be required by the interpretation of the signals.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 31, opn 1 July 2004; LN 82 of 2009 reg 50, opn 6 Feb 2010]

(2) The transmission or display of distress or urgency signals specified in these Regulations shall be authorised solely by the pilot-in-command of the aircraft or, if he or she is incapacitated, by the person who is for the time being in command, in accordance with the degree of emergency being experienced.

(3) Nothing in these Regulations shall prevent the pilot in command of an aircraft in danger or difficulties from using any means at his or her disposal to attract attention, make known his or her position or obtain assistance.

[CIA 13,400] Distress and urgency signals

101 (1) The signals specified hereunder in this regulation shall, when used, have the meaning indicated therein. They shall be used only for the purpose indicated and no other signals likely to be confused with them shall be used for any other reason.

Distress Signals

The following signals, given either together or separately, mean that grave and imminent danger threatens, and immediate assistance is requested. The signals at (a) and (b) below may be preceded by auto-alarm signals as specified in the International Telecommunications Union Radio regulations—

- (a) A signal made by radio telegraphy or by any other signalling method consisting of the group SOS (. . . - - . . .) in the Morse Code.
- (b) A signal sent by radiotelephony consisting of the spoken word MAYDAY.
- (c) Rockets or shells throwing red lights, fired one at a time at short intervals.
- (d) A parachute flare showing a red light.
- (e) [Repealed]

The signals prescribed under this heading shall, as far as practicable, be followed by a message giving further information.

Urgency Signals

The following signals, given either together or separately, mean that the pilot in command of the aircraft has a very urgent message to transmit concerning the safety of a ship, aircraft, vehicle or other property, or of some person on board or within sight of the aircraft from which the signal is given—

- (a) a signal made by radiotelegraphy or by any other signalling method consisting of the group XXX (—.- -.- -.-) in the Morse Code; or
- (b) a signal sent by radiotelephony consisting of the spoken word PAN.

The following signals, given either together or separately, mean that the pilot in command of the aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance—

- (a) the repeated switching on and off of the landing lights; or
- (b) the repeated switching on and off of the navigation lights in such a manner as to be distinct from flashing navigation lights;
- (c) a succession of white pyrotechnic lights.

When no radio communication is possible between aircraft in the air and units on the surface, information shall be exchanged by the use of the air to ground and ground to air search and rescue visual signals and acknowledgements notified by the Authority.

The visual signals to be initiated by an intercepting aircraft, their meaning and the responses by the intercepted aircraft shall be as notified by the Authority from time to time. The visual signals to be initiated by the aircraft intercepted, their meaning and the responses by the intercepting aircraft shall be as notified by the Authority from time to time.

By day and by night, a series of projectiles discharged from the ground at regular intervals of 10 seconds, each showing, on bursting, red and green lights or stars will indicate to an unauthorised aircraft that it is flying in or about to enter an area notified as a Restricted, or Prohibited Area, and that the aircraft is to take such remedial action as may be necessary to comply with regulation 86(4)(a).

Each signal described in the first column of the Table hereunder, when directed from an airport control tower to an aircraft or to a vehicle shall have the meanings respectively appearing in the second, third and fourth columns of that Table opposite the description of the signal—

Interpretation of Signals			
<i>Light characteristics</i>	<i>Aircraft in Flight</i>	<i>Aircraft on the ground</i>	<i>Vehicles or persons on the ground</i>
(a) Steady Green	Cleared to land	Cleared for take-off	
(b) Steady red	Give way to other aircraft and continue circling	Stop	Stop
(c) Series of green flashes	Return for landing	Cleared to taxi	Permission to cross or move onto the manoeuvring area
(d) Series of red flashes	Airport unsafe. Do not land	Taxi clear of runway/landing area in use	Move off runway/taxiway. Watch aircraft
(e) Series of white flashes	Land at this airport and proceed to the apron	Return to starting point on the airport	Report to air traffic control. Move via perimeter.
(f) Red Pyrotechnic	Notwithstanding any previous instructions, do not land for the time being		

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 32, opn 1 July 2004]

(2) The pilot-in-command of any aircraft receiving any of the signals indicated in the table in subregulation (1) shall acknowledge by the following signals when possible—

When in flight—

- (a) during the hours of daylight, by rocking the aircraft's wings;
- (b) at night, by flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights.

When on the ground—

- (a) during the hours of daylight, by moving the aircraft's ailerons or rudder;
- (b) at night, by flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights.

[subreg (2) am LN 82 of 2009 reg 51, opn 6 Feb 2010]

[CIA 13,405] Visual ground signals

102 The pilot in command of an aircraft shall observe such visual signals and markings as may be notified in the Fiji Aeronautical Information Publication (AIP) or by other means acceptable to Airports Fiji and displayed at or directed at him or her from an airport, and shall comply with such signals and markings, including marshalling signals made by signalmen for the manoeuvring of aircraft safely on the ground, in accordance with the respective meanings thereof notified in the Fiji Aeronautical Information Publication (AIP) or by other means acceptable to the Authority.

[reg 102 am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 82 of 2009 reg 52, opn 6 Feb 2010]

[CIA 13,410] Air traffic control clearances

103 (1) The pilot in command of an aircraft shall cause a flight plan to be communicated to the appropriate air traffic services unit and obtain an air traffic control clearance prior to operating a controlled flight, or a portion of a flight as a controlled flight.

(2) Whenever the pilot in command of an aircraft has requested an air traffic control clearance involving priority, a report explaining the necessity for such priority shall be submitted, if requested by the appropriate air traffic services unit.

(3) The pilot in command of the aircraft shall fly in conformity with the air traffic control clearance as amended by any further instructions given by the air traffic services unit unless for the purpose of avoiding immediate danger deviation from such clearance is necessary. The pilot-in-command shall in such event, as soon as practicable, inform the appropriate air traffic services unit of such deviation from the clearance and, if necessary, obtain amended clearance from the unit.

(4) Where a pilot-in-command, whilst conforming with an air traffic control clearance, is operating in Visual Meteorological Conditions, it shall be his or her responsibility to avoid collision with—

- (a) any aircraft flying in controlled airspace under Visual Flight Rules, which is not receiving an air traffic control service; and
- (b) any aircraft which is in the airport traffic zone or on the manoeuvring area of the airport.

(5) The issue of an air traffic control clearance shall not exonerate a pilot in command of an aircraft from compliance with the provisions of these Regulations or any directions or orders issued under these Regulations.

[The next page is 100,623]

[CIA 13,415] Adherence to flight plans

104 (1) When operating in controlled airspace and except under such conditions as may be notified by the Authority, the pilot in command of an aircraft shall adhere to the current flight plan or the applicable portion of a current flight plan communicated to the appropriate air traffic services unit, unless a request for a change has been made and clearance obtained from the appropriate air traffic services unit, or unless an emergency arises which necessitates immediate deviation by the aircraft, in which event, as soon as circumstances permit, the appropriate air traffic services unit shall be notified of the action taken and the reasons for taking such action.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 33, opn 1 July 2004; LN 82 of 2009 reg 53, opn 6 Feb 2010]

(2) Unless otherwise authorised or directed by the appropriate air traffic services unit, controlled flights shall, as far as is practicable, operate no more than 2 nm laterally and 250 feet vertically from—

- (a) the defined centre line of an established ATS route; or
- (b) the track directly between the navigational facilities, airports or points whilst on any other route.

[subreg (2) am LN 82 of 2009 reg 53, opn 6 Feb 2010]

(3) The pilot-in-command is responsible for ensuring that the appropriate air traffic control unit is notified of any deviation from the tracking and height keeping requirements of subregulation (2).

[subreg (3) subst LN 82 of 2009 reg 53, opn 6 Feb 2010]

(4) Subject to subregulation (2), an aircraft operating along an ATS route segment defined by reference to very high frequency omnidirectional radio ranges (VOR) shall change over for its primary navigation guidance from the facility behind the aircraft to that ahead of it at, or as close as operationally feasible to, the change-over point, where established.

[subreg (4) subst LN 82 of 2009 reg 53, opn 6 Feb 2010]

[CIA 13,420] Position reports

105 As soon as possible after reaching a significant point and unless exempted by the appropriate air traffic services unit, the pilot in command of an aircraft shall report, to the appropriate air traffic services unit, the position of the aircraft, together with any additional information required, in accordance with the procedures and conditions notified by Airports Fiji.

