



OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)

Part 119

AIR OPERATOR CERTIFICATION

Published by Air Safety Support International Ltd

© Air Safety Support International Limited 2004

ISBN 0-86039-993-1

First Issue – published for information June 2004
Second Issue – published for information July 2006
Third Issue – published for information December 2007
Fourth Issue – released for gazetting January 2008
Fifth Issue

The definitive version of OTARs is that on the ASSI website www.airsafety.aero which should be viewed to establish the latest issue of each Part.

Enquiries regarding the content of this publication should be addressed to:
PQS, Air Safety Support International, Northgate House, 115 High Street, Crawley, West
Sussex, RH10 1FY.

www.airsafety.aero

Checklist of pages

	Page no	Issue no	Date
Title page		4.4	December 2009
Checklist of pages	i	4.4	December 2009
Revisions	ii	4.4	December 2009
Contents	iii	4.4	December 2009
Subpart A	1	4.4	December 2009
	2	4.4	December 2009
	3	4.4	December 2009
	4	4.4	December 2009
	5	4.4	December 2009
	6	4.4	December 2009
	7	4.4	December 2009
Subpart B	8	4.4	December 2009
	9	4.4	December 2009
	10	4.4	December 2009
	11	4.4	December 2009
	12	4.4	December 2009
	13	4.4	December 2009
	14	4.4	December 2009
	15	4.4	December 2009
	16	4.4	December 2009
Subpart C	17	4.4	December 2009
	18	4.4	December 2009
	19	4.4	December 2009
Appendix A	20	4.4	December 2009
	21	4.4	December 2009
	22	4.4	December 2009

Revisions

OTAR Issue	Subject
Issue 1	First issue published for information.
Issue 2	Revised issue published for information.
Issue 3	Option of using SMS; removal of requirement on flight following system; minor textual and terminological changes. References changed to apply to AN(OT)O 2007.
Issue 4	Corrections to some cross-references
Issue 5	SMS no longer optional following passing of compliance date in Annex 6; inclusion of example AOC and Ops Spec; other changes following the restructuring of Parts 91, 121 & 135.

Contents

CHECKLIST OF PAGES	I
REVISIONS	II
CONTENTS	III
SUBPART A — GENERAL	1
119.1 PURPOSE.....	1
119.11 REQUIREMENT FOR CERTIFICATE.....	2
119.13 APPLICATION FOR CERTIFICATE	2
119.15 ISSUE OF CERTIFICATE	2
119.17 DURATION OF CERTIFICATE	3
119.19 PRIVILEGES OF CERTIFICATE HOLDER	3
119.21 OPERATIONS SPECIFICATIONS	3
119.23 NOTIFICATION OF CEASING OPERATIONS.....	3
APPENDIX 1 TO 119.15 AIR OPERATOR'S CERTIFICATE.....	4
SUBPART B — CERTIFICATION REQUIREMENTS	8
119.51 APPLICABILITY	8
119.53 PERSONNEL REQUIREMENTS	8
119.55 PERSONNEL COMPETENCY REQUIREMENTS	9
119.57 RESOURCE REQUIREMENTS	10
119.59 SAFETY MANAGEMENT SYSTEM	10
119.61 FLIGHT DATA ANALYSIS	11
119.65 FLIGHT SAFETY DOCUMENTS SYSTEM	11
119.67 QUALITY ASSURANCE	11
119.69 CONTROL OF DOCUMENTATION.....	12
119.71 OPERATIONS MANUAL	13
119.73 MAINTENANCE RESPONSIBILITIES	14
119.75 MAINTENANCE PROGRAMME.....	14
119.77 MAINTENANCE CONTROL MANUAL.....	14
119.79 AIR OPERATOR SECURITY PROGRAMME	15
119.81 FLIGHT AUTHORISATION AND CONTROL.....	15
119.83 PROVING FLIGHTS OR TESTS	15
119.85 RECORDS — PERSONNEL	15
119.87 RECORDS — RESOURCES.....	16
SUBPART C — OPERATING REQUIREMENTS.....	17
119.101 CONTINUED COMPLIANCE.....	17
119.103 FLIGHT OPERATION REQUIREMENTS	17
119.107 CHARTER, LEASING AND INTERCHANGE OF AIRCRAFT.....	17
119.109 BUSINESS OR TRADING NAME.....	17
119.111 CHANGES TO CERTIFICATE HOLDER'S ORGANISATION.....	18
119.113 CHANGES TO THE MAINTENANCE PROGRAMME.....	19
119.115 EMERGENCY SITUATION ACTION PLANS	19
119.117 RESTRICTION OR SUSPENSION OF OPERATIONS	19
APPENDIX A — COMPETENCY REQUIREMENTS FOR NOMINATED POSTHOLDERS	20
A.1 NOMINATED POSTHOLDER - AIR TRANSPORT OPERATIONS.....	20
A.2 NOMINATED POSTHOLDER - CREW TRAINING AND COMPETENCY ASSESSMENT ...	20
A.3 NOMINATED POSTHOLDER - CONTROL AND DIRECTION OF MAINTENANCE	21
A.3.1 OTAR Part 121 Operations.....	21
A.3.2 OTAR Part 135 Operations.....	22

