

ARTICLE 134 APPROVALS – Frequently Asked Questions

The Air Navigation (Overseas Territories) Order 2013, effective 01 January 2014, brought about some major structure and numbering changes of the Articles. One such numbering change is with Article 85 now becoming Article 134. The information contained therein remained unchanged.

Q. What is meant by Article 134 Approval?

A. *It is an approval granted by the Governor of Bermuda under the Air Navigation (Overseas Territories) Order 2013 {AN(OT)O 2013}.*

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### **Q. To whom does it apply?**

- A. *Operators of private or corporate aircraft:*
- *Over 5700kgs MTOM*
  - *One or more turbojets*
  - *Approved for more than 9 passenger seats*
  - *A helicopter of over 3180kgs MTOM*
  - *A helicopter approved for more than 5 passenger seats*
  - *Part of an operation that involves more than 2 aircraft*
  - *Deemed to require an approval by the BCAA in the interest of the public*

### **Q. Is this just a Bermuda requirement?**

A. *No. It applies to all the other U.K. Overseas Territories (e.g. Cayman, British Virgin Islands etc.), but Bermuda was the pioneering force.*

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Q. Is this just a U.K. /European requirement?

A. *No. All ICAO Contracting States were required to implement these procedures when the revised Annex 6 Part 2 was mandated on 18th November 2010. However, it does appear that most Contracting States delayed implementation by filing a difference to the ICAO standard.*

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### **Q. What do we have to do to gain Bermuda approval for our aircraft?**

A. *Firstly, it is the Operator who needs the approval. You must determine exactly who is the Operator of the aircraft.*

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Q. How do I determine who is the Operator?

A. The definition of Operator is to be found in the AN(OT)O at Article 3 (4), with further clarification to be found in OTAC 125-3 (Commercial Air Transport & Private Operations). This document can be found on the ASSI website (www.airsafety.aero)

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**Q. I know who the Operator is; so how do I comply and gain approval?**

A. The acceptable means of compliance (AMC) are listed in OTAR Part 125 Subpart SPA Appendix A:

[http://www.airsafety.aero/legislation\\_and\\_otar\\_s/otars\\_for\\_gazetting/otar\\_125\\_complex\\_general\\_aviation\\_including\\_corporate\\_operations/](http://www.airsafety.aero/legislation_and_otar_s/otars_for_gazetting/otar_125_complex_general_aviation_including_corporate_operations/)

OTAR 125.1 describes which aircraft/operators require approval, whilst OTAR Appendix 125.A.15 describes the two(2) methods of achieving approval.

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Q. There appears to be a choice in gaining approval; either by seeking IS-BAO (International Standard of Business Aircraft Operators) registration or alternatively to produce everything ourselves?

A. Yes, that is correct.

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**Q. If I decide to use the IS-BAO registration method, how do I initiate this process?**

A. A visit to the IBAC (International Business Aviation Council) website [www.ibac.org](http://www.ibac.org) will provide links to the IS-BAO information. IBAC provides a list of companies who specialize in assisting Operators through the processes. To start the process, you must purchase the IS-BAO which contains the standard and recommended practices as well as extensive guidance material. This guidance material includes a SMS Toolkit, SMS guidance manual, generic company operations manual, guidance on setting up an internal audit program, guidelines for completing a risk analysis and contains the audit protocols used for the registration audit. IS-BAO workshops are also available to help understand the program.

Whether you employ outside assistance or complete the implementation process on your own, you must satisfactorily complete a registration audit conducted by an IBAC accredited auditor before being issued your IS-BAO registration certificate, and subsequently your Bermuda approval.

N.B. Notwithstanding the implementation of IS-BAO, operators remain responsible for ensuring that all applicable requirements of OTARs are also met.

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Q. If I choose an external Company to assist me in gaining IS-BAO registration, who does the Bermuda CAA recommend?

A. The Bermuda CAA will not recommend specific Companies, but a list of Companies that have successfully guided Operators to IS-BAO registration and the subsequent granting of Approval under Article 134, can be found on the Bermuda CAA website under Flight Ops Information and Article 134 Approval (NCC Operations).

<http://www.bcaa.bm/private-ncc-operations>

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**Q. As I do not wish to seek IS-BAO registration, what can I do?**

- A. You have three (3) options at the moment:-
1. To seek the assistance of a manual producer acceptable to the BCAA to support the development of the Operator's Safety Management System (SMS) along with additional requirements of OTAR Part 125. When completed be audited on an annual basis by the Bermuda CAA to gain and subsequently maintain your approval.
  2. To produce (write) all the manuals yourself and submit them to the Bermuda CAA for review for compliance with OTAR Part 125. When the documents are deemed acceptable, you will be audited by the Bermuda CAA on a (normally) biennial basis.
  3. If you hold an AOC granted by the State of the Operator you may add additional chapters to your approved Operations Manual, which refer to the specific requirements of OTAR 125. This can be achieved by conducting a gap analysis. This may not be necessary if you operate the Bermuda registered aircraft to the same standards for those aircraft covered under the AOC. (e.g. Same Flight Crew duty limits).

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Q. Who is/are the acceptable Bermuda CAA manual producers for the alternative method?

- A. At present there is only one Company and their details are to be found here. <http://aviationinfotech.com/>

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**Q. What are the limits of a Fatigue Management Scheme (FTL) that are acceptable to the Bermuda CAA?**

- A. The limits defined by the IS-BAO scheme and also those produced by the Bermuda CAA approved manual producers. Those limits are the extreme and variations outside of those parameters will not be entertained unless supported with convincing mitigating circumstances. Applications for variations may be granted based on a risk assessment of the proposed trip and the subsequent mitigation.

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Q. What if we submit our home produced manuals and they fail the review process?

- A. This is often the case, and they have to be corrected (re-written) until compliant. Alternatively, it may be prudent to select another method before too much time and money is spent.

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**Q. What is the cost for reviewing a manual?**

- A. The Bermuda CAA has to reimburse the reviewers for their efforts and also makes a charge for its own facilitation. This charge is US\$1600 per day. Further days may accrue when corrections are required.

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Q. Please, could you clarify who does the auditing in each situation?

- A. For IS-BAO registration, the audit is conducted by one of the IS-BAO approved auditors listed on their panel. The alternative method is audited by Bermuda CAA staff, be they direct employees or contracted staff.

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**Q. What are the frequencies of the audits?**

A. *IS-BAO audits are normally every two (2) years, but can extend to three (3) years when the SMS is well established. The alternative method also demands audits every two (2) years, but this period may be reduced if the audit produces significant findings.*

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Q. How much does the audit cost?

A. *Under IS-BAO the fee is subject to the negotiated contract between yourself and the auditor. When the audit is conducted by the Bermuda CAA, the daily rate of US\$1600 applies for duty days and US\$800 whilst travelling. Bermuda CAA audits should be completed within 2 working days.*

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**Q. Is there a fee for the issue of the Bermuda CAA Article 134 approval?**

A. *The Approval is granted for a three (3) year period and is charged at US\$3000.*

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Q. Are there any forms to be submitted to the Bermuda CAA when I am ready to apply for my Article 134 approval?

A. *BCAA Form 9019 (see the link below) needs to be completed and submitted with copies of your IS-BAO registration certificate (if applicable) and a copy of the most recent audit report.*
airs.bcaa.bm

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**Q. What if we decide not to do anything about gaining approval?**

A. *If you decide to take this route, you will be advised that you have three (3) months' notice before the Bermuda CAA will commence actions to remove the aircraft from the Bermuda Register of Aircraft for non-compliance with the appropriate regulations as stipulated within the AN(OT)O 2013.*

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