[reg 105 am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 82 of 2009 reg 54, opn 6 Feb 2010]

[CIA 13,425] Cruising level

106 (1) The cruising levels at which a flight or a portion of a flight is to be conducted shall be determined in accordance with—

- (a) flight levels, for flights at or above the lowest usable flight level, or, where applicable, above the transition altitude; or
- (b) altitudes, for flights below the lowest usable flight level or, where applicable, at or below the transition altitude.

(2) When a VFR flight is conducted at a height of less than 3,500 feet above mean sea level, the pilot-in-command must ensure that the cruising level of the flight is, whenever practical, appropriate to the magnetic track.

(3) A VFR flight shall not be conducted at a height above flight level 200 unless approved by the Authority and subject to such other conditions it may prescribe.

(4) The Authority shall notify the cruising levels which shall be in conformity with the Table of Cruising Levels in respect of magnetic tracks as specified in Annex 2 to the Convention on International Civil Aviation.

(5) Cruising levels within the transition layer (11,000 feet to flight level 130) shall not be planned.

(6) The Authority may notify the cruising and flight levels, which are not available, when the Q NH varies significantly from the international standard atmosphere.

(7) Cruising flights at or between flight level 290 and Flight Level 410 where vertical separation of 1000ft is applicable shall be subject to conditions as may be notified by the Authority.

[subreg (7) am LN 82 of 2009 reg 55, opn 6 Feb 2010]

[reg 106 subst LN 72 of 2003 reg 34, opn 1 July 2004]

[CIA 13,430] Communications

107 (1) No person shall operate the radio station in an aircraft, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station.

[subreg (1) am LN 82 of 2009 reg 56, opn 6 Feb 2010]

(2) The pilot in command of any aircraft operating in controlled airspace or on or within 10 nm of an aerodrome serving public transport services shall ensure that a member of the operating flight crew maintains a continuous listening watch on the radio frequency notified by the Authority for and establishes two-way communications with, the appropriate air traffic services unit. The use of SELCAL or datalink is acceptable for this requirement.

[subreg (2) subst LN 82 of 2009 reg 56, opn 6 Feb 2010]

(3) If a radio failure precludes compliance with subregulation (2), the pilot in command shall comply with the procedures notified by the Authority to be followed in the event of an aircraft being unable to maintain the required communication. In addition, the aircraft, when forming part of the airport traffic at a controlled airport, shall keep a watch for such instructions as may be issued by visual signals.

[subreg (3) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 35, opn 1 July 2004]

[CIA 13,435] Termination of control

108 When a controlled flight has landed or is no longer subject to air traffic control service, the appropriate air traffic control unit shall be notified as soon as possible.

[CIA 13,440] Unlawful interference

109 The pilot in command of an aircraft which is being subjected to unlawful interference shall endeavour to notify the appropriate air traffic services unit of such interference, any significant circumstances associated therewith and any deviation from the current flight plan necessitated by the circumstances, in order to enable the air traffic services unit to give priority to the aircraft and to minimise conflict with other aircraft. In doing so, the pilot-in-command shall insert the words “CODE SEVEN FIVE ZERO ZERO” after the aircraft’s call sign in radiotelephony transmissions or insert an obviously false message, in a routine or special message to the appropriate air traffic services unit.

[CIA 13,445] Interception

110 (1) This regulation applies to any aircraft operating in airspace administered by Fiji and to any aircraft operated elsewhere by an operator domiciled in Fiji.

[subreg (1) insrt LN 82 of 2009 reg 57, opn 6 Feb 2010]

(2) The pilot in command of an aircraft which is intercepted by another aircraft shall immediately—

- (a) follow the instructions given by the intercepting aircraft, interpreting and responding to the visual signals provided in Annex 2 of the Chicago Convention, as amended from time to time as signals for use in the event of interception;
- (b) notify, if possible, the appropriate air traffic services unit;
- (c) attempt to establish radio communication with the intercepting aircraft or with the appropriate air traffic services unit, by making a general call on the emergency frequency 121.5MHz, if practicable, giving the identity and position of the aircraft and nature of flight.

[subreg (2) am LN 72 of 2003 reg 36, opn 1 July 2004; LN 82 of 2009 reg 57, opn 6 Feb 2010]

(3) If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by visual signals or by radio the pilot in command of, the intercepted aircraft shall request immediate clarification while continuing to comply with the visual or radio instructions given by the intercepting aircraft.

[subreg (3) am LN 82 of 2009 reg 57, opn 6 Feb 2010]

[CIA 13,450] Visual Flight Rules — Meteorological minima

111 VFR flights shall be conducted in conditions of distance from cloud and flight visibility equal to or greater than those specified in Table 1—

Table 1			
Airspace Class	A, B, C, D and E	F&G	
		Above 900 m (3000 ft) AMSL or Above 300 m (1000 ft) above terrain, whichever is the higher	At or below 900 m (3000 ft) AMSL or 300 m (1000 ft) above terrain, whichever is the higher
Distance from Cloud	1500 m horizontally 300 m vertically	300 m (1000 ft)	Clear of cloud and in sight of the surface
Flight Visibility	At and above 3050 m (10,000 ft) AMSL 8 km Below 3050 m (10,000 ft)	5 km	5 km — except as provided for in regulation 112.

[reg 111 subst LN 82 of 2009 reg 58, opn 6 Feb 2010]

[CIA 13,455] Flights below VFR minima within controlled airspace

112 (1) Within a Control Zone and when authorised by the appropriate air traffic control unit to operate as a Special VFR flight to a specific request originated by the pilot, a flight may be conducted in accordance with the requirements prescribed in subregulations (2) and (3).

(2) For a Special VFR flight, the aircraft shall be flown—

- (a) clear of cloud in sight of the surface;
- (b) with a ceiling and visibility equal to or greater than—
 - (i) by day — 600 ft and 1500 m;
 - (ii) by night — 3000 ft and 16 km,

except that by day helicopters may be permitted to operate in less than 1500 m flight visibility if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

(3) A special VFR flight shall not be authorised when it will cause any delay to a flight operating under Instrument Flight Rules.

[reg 112 subst LN 82 of 2009 reg 59, opn 6 Feb 2010]

[CIA 13,460] Operation of VFR flights

113 (1) Except as permitted under subregulation (2) hereunder, no operator shall conduct and no pilot shall fly an aircraft under Visual Flight Rules—

- (a) at night; or
- (b) to any position more than 50 nautical miles from land, except under conditions prescribed by the Authority; or
- (c) as a flight for which an IFR flight plan has been communicated; or
- (d) above flight level 200; or
- (e) at a True Air Speed in excess of 200 knots; or
- (f) in such other conditions as may be notified by the Authority.

(2) Training flights may be conducted in a control zone at night as Special VFR flights in accordance with regulation 112.

[reg 113 subst LN 82 of 2009 reg 60, opn 6 Feb 2010]

[CIA 13,465] Minimum altitudes

114 (1) Except when necessary for take-off or for landing, except with the permission of the Authority, aircraft shall not be flown below such a height as will permit, in the event of an emergency arising, a landing to be made without undue danger to persons or property on the surface.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 39, opn 1 July 2004; LN 82 of 2009 reg 61, opn 6 Feb 2010]

(2) Except with the permission in writing of the Authority and subject to such conditions as may be specified by it, a VFR flight shall not be made below the following heights—

- (a) *Over congested areas*

Over the congested areas of cities, towns or settlements or over any assembly of persons in the open air, a height of 1,000 feet above the highest terrain or any obstacle thereon, within a horizontal radius of 600 metres of a position immediately below the aircraft.

- (b) *Over other areas*

Over other areas a height of 500 feet above the surface, except that over open water or sparsely populated areas, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle or structure.

[subreg (2) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 39, opn 1 July 2004; LN 82 of 2009 reg 61, opn 6 Feb 2010]

(3) The provisions of subregulation (2) of this regulation shall not apply to—

- (a) any aircraft flying in accordance with normal aviation practice, for the purpose of taking off from, landing at or practising approaches to landing at, or checking navigational aids or procedures at an airport;
- (b) any aircraft flying in such a manner as is necessary for the purpose of saving life;
- (c) any helicopter, provided the operation is conducted without danger to persons or property on the surface and the pilot in command is complying with routes or altitudes specifically prescribed for helicopters by the Authority;
- (d) any aircraft which is being used for police purposes;
- (e) a glider, while it is still soaring;

(f) aerial work.