Subpart A — General

119.1 Purpose

- (a) This OTAR Part is applicable to any air transport undertaking required to hold an air operator's certificate under Article 64 of the Air Navigation (Overseas Territories) Order 2007, ("the Order") and must be read in conjunction with other OTAR Parts, in particular Part 91 and Part 121 or 135 according to the type of aircraft operated as described in paragraph 119.103.
- (b) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the Requirements encompass many of the provisions of the Order, including the Rules of the Air set out in Schedule 8 to the Order. Therefore, failure to comply with these Requirements may:
 - (1) constitute a breach of the Order; and
 - (2) result in proceedings for breaches of the Order; or
 - (3) result in the refusal of an application for the grant or renewal of a certificate or licence; or
 - (4) result in action to suspend or revoke a certificate.
- (c) The Order details the legal obligations governing the operation and piloting of aircraft, the planning and preparation for flight, and the maintenance and equipment of aircraft. The Order specifies these obligations in rather general terms, therefore there is a provision in Article 152 to the Order which requires the Governor to publish Requirements to augment, amplify and detail more precisely the manner in which these obligations shall be met. The Requirements are the means by which the operator will be able to satisfy the Governor as to the fulfilment of the obligations in respect of the operation of an aircraft or their entitlement to hold a certificate.
- (d) The issue of a certificate indicates only that the holder is considered competent to secure the safe operation of aircraft. The possession of such a document does not relieve the operator of an aircraft, or the pilot-in-command, from the responsibility for compliance with the Order and any other legislation in force. Neither does it relieve them of their responsibility for the safe conduct of any particular flight, as the ultimate responsibility for the safety of flight operations always rests with the operator and the pilot-in-command.
- (e) Other OTAR Parts, in addition to those referred to in paragraph 119.1(a), may impinge upon activities conducted under this Part. In particular, Part 1 contains definitions which apply, unless otherwise stated, to all Parts. A full list of OTAR Parts, a description of the legislative structure and the place of OTARs and OTACs within it can be viewed on the ASSI website www.airsafety.aero.

119.11 Requirement for certificate

- (a) Each person having operational responsibility for a commercial air transport operation shall hold, and comply with, an air operator's certificate issued under this OTAR Part, and any specified authorisations, conditions and limitations as may be specified therein.
- (b) For the purpose of paragraph 119.11(a) a person has operational responsibility for a commercial air transport operation if the person has responsibility for two or more of the following functions:
 - (1) determining whether the operation may be operated safely;
 - (2) assigning crew members for the operation;
 - (3) employing, contracting, or otherwise engaging crew members for the operation;
 - (4) making a decision to vary the operation, other than a decision by the pilot-in-command taken on the grounds of safety.

119.13 Application for certificate

Each applicant for the grant of an air operator's certificate shall complete an application form that shall require:

- (a) the name and address of the applicant in the Territory; and
- (b) the details required by paragraph 119.21(b), for the operations specifications; and
- (c) the operations manual required by paragraph 119.67 for an air operator's certificate in accordance with the provisions of OTAR Parts 121 or 135; and
- (d) such further particulars relating to the applicant as may be required by the Governor or as indicated on the form;

and submit it to the Governor, not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Governor.

119.15 Issue of certificate

- (a) Each applicant for the grant of an air operator's certificate is entitled to an air operator's certificate if the Governor is satisfied that:
 - (1) the applicant's principal operating base is located within the Territory; and
 - (2) the applicant meets the applicable requirements of Subpart B; and
 - (3) the accountable manager for the operation is a person competent to take overall responsibility for operation and for the safety of each flight operated; and

- (4) the applicant's nominated postholders required by paragraph 119.53(a)(1) and (2) are fit and proper persons; and
 - (5) the granting of the certificate is not contrary to the interests of aviation safety.
- (b) the AOC contains the information specified in Appendix 1 to 119.15.

119.17 Duration of certificate

- (a) An air operator's certificate remains in force from the date of issue until it is suspended or revoked by the Governor.
- (b) The holder of an air operator's certificate that is suspended or is revoked shall forthwith surrender the certificate to the Governor.

119.19 Privileges of certificate holder

- (a) An air operator's certificate specifies the privileges that the certificate holder is authorised to exercise.
- (b) An air operator's certificate shall authorise the certificate holder to perform:
 - (1) commercial air transport operations as listed in the certificate holder's air operator's certificate; and
 - (2) ground or flight training appropriate to the aircraft operated or intended to be operated; and
 - (3) test or check flights to determine the competence of flight crew; and
 - (4) tests or checks to determine the competence of other persons providing the services or carrying out the operations listed in the certificate holder's operations manual.

