

FLIGHT OPERATIONS APPROVALS FOR COMPLEX GENERAL AND CORPORATE AVIATION

References:

- The Air Navigation (Overseas Territories) Order 2013– Part 14 (Articles 132, 133 and 134), the “Order”.
- The Overseas Territories Aviation Requirements (OTARs) Part 125, Subpart SPA Appendix A – Requirements for Approval.
- The Bermuda CAA “Article 134 Approvals – FAQ v 6” dated August 2016.

Requirement:

All Operators of aircraft registered in Bermuda for the purpose of General Aviation, to which articles 132 and 133 apply, must have an Approval granted in accordance with Article 134 of the “Order”.

Applicability:

All General Aviation aircraft that include any of the following:

- Over 5700kgs MTOW.
- Turbojet
- Approved for more than 9 passenger seats
- A helicopter of over 3180kgs MTOW
- 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.

Means of Compliance:

There are two methods, both detailed in OTAR Part 125 Appendix A, at 125.A.10, namely:

- Obtain an IS-BAO Certification of Registration granted by the International Business Aviation Council; or
- Achieve compliance by;
 - Submitting for approval details of the operator’s Safety Management System, and
 - Submitting their „home produced“ Operations Manual, or an Operations Manual prepared by an Alternative Provider, which includes a Safety Management System, for approval and
 - Being audited by the Bermuda CAA at intervals determined by BCAA Flight Operations and can vary between 6 months and two years depending on the outcome of the first audit.

The second method (above) can also be achieved by modifying an AOC Operations Manual which has been accepted by a major regulatory body, to include a separate section which covers operation of

the Bermuda registered aircraft and the associated regulatory compliance. Even though would be desirous that an AOC holder to have Safety Management System in place, initially the BCAA will accept evidence of such a system being in the development phase for acceptance by their authority.

Compliance Date:

The original compliance date was the 1st November 2009.

The Operator:

Owners of aircraft on, or about to be placed on, the Bermuda Register of Aircraft are advised to establish who exactly the "operator" is. Several Aircraft Management companies will not accept the responsibility of being the Operator, and in those circumstances it becomes the Owner's responsibility to achieve the required standard. It may prove useful to consider whether a Management Company has achieved or is willing to achieve the required standard before entering into a contract. There are several Management Companies who have achieved full compliance with the legislation and the Bermuda CAA will supply their details on request.

Further clarification on the definition of an Operator can be found in Article 3 (4) of the "Order" and OTAC – "Commercial Air Transport & Private Operations", paragraph 6 (available on www.airsafety.aero).

How long is the process?

Depending on the effort put into the project, the time-scale can vary between 3 months and one year.

What will it cost?

Exact costs are difficult to determine, especially with regard to IS-BAO registration as that is subject to negotiation between the Operator and any external contractor that may be utilized. The BCAA will not have to review any manuals that have been found acceptable by the IS-BAO process.

If an Operator wishes to utilize the non-IS-BAO method, any manual submitted to the BCAA, unless it is provided by a pre-approved Alternative Provider, will be reviewed at a daily rate of \$1600. Any corrections and re-writes to achieve compliance will be charged at the same daily rate. There is no fee charged for the review of manuals provided by an Alternative Provider.

Submission of an AOC holder Operations Manual for review of any sub-part applicable to Overseas Territory aircraft would take approximately one day, providing the main manual has been accepted by the Operator's NAA.

Audits conducted by the BCAA will be at your Operating base and the air fare (business travel), accommodation and subsistence allowance will be charged to the Operator. Audit days will be further charged at \$1600 per work day, and travel days at \$800.

Whichever method is chosen, the Bermuda CAA charges the Operator \$3000 for each approval as a documentation fee. The approval when granted has a validity of three years.

Operators/Owners applying to join the Bermuda Register of Aircraft:

Operators wishing to place, or operate, aircraft on the Bermuda register have two options with regard to the Approval required under the "Order", namely:

- Operators who commit to the IS-BAO registration method, or elect to use the services of any acceptable alternative provider will be granted an exemption to the "Order" for a period to be quantified by the Director to enable flight operations to commence without undue delay. Failure to achieve the IS-BAO qualification within the exemption time frame may result in the aircraft being de-registered.
- Operators who hold a NAA AOC and are undertaking management responsibilities for a Bermuda registered aircraft may use their existing operational procedures, modified where appropriate to ensure compliance with the AN(OT)O. In this scenario, an exemption to the "Order" will be granted until the BCAA is satisfied by audit and review that compliance has been achieved.
- Operators who wish to produce all the documentation (manuals, SMS etc) themselves will be required to have those documents reviewed prior to commencing flight operations. Until that is achieved, no licence validations or navigation approvals will be issued or granted.

BCAA Guidance:

For those Operators who wish to proceed with IS-BAO registration, the BCAA can advise of agencies and operators that can assist in the process. The BCAA will not provide assistance in the composing, structure and content of any manual as those items are detailed within the relevant OTAR part.

February 2018