[subreg (3) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 39, opn 1 July 2004; LN 82 of 2009 reg 61, opn 6 Feb 2010]

[CIA 13,470] VFR cruising levels

115 VFR flights, except those operated in controlled airspace (Instrument/Visual), in level cruising flight above 3,000 feet above mean sea level shall be conducted at the VFR flight level or altitude appropriate to the track as specified in regulation 106. VFR flights operated in controlled airspace (Instrument/Visual) shall select cruising levels or altitudes from those to be used by IFR flights.

[CIA 13,475] Communications

116 (1) Without prejudice to the provisions of regulation 107, a VFR flight operating within or into designated areas, or along designated routes outside controlled airspace, shall maintain continuous listening watch on the appropriate radio frequency of, and report its position as necessary to, the air traffic services unit providing flight information service.

(2) The pilot in command of an aircraft making a VFR flight within a control zone established at an airport serving international flights and in any portion of the associated terminal control area shall—

- (a) establish and maintain a two-way radio communication with the appropriate air traffic control unit;
- (b) obtain permission from the appropriate air traffic control unit before entering the airport traffic zone;
- (c) report positions, as required by the air traffic control unit.

[CIA 13,480] Change from VFR to IFR flight

117 The pilot in command of an aircraft flown in accordance with the Visual Flight Rules who wishes to change to flight in compliance with the Instrument Flight Rules shall—

- (a) if a flight plan was communicated, communicate the necessary changes to be effected to its current flight plan; or
- (b) if no flight plan was communicated and the flight under Instrument Flight Rules requires the communication of a flight plan under the provisions of regulation 99 or 103(1), communicate a flight plan to the appropriate air traffic services unit; and
- (c) give adequate notice of the change to, and obtain clearance from, the appropriate air traffic services unit prior to proceeding with the flight under Instrument Flight Rules when in controlled airspace.

[CIA 13,485] Instrument Flight Rules

118 (1) Except when necessary for taking off from or landing at an airport, or except when specifically permitted by the Authority, an IFR flight shall be flown at a level which is not below the minimum flight altitude established for the route or area or, where no such minimum flight altitude has been established—

- (a) over notified mountainous areas at a level which is at least 2,000 feet (600 metres) above the highest obstacle located within 5 nautical miles (8 kilometres) of the estimated position of the aircraft;

- (b) over other areas at a level which is at least 1,000 feet (300 metres) above the highest obstacle located within 5 nautical miles (8 kilometres) of the estimated position of the aircraft.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 40, opn 1 July 2004; LN 82 of 2009 reg 62, opn 6 Feb 2010]

(2) For the purposes of subregulation (1), in estimating the position of an aircraft account shall be taken of the navigational accuracy which can be achieved on the relevant route segment, having regard to the navigational facilities available on the ground and in the aircraft.

[CIA 13,490] Operation of IFR flights

119 The pilot in command of an aircraft precluded from flying under Visual Flight Rules under regulation 113 shall communicate a flight plan and conduct the flight under Instrument Flight Rules.

[CIA 13,495] IFR cruising levels

120 An aircraft flown in accordance with Instrument Flight Rules shall, when in cruising flight, be flown at a level, appropriate to its magnetic track, in accordance with regulation 106, except that the correlation of levels to track prescribed therein shall not apply if the aircraft is being flown in conformity with instructions given by an air traffic control unit for IFR flights operating within controlled airspace.

[CIA 13,500] Single engine IFR operations

120A (1) Single engined aeroplanes shall only be operated in conditions of weather and light and over such routes and diversions therefrom, that permit a safe forced landing to be executed in the event of engine failure.

(2) In compliance with subregulation (1), no holder of an Air Operator's Certificate of Competency (AOC) shall conduct a SEIFR unless—

- (a) SEIFR operations are specified in the AOC;
- (b) the operation is conducted in accordance with regulations 98;
- (c) the aeroplane used has a passenger seating configuration of 14 seats or less, excluding any required crew members seat and a payload capacity of 3,410 kg or less;
- (d) a valid certificate of airworthiness is issued for such operation pursuant to regulation 13;
- (e) the airworthiness standards issued pursuant to regulation 13(11) are complied with;
- (f) such operation is conducted under conditions notified by the Authority;
- (g) for each aerodrome to be used for the operation provides a route guide to the pilot-in-command with details of contingency options available to assist with obstacle clearance in the event of an engine power loss occurring during the instrument departure, en route and approach;
- (h) a programme is established for the early identification and prevention of SEIFR related problems;
- (i) the aeroplane has a database that is designed to access the reliability of the aeroplane and its systems;
- (j) the programme and database required under paragraphs (h) and (i) are reviewed each calendar month in accordance with its quality assurance programme and that any corrective or preventative actions are recorded;

(k) the requirement of paragraph (j) is provided to the Authority every month, to which the Authority will have the discretion to assess the safety of the operation; and

(l) the crew training syllabus is approved annually.

(3) Notwithstanding the above provisions, the Authority may notify standards for the conduct of SEIFR public transport operations.

[reg 120A insrt LN 82 of 2009 reg 63, opn 6 Feb 2010]

[CIA 13,505] Change from IFR to VFR flight

121 (1) An IFR flight plan shall not be cancelled when an aircraft is flown under conditions which preclude continuation of the flight under Visual Flight Rules as specified in regulations 112 and 113 or under any other conditions notified by the Authority from time to time.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 41, opn 1 July 2004]

(2) When an aircraft flown under the Instrument Flight Rules encounters Visual Meteorological Conditions, the pilot in command shall not cancel the IFR flight plan unless it is anticipated and intended that the flight will be continued in uninterrupted Visual Meteorological Conditions.

(3) The pilot in command of an aircraft electing to change the conduct of its flight from compliance with the Instrument Flight Rules to compliance with the Visual Flight Rules shall notify the appropriate air traffic services unit specifically that the IFR flight is cancelled and communicate thereto the changes to be made to its current flight plan.

[The next page is 100,831]

[CIA 13,510] Maintenance of documents and records

122 Every owner, operator, hirer or member of the flight crew of an aircraft shall maintain in a current state, any certificate, licence, log book or document issued to him or her or required to be kept, maintained, preserved or produced by him or her under these Regulations.

[CIA 13,515] Aircraft, engine and propeller log books

123 (1) In addition to any other log books required to be kept under regulation 122, the following log books shall be kept in respect of all aircraft registered in Fiji—

- (a) an aircraft log book;
 - (b) a separate log book in respect of each engine fitted in the aircraft; and
 - (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.
- (2) The following entries shall be included in the aircraft log book—
- (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
 - (b) the nationality and registration marks of the aircraft;
 - (c) the name and address of the operator of the aircraft;
 - (d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;
 - (e) particulars of all maintenance work carried out on the aircraft or its equipment;
 - (f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under these Regulations, and of the action taken to rectify such defects, including a reference to the relevant entries in the technical log required by regulation 15(5);
 - (g) particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid, provided that entries shall not be required to be made under subparagraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.
- (3) The following entries shall be included in the engine log book—
- (a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;
 - (b) the nationality and registration marks of each aircraft in which the engine is fitted;
 - (c) the name and address of the operator of each such aircraft;
 - (d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;
 - (e) particulars of all maintenance work done on the engine;
 - (f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by regulation 15(5);
 - (g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

- (4) The following entries shall be included in the variable pitch propeller log book—
- (a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
 - (b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;
 - (c) the name and address of the operator of each such aircraft;
 - (d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;
 - (e) particulars of all maintenance work done on the propeller;
 - (f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by regulation 15(5);
 - (g) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

(5) Each entry in a log book shall be made as soon as it is practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance, if any, in force in respect of the aircraft at the time of the occurrence.

(6) If an entry in a log book refers to any other document, such document shall be identified clearly and shall be deemed, for the purposes of these Regulations, to be part of the log book.

(7) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept under these Regulations to keep them or cause them to be kept in accordance with the provisions of this regulation.

(8) Subject to the provisions of these Regulations, every log book referred to in subregulation (1) shall be preserved by the operator of the aircraft until a date 2 years after the aircraft, the engine or the propeller to which it relates has been destroyed or has been permanently withdrawn from use.