119.21 Operations specifications

- (a) The holder of an air operator's certificate shall comply with the operations specifications on the certificate.
- (b) Operations specifications shall contain the information specified in Appendix 1 to 119.15.

119.23 Notification of ceasing operations

Each holder of an air operator's certificate that ceases commercial air transport operations shall notify the Governor of the cessation in writing within 30 days of the date of termination.

Appendix 1 to 119.15 Air operator’s certificate

The operator shall be issued an Air Operators Certificate and Operations Specification completed as required in accordance with the instructions below:

AIR OPERATOR CERTIFICATE (Approval schedule for air operators)		
1	State of the Operator ²	1
	Issuing Authority ³	
AOC # ⁴ :	Operator Name ⁶ Db a Trading Name ⁷ Operator address ⁸ : Telephone ⁹ : Fax: E-mail:	Operational Points of Contact ¹⁰ Contact details, at which operational management can be contacted without undue delay, are listed in ¹¹ .
Expiry Date ⁵ :		
This certificate certifies that ¹² is authorised to perform commercial air operations, as defined in the attached operations specifications, in accordance with the Operations Manual and ¹³		
Date of issue ¹⁴ :	Name and Signature ¹⁵ : Title:	

- 1 For use of the State of the Operator.
- 2 Replaced by the name of the State of the Operator.
- 3 Replaced by the name of the State of the Operator.
- 4 Unique AOC number, as issued by the State of the Operator.
- 5 Date after which the AOC ceases being valid (dd-mm-yyyy). If there is no expiry date, state “unlimited”.
- 6 Replaced by the operator’s registered name.
- 7 Operator trading name, if different. Insert “Db
- 8 Operator principal place of business address.
- 9 Operator principal place of business telephone and fax details, including the country code. E-mail to be provided if available.
- 10 The contact details include the telephone and fax numbers, including the country code, and the e-mail address (if available) at which operational management can be contacted without undue delay for issues related to flight operations, airworthiness, flight and cabin crew competency, dangerous goods and other matters as appropriate.
- 11 Insertion of the controlled document, carried on board, in which the contact details are listed, with the appropriate paragraph or page reference. E.g.: “Contact details are listed in the Operations Manual, Gen/Basic, Chapter 1, 1.1”; or “... are listed in the Operations Specifications, page 1”; or “... are listed in an attachment to this document”.
- 12 Operator registered name.
- 13 Insertion of reference to the appropriate civil aviation regulations
- 14 Issuance date of the AOC (dd-mm-yyyy).

- ¹⁵ Title, name and signature of the competent authority representative. In addition, an official stamp may be applied on the AOC.

OPERATIONS SPECIFICATIONS (subject to the approved conditions in the Operations Manual)				
Issuing Authority Contact Details ¹				
Telephone: _____; Fax: _____; E-mail: _____				
AOC# ² :	Operator Name ³ : Dba Trading Name		Date ⁴ :	Signature:
Aircraft Model⁵:				
Types of operation:				
Commercial air transportation (CAT)		Passengers;	Cargo;	Other ⁶ :.....
Commercial operations other than CAT	 ⁷		
Non-commercial operations		Passengers;	Cargo;	Other:.....
Area of operation⁸:				
Special Limitations⁹:				
Special Authorisations:	Yes	No	Specific Approvals¹⁰	Remarks
Dangerous Goods				
Low Visibility Operations Approach and Landing Take-off			CAT ¹¹ RVR: m DH: ft RVR ¹² : m	
RVSM¹³ N/A				
ETOPS¹⁴ N/A			Maximum Diversion Time ¹⁵ : min.	
Navigation Specifications for PBN Operations¹⁶				¹⁷
Continuing Airworthiness			¹⁸	
Minimum Navigation Performance Specification				
Others¹⁹				

¹ Telephone and fax contact details of the authority, including the country code. E-mail to be provided if available.

² Insertion of associated AOC number.

³ Insertion of the operator registered name and the operator trading name, if different. Insert "Dba" before the trading name (for "Doing business as").

⁴ Issuance date of the operations specifications (dd-mm-yyyy) and signature of the authority representative.

⁵ Insertion of the Commercial Aviation Safety Team (CAST)/ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232). The CAST/ICAO taxonomy is available at: <http://www.intlaviationstandards.org/>.

⁶ Other type of transportation to be specified (e.g. emergency medical service).

⁷ Specify the type of operation, e.g., agriculture, construction, photography, surveying, observation and patrol, aerial advertisement.