[CIA 13,520] Personal flying log book

124 (1) Every member of the flight crew of an aircraft registered in Fiji and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations shall keep a personal flying log book showing his or her name, address and particulars of his or her licence, if any, to act as a member of the flight crew of an aircraft and shall record therein the following—

- (a) the name and address of his or her employer, if any;
- (b) particulars of all flights, made as a member of the flight crew of an aircraft, or while flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations, as the case may be, including—
 - (i) the date, duration and places of arrival and departure of each flight;
 - (ii) the type and registration marks of the aircraft;
 - (iii) the capacity in which the holder acted in flight;
 - (iv) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;
 - (v) particulars of any test or examination undertaken whilst in flight.

(2) Every holder of an air traffic controller's licence and every person engaged for the purpose of qualifying for the grant or renewal of an air traffic controller's licence under

these Regulations shall keep a personal air traffic service logbook showing the holder's name, address and any particulars of the licence, to act as air traffic service personnel and shall record therein the following—

- (a) the name and address of his or her employer;
- (b) particulars of all hours working as an air traffic controller or while qualifying for the grant or renewal of an air traffic controller's licence under these Regulations, as the case may be, including—
 - (i) the date, duration and venues of each shift;
 - (ii) the capacity in which the holder acted; and
 - (iii) particulars of any test or examination undertaken during the shift.

(3) The holder of an aeronautical facility technician's licence and any person engaged for the purpose of qualifying for the grant or renewal of an aeronautical facility technician's licence under these Regulations shall keep an aeronautical facility service logbook showing the holder's name, address and any particulars of the licence, to act as an aeronautical facility technician and shall record therein the item specified in sub paragraphs 2(a), (b)(i), (ii), and (iii).

(4) Every person engaged for the purpose of qualifying for the grant of an aircraft maintenance engineer's licence under these Regulations shall keep a personal aircraft maintenance logbook showing the holder's name, address and particulars of the licence, if any, and shall record the following in the logbook—

- (a) the name and address of his or her employer; and
- (b) particulars of all work carried out while qualifying for the grant of aircraft maintenance engineer's licence under these Regulations.

[subreg (4) am LN 72 of 2003 reg 42, opn 1 July 2004]

[CIA 13,525] Use of flight data recorder

125 (1) On any flight on which a flight data recorder or a cockpit voice recorder is required by these Regulations to be carried in an aircraft, it shall always be in use from the beginning of taxiing for take-off through to the parking of the aircraft at the completion of the flight.

[subreg (1) am LN 82 of 2009 reg 64, opn 6 Feb 2010]

(2) The operator of such aircraft shall at all times, subject to the provisions of these Regulations, preserve—

- (a) the last 25 hours of recording made by any flight data recorder required by or under these Regulations to be carried in an aircraft; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates,

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

[CIA 13,530] Production of documents and records

126 Every person who—

- (a) is required under these Regulations to hold any licence, rating, certificate, permit, or other authority or permission in respect of the exercise of any function or the performance of any duty; or
- (b) is required under these Regulations to maintain, complete or cause to be

maintained or completed any document or record of or relating to the operation of aircraft or any member of the crew thereof or other person performing any function, relating to aircraft; or

- (c) has in his or her custody or possession any such document or record, shall, on demand by the Authority, or any authorised person, produce or cause to be produced any such document or record for inspection or for the purpose of investigating any contravention of or enforcing compliance with these Regulations, and shall, on the demand of the Authority or any authorised person, surrender any such document or record to the person making the demand, provided that any such document or record relating to an aircraft or any member of its crew which is not required by these Regulations to be carried in the aircraft shall be produced within 7 days of the demand being made.

[CIA 13,535] Preservation of documents and records

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

- (a) another person becomes the operator of the aircraft and it remains registered in Fiji, he or she or his or her personal representative shall deliver to that other person upon demand the certificates of maintenance and compliance, the log books and the weight schedule and any record made by a flight recorder and preserved in accordance with regulation 125 which are in force or required to be preserved in respect of that aircraft;
- (b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person and registered in Fiji, he or she or his or her personal representative shall deliver to that other person upon demand the log book relating to that engine or propeller;
- (c) any person in respect of whom a record has been kept by him or her in accordance with these Regulations becomes a member of the flight crew of a public transport aircraft registered in Fiji, and operated by another person, he or she or his or her personal representative shall deliver those records to that other person upon demand,

and it shall be the duty of that other person to deal with the document delivered to him or to her as if he or she were the first mentioned operator.

[CIA 13,540] Forgery etc, of documents

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

- (a) lend any licence or certificate issued or having effect, or required by or under these Regulations to, or allow it to be used by, any other person; or
- (b) alter any log book or aviation document required by or under these Regulations to be maintained or other entry to be made therein.

[subreg (1) am LN 82 of 2009 reg 65, opn 6 Feb 2010]

(2) A person shall not—

- (a) mutilate, or render illegible any log book or other record required by or under these Regulations to be maintained, or any entry made therein; or
- (b) destroy any log book or record during the period for which it is required by or under these Regulations to be preserved;

- (c) provide false or misleading information to the Authority for the purposes of obtaining any aviation document;
- (d) copy or cheat during examinations or tests carried out for the purpose of obtaining any aviation document; and
- (e) make or process or assist in the making of, any false entry in or material omissions from any log book or aviation document.

[subreg (2) am LN 82 of 2009 reg 65, opn 6 Feb 2010]

[The next page is 101,037]

[CIA 13,545] Application and interpretation

129 Except where otherwise specifically provided, this Part shall apply to all airports in Fiji and, unless the context otherwise requires, in this Part—

airport means an airport to which this Part applies; and

designated area means any part of an airport or any building on an airport designated, by a notice signed by an authorised person and posted on or near the entry points to such part of the airport or building to which it is applicable, so as to be readily seen and read by members of the public, as an area restricted to any person or class of persons.

[reg 129 am Act 16 of 1999 s 54, opn 19 Mar 1999]

[CIA 13,550] Responsibility

130 (1) The airport operator shall be responsible for the operation of all services provided at airports operated or managed by the airport operator, including security, air traffic control, communications, fire and rescue services and the commercial management of such airports.

[subreg (1) am Act 16 of 1999 s 55, opn 19 Mar 1999]

(2) The aerodrome operator shall ensure that, at or near to every airport, there shall be available for inspection by the public a plan delineating the boundaries of the property comprising the airport and any designated areas therein.

[subreg (2) am Act 16 of 1999 s 55, opn 19 Mar 1999; renum LN 82 of 2009 reg 67, opn 6 Feb 2010]

[CIA 13,555] Right of access

131 The Authority, or any person authorised by the Authority, has at all times a right of access to any aircraft, airport, building, installation facility or place to which access is necessary for the purpose of carrying out the powers and duties of the Authority under the Civil Aviation Reform Act 1999 or these Regulations.

[reg 131 subst Act 16 of 1999 s 56, opn 19 Mar 1999; LN 82 of 2009 reg 68, opn 6 Feb 2010]

[CIA 13,560] Licensing of airports

132 [reg 132 rep Act 16 of 1999 s 57, opn 19 Mar 1999]

[CIA 13,565] Use of airports

133 [reg 133 rep Act 16 of 1999 s 57, opn 19 Mar 1999]

[CIA 13,570] Conditions governing the grant of licence

134 [reg 134 rep Act 16 of 1999 s 57, opn 19 Mar 1999]

[CIA 13,575] Charges at airports licensed for public use

135 [reg 135 rep Act 16 of 1999 s 57, opn 19 Mar 1999]

[CIA 13,580] Customs airport

136 The Minister, after consultation with the Minister of Finance, may, for the purpose of this Part, by notification in the Gazette, declare any airport in Fiji to be a customs airport.

[CIA 13,585] Noise and vibrations caused by aircraft at airports

137 (1) The conditions under which noise and vibration may be caused by aircraft at any airport in Fiji used for the purpose of operation, repair or maintenance of aircraft shall be as follows—

- (a) while the aircraft is taking off or landing; or
- (b) while the aircraft is moving on the ground or water; or
- (c) while the engines are being operated in the aircraft—
 - (i) for the purpose of ensuring their satisfactory performance; or
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

[subreg (1) renum LN 72 of 2003 reg 43, opn 1 July 2004]

(2) Notwithstanding subregulation (1), the airport operator shall notify other conditions acceptable by the Authority.