- ⁸ Listing of geographical area(s) of authorized operation (by geographical coordinates or specific routes, flight information region or national or regional boundaries).
- ⁹ Listing of applicable special limitations (e.g. VFR only, Day only, etc.).
- ¹⁰ List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).
- ¹¹ Insert the applicable precision approach category (CAT I, II, IIIA, IIIB or IIIC). Insert the minimum RVR in meters and Decision Height in feet. One line is used per listed approach category.
- ¹² Insert the approved minimum take-off RVR in meters. One line per approval may be used if different approvals are granted.
- ¹³ Not Applicable (N/A) box may be checked only if the aircraft maximum ceiling is below FL290.
- ¹⁴ Extended range operations (ETOPS) currently applies only to twin-engined aircraft. Therefore the Not Applicable (N/A) box may be checked if the aircraft model has more than 2 engines. Should the concept be extended to 3 or 4-engined aircraft in the future, the "Yes" or "No" checkbox will be required to be checked.
- ¹⁵ The threshold distance may also be listed (in nm), as well as the engine type.
- ¹⁶ Performance-based Navigation (PBN): one line is used for each PBN specifications authorization (e.g. RNAV 10, RNAV 1, RNP 4), with appropriate limitations or conditions listed in the "Specific Approvals" and/or "Remarks" columns.
- ¹⁷ Limitations, conditions and regulatory basis for operational approval associated with the Performance-based Navigation specifications (e.g. GNSS, DME/DME/IRU). Information on performance-based navigation, and guidance concerning the implementation and operational approval process, are contained in the Performance-based Navigation Manual (Doc 9613).
- ¹⁸ Insert the name of the person/organisation, responsible for ensuring that the continuing airworthiness of the aircraft is maintained and the regulation which requires the work (e.g. Part 39).
- ¹⁹ Other authorisations or data can be entered here, using one line (or one multi-line block) per authorisation (e.g. special approach authorisation, approved navigation performance).

Subpart B — Certification Requirements

119.51 Applicability

This Subpart prescribes requirements for the granting of an air operator's certificate to any person operating aircraft in accordance with OTAR Parts 121 and 135.

119.53 Personnel requirements

- (a) Each applicant for the grant of an air operator's certificate shall employ, contract, or otherwise engage:
- (1) a nominated person identified as the accountable manager who:
 - (i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this and any other OTAR Part; and
 - (ii) is responsible for ensuring that the staffing, procedures and practices of the organisation are such that flights can be conducted safely across the whole of the intended route network; and
 - (iii) is responsible for ensuring that the organisation complies with the requirements of this and any other OTAR Part; and
 - (2) other nominated postholders:
 - (i) responsible for ensuring that the applicant's organisation complies with its operations manual; and
 - (ii) responsible for the functions referred to in paragraph 119.53(b); and
 - (iii) ultimately responsible to the accountable manager; and
 - (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's operations manual.
- (b) The nominated postholders required by paragraph 119.53(a) shall unless otherwise acceptable to the Governor as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions:
- (1) air transport operations, including the flight operations and the supporting ground operations; or
 - (2) crew training and crew competency assessment; or
 - (3) continued airworthiness management; or
 - (4) internal quality assurance; or
 - (5) where an air operator security programme is required by paragraph 119.79, air operator security; or

- (6) conducting occurrence investigations in accordance with OTAR Part 13; and
- (c) Notwithstanding paragraph 119.53(b), and if applicable to the structure of the applicant's organisation, the nominated postholder responsibilities for crew competency assessment may be assumed by the nominated postholder responsible for air transport operations under paragraph 119.53(b)(1).
- (d) Any function referred to in paragraph 119.53(b)(1) may be delegated to other personnel provided the nominated postholder responsible for the function retains accountability and the delegation is acceptable to the Governor.

119.55 Personnel competency requirements

- (a) Nominated postholders within the operator's organisation shall meet the competency requirements at Appendix A.
- (b) An applicant for the grant of an air operator's certificate shall establish procedures:
 - (1) to initially assess and then to maintain the competence of personnel authorised to plan, perform, supervise, inspect, or certify the air transport operations listed in the applicant's operations manual; and
 - (2) to ensure personnel are provided with written evidence of the scope of their authorisation.
- (c) An applicant may contract a training organisation acceptable to the Governor to perform the functions of checking to assess, or training to maintain, the competence of the applicant's personnel in accordance with paragraph 119.55(b)(1).
- (d) An applicant that contracts with an organisation under paragraph 119.55(c) shall include in its operations manual details of:
 - (1) the functions to be transferred to the organisation; and
 - (2) the scope of the checking or training to be carried out by the organisation; and
 - (3) the authority of the organisation in respect of the checking or training functions to be carried out; and
 - (4) the nominated person responsible, within the organisation, for the management of the contract.

119.57 Resource requirements

- (a) Each applicant for the grant of an air operator's certificate shall provide resources, acceptable to the Governor:
 - (1) that enable the satisfactory provision of the operations listed in the applicant's operations manual; and
 - (2) that shall, where appropriate, include:
 - (i) accommodation, offices, workshops, hangars, and buildings; and
 - (ii) equipment, tools, material, training aids, data, and documentation necessary to perform the operations listed in the applicant's operations manual.
- (b) The applicant shall ensure that the environment provided:
 - (1) is appropriate for the tasks to be performed; and
 - (2) where appropriate, offers protection from weather elements.

119.59 Safety management system

- (a) Each applicant for the grant of an air operator's certificate shall establish a safety management system appropriate to the size and complexity of the operation, for the proactive management of safety, that integrates the management of operations and technical systems with financial and human resource management, and that reflects quality assurance principles.
- (b) The safety management system shall include policy and objectives for continuous improvement to the organisation's overall safety performance.
- (c) The safety management system shall clearly define lines of safety accountability throughout the operator's organisation, including a direct accountability for safety on the part of senior management.
- (d) The safety management system shall include, as a minimum, the following:
 - (1) processes to identify actual and potential safety hazards and assess the associated risks; and
 - (2) processes to develop and implement remedial action necessary to maintain agreed safety performance; and
 - (3) provision for continuous monitoring and regular assessment of the appropriateness and effectiveness of the safety performance; and
 - (4) recurring processes for continuous improvement of the performance of the safety management system; and

- (5) quality assurance processes to:
 - (i) identify applicable requirements, regulations and standards and demonstrate compliance with them; and
 - (ii) ensure technical manuals, checklists and other documentation are appropriately maintained and incorporate the latest amendments; and
 - (iii) ensure that training programmes maintain staff proficiency and competency.
- (e) The safety management system shall be described in relevant documentation, and shall be acceptable to the Governor.

119.61 Flight Data Analysis

- (a) An operator shall establish and maintain a flight data monitoring system, which shall be integrated in the management system, for aeroplanes with an MTOM of more than 27,000 kg.
- (b) From January 1 2012, the system prescribed in (a) above shall include aeroplanes with an MTOM of more than 20,000kg.
- (c) From January 1 2012, the system prescribed in (a) above shall include helicopters with an MTOM more than 7,000kg or having a MAPSC of more than 9.
- (d) The flight data monitoring system shall be non punitive and contain adequate safeguards to protect the source(s) of the data.

119.65 Flight safety documents system

- (a) Each applicant for the grant of an air operator's certificate shall establish a flight safety documents system for the use and guidance of all operations personnel.
- (b) The flight safety documents system shall contain all information necessary for flight and ground operations, and comprise, as a minimum, the operations manual and the operator's maintenance control manual.
- (c) The flight safety documents system shall ensure that operational documents are consistent with each other, with regulations, manufacturers' requirements and human factors principles.

119.67 Quality assurance

- (a) Each holder of an Air Operator's Certificate shall establish a quality assurance programme to verify that all air operations are being carried out in accordance with the applicable regulations, requirements and procedures.

- (b) The person responsible for the quality assurance programme shall be named within the Operations Manual.
- (c) The quality assurance programme shall be described in the Operations Manual and include procedures to cover at least the following elements:
 - (1) use of internal/external auditors; and
 - (2) scope of audit to be conducted; and
 - (3) responsibilities of the auditor; and
 - (4) quality audit which shall include inspections of at least the following areas:
 - (i) actual flight operations; and
 - (ii) ground deicing/anticing if applicable; and
 - (iii) flight support services, including contracted services; and
 - (iv) load control; and
 - (v) maintenance; and
 - (vi) technical standards; and
 - (vii) training standards; and
 - (viii) the flight safety documents system.
 - (5) audit scheduling; and
 - (6) monitoring and corrective actions; and
 - (7) management evaluation; and
 - (8) audit record keeping.

119.69 Control of documentation

- (a) An applicant for the grant of an air operator's certificate shall establish procedures to control, amend, and distribute its operational, safety, and maintenance data.
- (b) An applicant for the grant of an air operator's certificate shall establish a procedure for the control of documentation required by any applicable OTAR Part, including but not limited to OTAR Parts 91, 121 and 135.
- (c) The procedures required by paragraphs 119.69(a) and (b) shall ensure that:
 - (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
 - (2) any amendments to documentation are reviewed and approved by appropriate personnel; and
 - (3) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Governor; and

- (4) the current version of each document can be identified to preclude the use of superseded material; and
- (5) all obsolete documentation is promptly removed from all points of issue or use.