[subreg (2) insrt LN 72 of 2003 reg 43, opn 1 July 2004]

(3) No person shall operate an aircraft into or out of any aerodrome in Fiji in international air navigation, whether or not for public transport, unless in compliance with ICAO Annex 16 Noise Standards.

[subreg (3) insrt LN 82 of 2009 reg 69, opn 6 Feb 2010]

[CIA 13,590] Aeronautical ground lights

138 (1) No person shall establish or maintain an aeronautical ground light in Fiji except with the permission of the Authority and in accordance with any conditions subject to which the permission may be granted.

[subreg (1) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 44, opn 1 July 2004; LN 82 of 2009 reg 70, opn 6 Feb 2010]

(2) A person shall not alter the character of an aeronautical ground lights within Fiji except with the permission of the Authority and in accordance with any conditions subject to which the permission may be granted.

[subreg (2) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 82 of 2009 reg 70, opn 6 Feb 2010]

(3) A person shall not damage or interfere with any aeronautical ground light established or maintained by an airport operator.

[subreg (3) subst LN 72 of 2003 reg 44, opn 1 July 2004; am LN 82 of 2009 reg 70, opn 6 Feb 2010]

[CIA 13,595] Dangerous lights

139 (1) No person shall exhibit in Fiji any light which is liable—

- (a) to endanger aircraft taking off from or landing at an airport; or
- (b) to be mistaken for an aeronautical ground light and endanger the safety of aircraft.

[subreg (1) am LN 82 of 2009 reg 71, opn 6 Feb 2010]

(2) If any light which appears to the Authority to be such light as aforesaid is exhibited, the Authority may cause a notice to be served upon the person who is the owner or the

occupier of the place where the light is exhibited or upon the person who is in charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

[subreg (2) am Act 16 of 1999 s 68, opn 19 Mar 1999; LN 72 of 2003 reg 45, opn 1 July 2004]

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

(4) Every person upon whom a notice is served under the foregoing provisions of this regulation shall comply with the directions contained in the notice within the time specified therein.

[CIA 13,600] Airports managed or operated by the Authority

140 (1) All persons on any part of the property comprising an airport shall be governed by the provisions of these Regulations relating to such an airport and by any orders and instructions of the airport operator relative to the use or occupation of any part of the property comprising the airport.

[subreg am Act 16 of 1999 s 58, opn 19 Mar 1999]

(2) No person shall, within an airport—

- (a) obstruct or interfere with the proper use of the airport;
- (b) obstruct any person acting in the execution of his or her duty in relation to the airport;
- (c) remain in the airport after having been required to leave it by aerodrome operator;
- (d) allow any vehicle or animal to be in the airport after having been required to remove it or after its presence on the airport has been forbidden by aerodrome operator;
- (e) board or attempt to board an aircraft without the permission of the person in charge of it;
- (f) interfere or tamper with any aircraft without the permission of the person in charge of it;
- (g) smoke in or otherwise bring or light any naked light into or in—
 - (i) any place where any such act is prohibited by notice; or
 - (ii) any place within 15 metres of an aircraft or a store of liquid or gaseous fuel or explosives;
- (h) do any act causing or tending to cause an outbreak of fire;
- (i) throw, leave or drop anything capable of causing injury to any person or property;
- (j) climb any wall, fence, barrier, railing or post;
- (k) wilfully give any false alarm indicating that an emergency situation exists either on or in the vicinity of the airport or on any aircraft within the area customarily under the control of an airport air traffic control unit;
- (l) fail to put an aircraft in the place and position specified by aerodrome operator;
- (m) fail to moor or secure any stationary aircraft, which is not in a hangar, in such manner as will ensure that it does not constitute a hazard to persons or property;
- (n) drive or place a vehicle carelessly or dangerously or without consideration for other persons using the airport;
- (o) being the driver of a vehicle, fail to stop when required to do so by aerodrome operator;

- (p) being the driver of a vehicle which is involved in an accident, fail to give his or her name and address and the name and address of the owner of the vehicle to aerodrome operator;
- (q) being the driver of a vehicle, fail to report to aerodrome operator any accident in which the vehicle is involved;
- (r) park a vehicle elsewhere than in a place provided for that purpose, either generally or in relation to a particular class of vehicles;
- (s) being the person in charge of a vehicle, fail to remove it from any place where it may be parked upon being so required by aerodrome operator;
- (t) fail to keep any animal under control;
- (u) use any language likely to cause offence or annoyance to any person;
- (v) behave in an indecent or disorderly manner;
- (w) be drunk or intoxicated;
- (x) dispose of garbage, papers or refuse or other material in the airport, except in the receptacle provided for that purpose;
- (y) travel other than on the roads, paths or places provided for the particular class of traffic;
- (z) occupy the roads or paths in such manner as to hinder or obstruct their proper use.

[subreg (2) am Act 16 of 1999 s 16, opn 19 Mar 1999; LN 82 of 2009 reg 72, opn 6 Feb 2010]

(3) No person shall, within an airport except with the permission in writing of the airport operator first obtained—

- (a) remove, displace, damage, deface, or alter any building, structure or other property, whether real or personal (including any notice), forming part of or provided for or in connection with the airport;
- (b) dig soil or cut or remove turf;
- (c) sell or distribute anything, or offer anything for hire or sale, or make any offer of service;
- (d) post, distribute or display any signs other than signs for the purpose of identification to an arriving passenger and being no larger than A3 size, advertisements, circulars or printed or written matter;
- (e) leave a vehicle in the airport longer than is reasonably necessary for the transaction of the business for the purpose of which it was brought there;
- (f) drive a vehicle elsewhere than in a place provided for the passage or accommodation of such vehicles;
- (g) fill or discharge from any container (including any part of a vehicle) liquid or gaseous fuel elsewhere than in a place approved for that purpose;
- (h) light a fire elsewhere than in a place constructed for that purpose;
- (i) remove, pick or otherwise damage any tree, shrub or plant;
- (j) walk on or otherwise damage any flowerbed or any thing growing therein;
- (k) operate any type of vehicle for the disposal of garbage, ashes or other waste material;
- (l) operate any radio transmitting equipment, except when such equipment is installed in an aircraft;
- (m) hold any public meeting or public function;
- (n) for commercial purposes, take still or motion pictures or operate a television camera.

[subreg (3) am Act 16 of 1999 s 58, opn 19 Mar 1999; LN 82 of 2009 reg 72, opn 6 Feb 2010]

(4) Any permission given under this regulation may be given so as to apply to any persons, equipment or vehicles either absolutely or subject to such conditions as the Authority thinks fit.

[CIA 13,605] Entry to designated areas

141 (1) No person shall enter or remain within the precincts of any airport or any building or area therein in which are operated technical facilities or services for civil aviation except those areas specifically set aside for public use, 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 airport impeded.

[subreg (1) am Act 16 of 1999 s 59, opn 19 Mar 1999]

(2) Notwithstanding the provisions of subregulation (1), the airport operator or any authorised person shall be entitled to control or prohibit access to any part of any such airport or any building, or area within any such airport used for providing technical facilities or services for civil aviation.

[subreg (2) am Act 16 1999 s 59, opn 19 Mar 1999]

(3) No person shall enter or be in any place at any such airport which is a designated area, without the general or specific permission of the airport operator.

[subreg (3) am Act 16 of 1999 s 59, opn 19 Mar 1999]

(4) Any permission granted under subregulation (3) may be in such form as the airport operator may determine and may be signified by a document (hereinafter called an Airport Identity Card) issued by the airport operator.

[subreg (4) am Act 16 of 1999 s 59, opn 19 Mar 1999]

(5) An Airport Identity Card shall remain the property of the airport operator and shall be returned to it on demand.

[subreg (5) am Act 16 of 1999 s 59, opn 19 Mar 1999]

(6) It shall be an offence for any person falsely to represent himself or herself to be the holder of an Airport Identity Card issued under this regulation.

[CIA 13,610] Refuelling of aircraft

142 (1) Any person refuelling an aircraft at an aerodrome or vending fuel shall comply with the aerodrome operator's safety procedures and directions.

(2) During the refuelling of an aircraft, no person shall smoke or operate any mobile phone from within 20 metres radius of the aircraft or within a lesser distance from the aircraft.

(3) The lesser distance referred to in subregulation (2), shall be determined by the Authority.

[reg 142 subst LN 82 of 2009 reg 73, opn 6 Feb 2010]

[CIA 13,615] Stray livestock and animals

143 If the airport operator or an authorised person considers it necessary to do so, to ensure the safety of aircraft, the airport operator or the authorised person may shoot, destroy or trap any livestock or animal found straying on the airport or airport installation.

[reg 143 subst Act 16 of 1999 s 60, opn 19 Mar 1999]

[CIA 13,620] Starting engines

144 It shall be an offence—

- (a) for any person to start or run any engine in any aircraft in an airport unless such a person is the holder of a pilot's or aircraft maintenance engineer's licence or a flying training permit, or has been approved by the Authority to start the engine of an aircraft and taxi the aircraft;

- (b) for any person to leave unattended in any such airport any aircraft with any engine thereof running;
- (c) to start any engine in any aircraft in any such airport unless the aircraft is either provided with adequate parking brakes and use is made of such brakes or blocks have first been placed in front of the wheels of the aircraft.

[reg 144 am Act 16 of 1999 s 61, opn 19 Mar 1999; LN 72 of 2003 reg 46, opn 1 July 2004]

[CIA 13,625] Vehicles

145 (1) A person shall not take a motor vehicle on to the area of an airport used by aircraft unless there is displayed on the vehicle a permit issued by the airport operator.

(2) A person shall only operate a motor vehicle or mechanically propelled equipment on a taxiway, runway, strip or parking apron at an airport in the course of his or her lawful duties and in accordance with any instructions of the airport operator or air traffic control unit, where appropriate.

[reg 145 subst Act 16 of 1999 s 62, opn 19 Mar 1999; am LN 82 of 2009 reg 74, opn 6 Feb 2010]

[The next page is 101,143]

PART 8A — INSTITUTIONS AND ORGANISATIONS

[Pt 8A insrt LN 72 of 2003 reg 47, opn 1 July 2004]

[CIA 13,630] Certification of Air Traffic Services Providers

145A (1) No person shall exercise the functions of an air traffic services provider unless such person holds an Air Traffic Service Provider Certificate granted by the Authority under subregulation (2).

(2) The Authority may grant an air traffic service provider certificate to any person applying for such certificate if it is satisfied that such person is—

- (a) competent, having regard to any of the following, his or her previous conduct and experience, equipment, facility, organisation, staffing, training, quality assurance system, safety management system, maintenance and other arrangements to conduct services specified in the certificate and for the services so specified; and
- (b) in compliance with air traffic service standards published by the Authority.

[subreg (2) am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect an air traffic services organisation—

- (a) for the purpose of securing and monitoring the safety of aircraft operations under this regulation; or
- (b) for satisfying the Authority that the holder of an air traffic service provider certificate is competent to operate safely.

(5) An inspection carried out on the nature of the work pursuant to subregulation (4) includes—

- (a) the examining and inspecting of the work of the personnel providing air traffic services; or
- (b) the examining and inspecting of air traffic equipment maintenance facilities; or
- (c) such other examination or inspection as may be necessary for the purpose of monitoring the safety and objectives of air traffic service operations.

(6) The air traffic service provider shall comply with any recommendations or corrective actions imposed by the Authority as a result of an examination or inspection carried out under subregulation (5).

[subreg (6) am LN 82 of 2009 reg 75, opn 6 Feb 2010]

(7) Any air traffic service provider that contravenes a provision of these Regulations, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$1,000 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

[subreg (7) am LN 82 of 2009 reg 75, opn 6 Feb 2010]

[CIA 13,635] Certification of Aviation Training Institution

145B (1) No person shall exercise the functions of an aviation training institution, for the training of pilots, personnel for the provision of air traffic services, air navigation services, aircraft maintenance engineering services and associated aviation support services unless such person holds an Aviation Training Institution Certificate granted by the Authority under subregulation (2).

- (1A) Notwithstanding subregulation (1) above, certification is not required when—
- (a) the training is being provided only for personnel who are engaged, employed or contracted by an organisation whose prime function is as a service provider and which is certificated for that function by the Authority under another legislative provision, then that organisation shall meet the remaining requirements of this regulation and any standards published by the Authority and the approval to conduct the training forms part of the certification for the organisation's prime function; or
 - (b) the training is for the grant of a Commercial Pilot Licence and is not part of a course of approved training as provided for in Annex 1 at paragraph 2.4.1.3.1.

[subs (1A) insrt LN 82 of 2009 reg 76, opn 6 Feb 2010]

(2) The Authority may grant an Aviation Training Institution Certificate to any person applying for such a certificate if it is satisfied that such person is—

- (a) competent, having regard to any of the following, his or her previous conduct and experience, equipment, facility, organisation, staffing, maintenance, quality assurance system, safety management system and other arrangements, to conduct training specified in the certificate and for the purposes so specified; and
- (b) in compliance with aviation training standards published by the Authority.

[subreg (2) am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect an aviation training institution—

- (a) for the purposes of monitoring the training; or
- (b) to satisfy the Authority that the holder of an Aviation Training Certificate is competent to provide the appropriate aviation training.

(5) An inspection carried out on the nature of the work pursuant to subregulation (4) includes—

- (a) the examining and inspecting of the work of the personnel providing lectures and instructions; or
- (b) the examining and inspecting of the equipment and facilities; or
- (c) such other examination or inspection as may be necessary for the purpose of monitoring the delivery of the aviation training.

(6) The aviation training institution shall comply with any recommendations or corrective actions imposed by the Authority as a result of an examination or inspection carried out under subregulation (5).

(7) The aviation training institution that contravenes a provision of these Regulations, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$1,000 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$5,000.

[CIA 13,640] Certification of approved maintenance organisation

145C (1) No person shall exercise the functions of an approved maintenance organisation for the provision of air navigation services and aircraft maintenance unless such person holds an Approved Maintenance Organisation Certificate granted by the Authority under subregulation (2).

[subreg (1) am LN 82 of 2009 reg 77, opn 6 Feb 2010]

(2) The Authority may grant a maintenance organisation approval certificate to any person applying for such a certificate if it is satisfied that such person is—

(a) competent, having regard to any of the following, his or her previous conduct and experience, equipment, facilities, organisation, staffing, training, quality assurance system and safety management system, procedures and other arrangement to provide such services specified in the certificate and for the services so specified; and

(b) in compliance with approved maintenance standards published by the Authority.

[subreg (2) am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(3) The certificate may be granted subject to such conditions as the authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect a maintenance organisation—

(a) for the purposes of monitoring the provision of air navigation and aircraft maintenance purposes under this regulation; or

(b) for satisfying the Authority that the holder of the maintenance organisation certificate is competent to operate as a maintenance organisation.

(5) An inspection carried out on the nature of the work pursuant to subregulation (4) includes—

(a) the examining and inspecting of the work of the personnel providing air navigation and aircraft maintenance; or

(b) the examining and inspecting of the maintenance organisation service facilities and equipment; and

(c) such other examination or inspection as may be necessary for the purposes of monitoring the safety of air navigation and aircraft maintenance operations.

(6) The approved maintenance organisation shall comply with any recommendations or corrective actions imposed by the Authority as a result of an examination or inspection carried out under subregulation (5).

[subreg (6) am LN 82 of 2009 reg 77, opn 6 Feb 2010]

(7) Any maintenance organisation that contravenes a provision of these Regulations, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$1,000 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

[subreg (7) am LN 82 of 2009 reg 76, opn 4 Feb 2010]

[CIA 13,645] Certification of aeronautical meteorological service provider

145D (1) No person shall exercise the functions of an aeronautical meteorological service provider unless such person holds an Aeronautical Meteorological Service Certificate granted by the Authority under subregulation (2) or has a Quality Assurance System that complies with or is certificated under another standard acceptable to the Authority.

(2) The Authority may grant an Aeronautical Meteorological Service Certificate to any person applying for such certificate if it is satisfied that such person is—

(a) competent, having regard to any of the following, his or her previous conduct and experience, equipment, facility, organisation, staffing, training, quality assurance system, safety management systems, maintenance and other arrangements to conduct services specified in the certificate and for the services so specified; and

(b) in compliance with aeronautical meteorological standards published by the Authority.