119.71 Operations manual

- (a) All operational requirements, information and procedures collectively form the operations manual.
- (b) The operations manual shall include:
 - (1) a statement signed by the accountable manager on behalf of the applicant's organisation confirming that the material submitted accurately defines:
 - (i) the organisation and demonstrate its means and methods for ensuring ongoing compliance with this and any other OTAR Part; and
 - (ii) operating procedures that are required to be complied with by its personnel at all times; and
 - (2) the titles and names of the accountable manager and nominated postholders required by paragraph 119.53(a)(1) and (2); and
 - (3) the duties and responsibilities of the nominated postholders specified under paragraph 119.53(a)(2) including matters for which they have responsibility to deal directly with the Governor on behalf of the organisation; and
 - (4) a summary of the scope of activities at each location where operations personnel are based for the purpose of providing air transport operations; and
 - (5) an organisation chart showing lines of responsibility of the nominated postholders specified under paragraph 119.53(a)(2) and extending to each location listed under paragraph 119.71(b)(4); and
 - (6) a summary of the applicant's staffing structure at each location listed under paragraph 119.71(b)(4); and
 - (7) details of the principal operating base, the main maintenance base and such other operating bases as may be used; and
 - (8) details of the resources required by paragraph 119.57; and
 - (9) details of the applicant's procedures required by Appendix A of OTAR Part 121 or 135, as applicable; and
 - (10) details of the maintenance:
 - (i) programme required by OTAR Parts 121 Subpart G or 135 Subpart G; and

- (ii) procedures required by paragraphs 119.63 and 119.65; and
 - (iii) organisation that performs its maintenance; and
 - (11) details of the programmes required by OTAR Part 121 or OTAR Part 135; and
 - (12) details of the applicant's procedures that enable it to comply with the laws of any foreign State in which it operates; and
 - (13) procedures to control, amend, and distribute the operations manual with an initial copy and all subsequent amendments to be provided to the Governor. Every amendment is to be provided to the Governor a minimum of 30 days before effective date to allow appropriate review acceptance and where required approval.
- (c) The operations manual shall be structured in accordance with, and contain at least that information required by Appendix A of OTAR Part 121 or 135, as applicable.
- (d) The aircraft flight manual or equivalent document approved by the Governor, shall form an integral part of the operations manual.

119.73 Maintenance responsibilities

- (a) Each applicant for the grant of an air operator's certificate shall produce a maintenance control manual to the requirements of OTAR Part 39 Subpart B detailing procedures to ensure the continued airworthiness of its aircraft, including airframes, aircraft engines, propellers, rotors, appliances, emergency equipment and parts.
- (b) Each applicant or holder of an air operator's certificate that contracts with another organisation to perform its maintenance shall establish a formal maintenance support contract acceptable to the Governor with all maintenance organisations undertaking maintenance on its aircraft.
- (c) Each holder of an air operator's certificate shall ensure that contracted maintenance organisations are approved by the Governor to the requirements of OTAR Part 145.

119.75 Maintenance programme

Each applicant for an air operator's certificate shall have for each aircraft a maintenance programme approved by the Governor to the applicable requirements of OTAR Part 39 Subpart C.

119.77 Maintenance control manual

Each applicant for the grant of an air operator's certificate shall have an approved maintenance control manual providing details and procedures in accordance with OTAR Part 39 Subpart B.

119.79 Air operator security programme

An applicant for the grant of an air operator's certificate intending to conduct air transport operations shall establish an air operator security programme.

119.81 Flight authorisation and control

An applicant for the grant of an air operator's certificate shall establish procedures to ensure that the initiation, continuation, and termination of a flight or series of flights is authorised by the person required by paragraph 119.53(b)(1).

119.83 Proving flights or tests

- (a) Each applicant for the grant or amendment of an air operator's certificate shall, if required by the Governor, perform proving flights representative of the operation or tests to satisfy the Governor that it can meet any relevant prescribed requirement.
- (b) The proving flights or tests shall be conducted in a manner acceptable to the Governor.
- (c) Each applicant for or holder of an air operator's certificate that carries out a proving flight shall restrict the carriage of personnel during the flight to necessary crew members and to personnel who are:
 - (1) receiving familiarisation or training; or
 - (2) gaining line operating flight time; or
 - (3) authorised to represent the Governor.

119.85 Records — personnel

An applicant for the grant of an air operator's certificate shall establish procedures to ensure that:

- (a) an accurate record is maintained of:
 - (1) each employee who, in the performance of their duties, is required to hold a licence or rating; and
 - (2) each employee who is exercising responsibilities as an approved person; and
 - (3) each employee who is exercising any authorisation granted by the certificate holder; and
- (b) the record includes details of:
 - (1) the employees full names, and base of operations; and

- (2) the relevant experience, qualifications, and training, and where relevant, medical certificates of each employee listed under paragraph 119.85(a); and
 - (3) the scope, validity, and currency of any licence or rating referred to in paragraph 119.85(a)(1); and
 - (4) the responsibilities referred to in paragraph 119.85(a)(2); and
 - (5) the authorisations referred to in paragraph 119.85(a)(3); and
- (c) the record is retained for one year from the date that the employee:
- (1) ceases to perform duties requiring a licence or rating; or
 - (2) exercises any responsibilities.