[subreg (2) am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect an aeronautical meteorological service provider who holds an Aeronautical Meteorological Service Certificate granted by the Authority or has a Quality Assurance System that complies with or is certificated under another standard acceptable to the Authority—

- (a) for the purpose of securing and monitoring the safety of aircraft operations under this regulation; or
- (b) to satisfy the Authority that such person is competent to operate safely.

(5) An inspection carried out on the nature of the work pursuant to subregulation (4) includes—

- (a) the examining and inspecting of the work of the personnel providing aeronautical meteorological service; or
- (b) the examining and inspecting of aeronautical meteorological equipment and its maintenance facilities; or
- (c) such other examination and inspection as may be necessary for the purpose of monitoring the safety and objectives of aeronautical meteorological service operations.

(6) The aeronautical meteorological service provider shall comply with any recommendations imposed by the Authority as a result of an examination or inspection carried out under subregulations (4) and (5).

(7) Any aeronautical meteorological service provider that contravenes a provision of this regulation commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$100 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

[reg 145D insrt LN 82 of 2009 reg 78, opn 6 Feb 2010]

[CIA 13,650] Certification of aeronautical information service providers

145E (1) No person shall exercise the functions of an aeronautical information service provider unless such person holds an Aeronautical Information Service Certificate granted by the Authority under subregulation (2).

(2) The Authority may grant an Aeronautical Information Service Certificate to any person applying for such certificate if it is satisfied that such person is—

- (a) competent, having regard to any of the following, his or her previous conduct and experience, equipment, facility, organisation, staffing, training, quality assurance system, safety management systems, maintenance and other arrangements to conduct services specified in the certificate and for the services so specified; and
- (b) in compliance with aeronautical information standards published by the Authority.

[subreg (2) am LN 82 of 2009 reg 83, opn 6 Feb 2010]

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect an aeronautical information service provider—

- (a) for the purpose of securing and monitoring the provision of aeronautical information under these Regulation; or

(b) to satisfy the Authority that the holder of the Aeronautical Information Service Certificate is competent to operate.

(5) An inspection carried out on the nature of the work pursuant to subregulation (4) includes—

- (a) the examining and inspecting of the work of the personnel providing aeronautical information service; or
- (b) the examining and inspecting of aeronautical information equipment and its maintenance facilities; or
- (c) such other examination and inspection as may be necessary for the purpose of monitoring the safety of the provision of the service and the objectives of aeronautical information service operations.

(6) The aeronautical information service provider shall comply with any recommendations imposed by the Authority as a result of an examination or inspection carried out under subregulations (4) and (5).

(7) Any aeronautical information service provider that contravenes a provision of this regulation, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$1,000 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

[reg 145E insrt LN 82 of 2009 reg 78, opn 6 Feb 2010]

[CIA 13,655] Certification of foreign air operators

145F (1) No person not domiciled in Fiji shall conduct an air transport service to, from or within Fiji, except as specified in subregulation (2), unless such person holds a Foreign Air Operator Certificate of Competency granted by the Authority under subregulation (3).

(2) The requirement for a Foreign Air Operator Certificate shall not apply to an operator conducting—

- (a) no more than 2 take-offs or two landings within the Republic of Fiji in any consecutive 28 day period; or
- (b) no more than eight take-offs or eight landings within the Republic of Fiji in any consecutive 365 day period; or
- (c) any operations conducted for the purpose of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

(3) The Authority may grant a Foreign Air Operator Certificate to any person applying for such a certificate if it is satisfied that such person is—

- (a) competent, having regard to any of the following, his or her previous conduct and experience, equipment, facilities, organisation, staffing, training, quality assurance system, safety management system, procedures and other arrangement to provide such services specified in the certificate and for the services so specified; and
- (b) in compliance with Foreign Air Operator Certificate standards published by the Authority.

(4) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(5) An authorised person may inspect a Foreign Air Operator organisation—

- (a) for the purposes of monitoring the provision of air transport services and associated aircraft maintenance activities under this regulation; or
- (b) for satisfying the Authority that the holder of the Foreign Air Operator Certificate is competent to operate as an air transport organisation.

(6) An inspection carried out on the nature of the work pursuant to subregulation (5) includes—

- (a) the examining and inspecting of the work of the personnel providing air transport services; or
- (b) the examining and inspecting of the air transport organisation service facilities and equipment; and
- (c) such other examination or inspection as may be necessary for the purposes of monitoring the safety of air transport operations.

(7) The Foreign Air Operator organisation shall comply with any recommendations or corrective actions imposed by the Authority as a result of an examination or inspection earned out under subregulations (5) and (6).

(8) Any air transport organisation that contravenes a provision of these Regulations, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$1,000 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

[reg 145F insrt LN 82 of 2009 reg 78, opn 6 Feb 2010]

[The next page is 101,349]

[CIA 13,660] Issue of directions and publications

146 (1) Wherever in these Regulations the Authority is empowered or required to issue or give any directions, the Authority shall execute an instrument containing the directions and shall publish that instrument in such publications and in such manner as it may consider appropriate.

(2) Any such instrument purporting to have been executed by, or by the order of, the Authority shall be presumed to have been executed by the Authority in pursuance of these Regulations in the absence of proof to the contrary.

(3) Directions issued by the Authority under these Regulations may be either general or special, absolute or conditional and may be limited so as to expire on a date specified therein.

(4) The Authority may, in the exercise of its powers and functions under the Civil Aviation Authority of Fiji Act 1979, issue such directions as it considers expedient or necessary, including the issue of Aeronautical Information Circulars, standards documents and such other official publications as the Authority may deem fit.

[subreg (4) subst LN 82 of 2009 reg 79, opn 6 Feb 2010]

[CIA 13,665] General power to exempt

147 The Authority may issue directions exempting any aircraft or class of aircraft or any person or class of persons from any provision of these Regulations, either wholly or partially, subject to such conditions, if any, as may be specified in the directions.

[CIA 13,670] Inspection

148 An authorised person may—

- (a) at all reasonable times, enter any place or airport to which access is necessary or required for the purpose of exercising any powers or carrying out any duties under these Regulations;
- (b) at all times during working hours, enter any place in which aircraft, aircraft equipment or engines or parts thereof are being overhauled, repaired or assembled for the purpose of inspection;
- (c) enter, search and inspect any aircraft for the purpose of securing compliance with any of these Regulations or the term of any direction, notice, certificate, licence, approval, permission or exemption issued, made, served, granted or having effect under these Regulations.

[reg 148 am Act 16 of 1999 s 63, opn 19 Mar 1999]

[CIA 13,675] Power to prevent flying

149 If it appears to the Authority or an authorised person that any aircraft is intended or likely to be flown—

- (a) in such circumstances that any provision of these Regulations or any directions issued thereunder would be contravened in relation to the flight; or
- (b) in such circumstances that the flight would be a cause of danger to any person or property whether or not in the aircraft; or

- (c) while in condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or any directions issued thereunder,

the Authority or such authorised person may direct the operator or the pilot in command of the aircraft that he or she is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Authority or by the authorised person.

[CIA 13,680] Power to prevent unsafe procedures or practices in air traffic services and/or navigation services

149A If it appears to the Authority or an authorised person that any air traffic service provider or air navigation service provider or its employee intends to or is likely to provide an air traffic service or an air navigation service—

- (a) in such circumstances that any provision of these Regulations or any directions issued thereunder would be contravened in relation to the provision of air traffic services or an air navigation services; or
- (b) in such circumstances that the provision of air services or an air navigation services would be a cause of danger to any person, aircraft or property; or
- (c) while in condition unfit for the provision of air traffic services or an air navigation services, whether or not such services would otherwise be in contravention of any provision of these Regulations or any directions issued thereunder, the Authority, or such authorised person may direct the air service provider or air navigation service provider or its employee concerned to discontinue, of such a description as may be specified in the direction until the direction has been revoked by the Authority or by the authorised person.

[reg 149A insrt LN 82 of 2009 reg 80, opn 6 Feb 2010]

[CIA 13,685] Power to prohibit or restrict flying

150 (1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying over any area of Fiji or along any route therein by reason of national defence or any other reason affecting the public interest the Minister may, by order prohibit, restrict or impose conditions on flight over any such area along any such route, and an aircraft shall not fly in contravention of such order.