119.87 Records — resources

An applicant for the grant of an air operator's certificate shall:

- (a) establish procedures to ensure details are accurately recorded of testing, checking, and calibration of any safety-critical resources used in carrying out the operations specified on the certificate; and
- (b) retain the record of details required by paragraph 119.87(a) for two years from the date the details are recorded.

Subpart C — Operating Requirements

119.101 Continued compliance

Each holder of an air operator's certificate shall:

- (a) continue to meet the standards and comply with the requirements of Subpart B; and
- (b) comply with all procedures and programmes detailed in its flight safety documents system; and hold at least one current copy of its operations specifications and the relevant sections of its operations manual applicable to the operation in hard copy, electronic, or other form acceptable to the Governor, at each location specified by the operator in its application.

119.103 Flight operation requirements

Each holder of an air operator's certificate conducting a commercial air transport operation with:

- (a) an aeroplane that has a maximum approved passenger seating configuration of more than 19 seats, excluding any required crew member seat, or is in excess of 5,700 kg MTWA, shall comply with the applicable operating requirements of OTAR Part 121.
- (b) an aeroplane that has a maximum approved passenger seating configuration of 19 seats or less, excluding any required crew member seat, and is 5,700 kg MTWA or less; or a helicopter, shall comply with the applicable operating requirements of OTAR Part 135.

119.107 Charter, leasing and interchange of aircraft

No operator may charter, lease or interchange aircraft with another operator without the approval of the Governor.

119.109 Business or trading name

- (a) Each holder of an air operator's certificate shall conduct its commercial air transport operations using the trading or business name that appears on the air operator's certificate.
- (b) No person shall perform a commercial air transport operation unless the trading or business name of the certificate holder conducting the operation is displayed in such a manner that it is clearly identifiable, visible, and legible to any intending passenger before boarding the aircraft.
- (c) The certificate holder shall clearly identify, when it advertises any commercial air transport operation conducted by it, the business or trading name that appears on the certificate.

119.111 Changes to certificate holder's organisation

- (a) Each holder of an air operator's certificate shall:
 - (1) ensure that its operations manual is amended so as to remain a current description of its organisation; and
 - (2) ensure that any amendments made to its operations manual meet the applicable requirements of this or any other OTAR Part and comply with the amendment procedures contained in its operations manual; and
 - (3) forward to the Governor for retention a copy of each amendment to its operations manual as soon as practicable after the amendment is incorporated into its operations manual; and
 - (4) make such amendments to its operations manual as the Governor considers necessary in the interests of aviation safety.
- (b) Where the certificate holder proposes to make a change to any of the following, prior application for and approval by the Governor is required:
 - (1) the accountable manager; or
 - (2) the nominated postholders; or
 - (3) the locations nominated in paragraph 119.71(b)(4) from which the certificate holder conducts air transport operations; or
 - (4) the scope of the certificate holder's certificate; or
 - (5) the overall scope or intent of the organisation's internal quality assurance procedures; or
 - (6) the maintenance programme; or
 - (7) any contractor carrying out the certificate holder's maintenance or training; or
 - (8) the flight and duty scheme; or
 - (9) the air operator security programme.
- (c) The Governor may prescribe conditions on the air operator's certificate during or following any of the changes specified in paragraph 119.111(b).
- (d) The certificate holder shall comply with any conditions prescribed under paragraph 119.111(c).
- (e) Where any of the changes referred to in paragraph 119.111(b) requires an amendment to the certificate, the certificate holder shall forward the certificate to the Governor as soon as practicable.

119.113 Changes to the maintenance programme

The holder of an air operator's certificate shall make any revisions to a maintenance programme found by the Governor to be necessary to satisfy the continuing airworthiness requirements of that programme.

119.115 Emergency situation action plans

Each holder of an air operator's certificate shall:

- (a) ensure that action plans are developed for handling in-air and on-ground emergency situations and minimising risk of injury to persons; and
- (b) base the emergency situation action plan on data including but not restricted to:
 - (1) type and length of routes over which operations are carried out; and
 - (2) aerodrome ground facilities; and
 - (3) aerodrome emergency planning and facilities; and
 - (4) ATC facilities; and
 - (5) type, seating configuration, and payload of the aeroplane likely to be involved.
- (c) include in the emergency in-flight plan the following procedures:
 - (1) if management personnel become aware of an emergency situation arising on an aeroplane during flight that requires immediate decision and action, procedures to be followed by those personnel to ensure that:
 - (i) the pilot-in-command is advised of the emergency; and
 - (ii) the decision of the pilot-in-command is ascertained; and
 - (iii) the decision is recorded; and
 - (2) if management personnel are unable to communicate with the pilot-in-command in accordance with paragraph 121.99(c)(1), procedures to be followed by those personnel to ensure that:
 - (i) an emergency is declared; and
 - (ii) any action considered necessary under the circumstances is taken.
- (d) ensure appropriate staff are trained and competent to perform during emergencies in accordance with the emergency situation action plan.