(2) Where the Authority deems it necessary in the public interest to restrict or prohibit flying over any area of Fiji or along any route therein by reason of—

- (a) the intended gathering or movement of a large number of persons; or
- (b) the intended holding of an aircraft race or contest or of an exhibition of flying,

the Authority may issue directions prohibiting or restricting flight over that area or route or imposing conditions on flight over that area or route, and no aircraft shall fly in contravention of such order.

[CIA 13,690] Revocation, suspension or cancellation of aviation documents

151 (1) If any person—

- (a) is convicted of a contravention under these Regulations; or
- (b) fails to comply with any provision of these Regulations; or
- (c) fails to comply with the conditions of any aviation document;

the Authority may revoke, suspend, endorse, cancel or vary such aviation document relating to such contravention.

(2) The Authority may only revoke, suspend, endorse, cancel or vary such aviation document if—

- (a) reasonable doubt exists as to the safety of the operation in question; and
- (b) the aviation document holder has been given a reasonable opportunity to be heard after investigations.

(3) Notwithstanding subregulation (2), the suspension of any aviation document before investigations may only be utilised if suspension is necessary in the public interest.

(4) Immediately after the suspension before investigation, the Authority shall conduct an enquiry into the matter and by the quickest possible time inform the aviation document holder of the results of such investigation.

(5) The Authority shall inform the aviation holder in writing of the reasons for such revocation, suspension, endorsement, cancellation or variation.

(6) The suspension, revocation or cancellation of the aviation document may not be lifted until the contravention has been rectified.

(7) Once the suspension, revocation or cancellation has been lifted, the Authority may endorse remarks or vary the particulars of the aviation document.

(8) Any person who continues to operate despite the revocation, suspension or cancellation of their aviation document commits an offence and is liable upon conviction to the penalty set out in regulation 157.

[reg 151 subst LN 82 of 2009 reg 81, opn 6 Feb 2010]

[CIA 13,695] Civil Air Ensign

152 (1) The Minister may, by order, specify the design and colours of the civil air ensign of Fiji.

(2) The civil air ensign of Fiji shall not be used or flown in or outside Fiji, except—

- (a) on or in the precincts of any building used by the Authority or Airports Fiji;
- (b) [Repealed]
- (c) at any airport in Fiji approved for public use and with the permission in writing of the Authority;
- (d) on any aircraft registered in Fiji and engaged in international air navigation;
- (e) on or in the precincts of any building occupied by an airline having its principal place of business in Fiji;
- (f) on any vehicle used by the principal officer of the Authority for official purposes; or
- (g) in accordance with the permission of, and subject to such conditions as may be specified by the Authority.

[subreg (2) am Act 16 of 1999 s 64, opn 19 Mar 1999; LN 82 of 2009 reg 82, opn 6 Feb 2010]

[CIA 13,700] Delegation of powers

153 (1) Any power or duty conferred or imposed by these Regulations on the Minister may be exercised or discharged by any person authorised by the Minister in writing in that behalf.

(2) Any power or duty conferred or imposed by these Regulations on the Authority may be exercised or discharged by any person authorised by the Authority in writing in that behalf.

(3) Any power or duty conferred or imposed by these Regulations on Airports Fiji may be exercised or discharged by any person authorised by it in writing for the purpose.

[subreg (3) insrt Act 16 of 1999 s 65, opn 19 Mar 1999]

[CIA 13,705] Extraterritorial effect

154 Except where the context otherwise requires, the provisions of these Regulations in so far as they, whether by express reference or otherwise—

- (a) apply to aircraft registered in Fiji, shall apply to such aircraft wherever they may be;
- (b) apply to other aircraft, shall apply to such aircraft when they are within Fiji;
- (c) prohibit, require or regulate the doing of anything by persons in, or by any of the crew of, an aircraft registered in Fiji, or by any other persons being citizens of Fiji in relation to an aircraft registered in Fiji, shall apply to such persons, crew and citizens wherever they may be.

[CIA 13,710] Obstruction of persons

155 A person shall not wilfully obstruct or impede any person acting in the exercise of his or her powers or the performance of his or her duties under these Regulations.

[CIA 13,715] Enforcement of directions and conditions

156 Any person who fails to comply—

- (i) with any order made by the Minister; or
- (ii) with any direction given by the Authority or Airports Fiji; or
- (iii) with any condition of a licence, certificate or rating issued or rendered valid; or
- (iv) with any condition of an approval, permission or exemption given or granted,

under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision of these Regulations.

[reg 156 am Act 16 of 1999 s 66, opn 19 Mar 1999]

[CIA 13,720] Contraventions and penalties

157 (1) If any provision of these Regulations is contravened in relation to an aircraft, the owner, hirer, and operator of that aircraft and the pilot in command thereof, shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed, for the purposes of the following provisions of this regulation, to have contravened that provision.

(2) It shall be a defence to any proceedings for a contravention of or failure to comply with any provision of these Regulations if the contravention or failure is proved to have been due to accident, stress of weather or other unavoidable cause; and, in the case of proceedings against the owner, hirer, operator or pilot in command of an aircraft, that the contravention occurred without his or her consent or connivance and that he or she exercised all due diligence to prevent the contravention.

(3) Any person who contravenes the provisions of any regulation specified hereunder shall be liable to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Regulation 12	Regulation 43(6)
Regulation 13(7)	Regulation 44(1)
Regulation 15(1)	Regulation 49
Regulation 16(1)	Regulation 50
Regulation 16(2)	Regulation 51(1)
Regulation 17(2)	Regulation 52

Regulation 17(3)	Regulation 68
Regulation 17(5)	Regulation 70(1)
Regulation 18(1)	Regulation 70(2)
Regulation 18(2)	Regulation 70(3)
Regulation 20	Regulation 71
Regulation 22(1)	Regulation 72
Regulation 28	Regulation 74
Regulation 29(1)	Regulation 75
Regulation 30	Regulation 78
Regulation 31	Regulation 79
Regulation 34(1)	Regulation 80(1)
Regulation 35	Regulation 84
Regulation 36	Regulation 86(3)
Regulation 37	Regulation 86(5)
Regulation 38	Regulation 114(2)
Regulation 41(1)	Regulation 125(1)
Regulation 41(3)	Regulation 126
Regulation 41(4)	Regulation 128
Regulation 41(6)	
Regulation 42(1)	Regulation 138
Regulation 43(2)	Regulation 139
Regulation 43(5)	Regulation 148

[subreg (3) am Act 16 of 1999 s 67, opn 19 Mar 1999]

(4) A person who contravenes any provision of these Regulations, not being a provision specified in subregulation (3) commits an offence and is liable on conviction to a fine of \$2,000 and to imprisonment for 12 months.

[subreg (4) subst Act 16 of 1999 s 67, opn 19 Mar 1999]

[CIA 13,725] Revocation and savings

158 (1) Subject to the provisions of this regulation, the following Orders and regulations are hereby revoked, namely—

- (a) The Colonial Air Navigation Order, 1961;
- (b) The Colonial Air Navigation (Amendment) Order, 1963;
- (c) The Colonial Air Navigation (Amendment) Order, 1965;
- (d) The Colonial Air Navigation (Amendment) Order, 1968;
- (e) The Air Navigation Regulation, 1970;
- (f) Air Navigation (Flight Plan) Regulations;
- (g) Aerodrome Regulations, 1954;
- (h) Aerodrome (Nadi) Regulations.

(2) Notwithstanding the revocation of the Orders and regulations mentioned in subregulation (1), any instrument (that is to say, any regulation, direction, instrument, rule or other requirement, any notice, and any certificate, licence, approval, permission, exemption, log book, record or other document) issued, made, served, granted or having effect under those Orders or regulations or under any enactment revoked by any of them, if in force on 1 August 1981 shall (except to the extent that such instrument is inconsistent with any provision of these Regulations) continue in force until superseded, revoked or

otherwise terminated and, so far as it could have been issued, made, served or granted under these Regulations, shall have effect as if issued, made, served or granted under these Regulations and the provisions of these Regulations shall apply to or in relation to such instrument, which may accordingly be revoked, suspended or varied under the provisions of these Regulations, applicable to such instrument, provided that any such instrument which is expressed to remain in force for a definite period shall not remain in force after the expiration of that period, unless it is renewed in accordance with the provisions of these Regulations.

[The next page is 103,001]