119.117 Restriction or suspension of operations

Each holder of an air operator's certificate shall, on becoming aware of any condition that is a hazard to safe operations, restrict or suspend operations as necessary until the hazard is removed.

Appendix A — Competency requirements for Nominated Postholders

This Appendix details the competency requirements for the nominated postholders responsible under paragraph 119.55(a).

A.1 Nominated postholder - air transport operations

OTAR 121 Operation	
Document required	Should hold Airline Transport Pilot Licence
Pilot-in-command experience	Should have 3 years as pilot-in-command under OTAR 121 operations
Managerial experience	Shall have 3 years in an operational control position

OTAR Part 135 Operation		
	Multi-crew	Single pilot
Document required	Should hold Airline Transport Pilot Licence	Should hold Commercial Pilot Licence, with Instrument Rating if operations include IFR
Pilot-in-command experience	Should have 3 years as pilot-in-command under OTAR Part 121, OTAR Part 125 or OTAR Part 135 operations;	
Managerial experience	Should have 3 years in an operational control position	

A.2 Nominated postholder - crew training and competency assessment

OTAR Part 121 Operation	
Document required	Airline Transport Pilot Licence with ratings
Currency	Current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under OTAR Part 121 or OTAR Part 135 type operations and 2 years experience in the check and training role

OTAR Part 135 Operation		
	Multi-crew	Single pilot
Document required	Airline Transport Pilot Licence with ratings	Commercial Pilot Licence, with Instrument Rating if operations include IFR
Currency	Current to act as pilot-in-command of one type of operator's aircraft	
Experience	3 years as pilot-in-command under OTAR Part 121 or OTAR Part 135 type operations and 2 years experience in the check and training role	

A.3 Nominated postholder - control and direction of maintenance

A.3.1 OTAR Part 121 Operations

- (a) The nominated postholder responsible for the control and direction of maintenance in an organisation conducting commercial air transport operations under OTAR Part 121 shall:
 - (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of OTAR Part 121; and
 - (2) meet the requirements of paragraph (b); and
 - (3) undertake any examination or test that the Governor may require to determine the applicant's competency to perform the maintenance planning and control functions required.
- (b) The nominated postholder in paragraph (a):
 - (1) shall:
 - (i) hold or have held an aircraft maintenance engineer licence or equivalent, acceptable to the Governor, with appropriate ratings; and
 - (ii) have at least five years experience in the maintenance of aircraft of a similar size and type as that to be operated by the organisation; and
 - (iii) have at least two years experience in a supervisory position which may be undertaken during the five years experience required under subparagraph (1)(ii); or
 - (2) shall:
 - (i) be a graduate engineer or equivalent in an aeronautical, mechanical or electrical discipline; and
 - (ii) have at least five years experience of the maintenance of aircraft, which may be gained while working in a maintenance supervision, maintenance planning, engineering development, or workshop environment; and
 - (iii) have at least six months practical experience in aircraft maintenance tasks which may be undertaken during the five years experience required under subparagraph (2)(ii); and
 - (iv) have at least two years experience in a supervisory position which may be undertaken during the five years experience required under subparagraph (2)(ii).
- (c) The experience requirements in paragraphs (b)(1)(ii) and (b)(2)(ii) may be met through a course of instruction acceptable to the Governor.

A.3.2 OTAR Part 135 Operations

- (a) The nominated postholder responsible for the control and direction of maintenance in an organisation conducting commercial air transport operations under OTAR Part 135 shall:
 - (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of OTAR Part 135; and
 - (2) meet the requirements of paragraph (b); and
 - (3) undertake any examination or test that the Governor may require to determine the applicant's competency to perform the maintenance planning and control functions required.
- (b) The nominated postholder in paragraph (a):
 - (1) shall meet the requirements of A.3.1; or
 - (2) shall:
 - (i) hold or have held an aircraft maintenance engineer licence or equivalent, acceptable to the Governor, with appropriate ratings; and
 - (ii) have at least three years experience of maintenance of aircraft of a similar size and type as that to be operated by the organisation; and
 - (iii) have at least one year experience of releasing aircraft to service, which may be undertaken during the three years experience required under subparagraph (2)(ii); or
 - (3) shall have experience acceptable to the Governor including at least five years experience of the control and direction of maintenance and the continuing airworthiness of aircraft of a similar size and type as that to be operated by the organisation.
- (c) The experience requirements in paragraphs (b)(1)(ii) and (b)(2)(ii) may be met through a course of instruction acceptable to the Governor.