

**POLICY STATEMENT 46 | HELICOPTER OPERATIONS IN PERFORMANCE
CLASS 3****UNCONTROLLED DOCUMENT WHEN PRINTED****Effective Date of Implementation:** 13 November 2019**Scope:**

This Policy Statement covers Commercial Air Transport (CAT) operations in performance Class 3 (eg single engine helicopters) in the Territories.

Rationale:

Flights by any helicopter that cannot sustain flight following an engine failure are defined by ICAO as 'Operations in performance Class 3'. This includes all single engine commercial air transport helicopter operations.

Here is the definition from ICAO Annex 6 Part III:-

Operations in performance Class 3. Operations with performance such that, in the event of an engine failure at any time during the flight, a forced landing will be required.

Annex 6 Part III, Section II (CAT) provides (Standard 3.1.2): *In conditions where the safe continuation of flight is not ensured in the event of a critical engine failure, helicopter operations shall be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.* (See definition below.)

Safe forced landing. Unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface.

In addition, where such helicopters are to be flown over water beyond autorotational or safe forced landing distance from land, they are required to be equipped with a permanent or rapidly deployable means of flotation (eg pop-out floats). (Standard 4.5.1(d)) ¹ OT registered aircraft are also required to hold an Approval from the OTAA, under AN(OT)O Article 102(4). Under OTAR 135.570(g), between 45°N or 45°S such operations are to be for no more than 10 minutes on any one flight, however, flights are not permitted at all when it is a hostile environment. In addition, no such flights are permitted north of 45°N or south of 45°S.

Annex 6 Part III, Section II also provides (Standard 3.4.1) that performance Class 3 CAT operations in IMC shall be conducted only over a surface environment acceptable to the competent authority of **the State over which the operations are performed.**

For CAT operations using OT-registered helicopters, OTAR Part 135.570(g) limits such operations to daytime flight by visual reference (ie "with the surface in sight" and flight visibility not less than 1500 m), with specified minimum cloudbase and limited exposure time over open sea areas.

¹ Irrespective of the performance Class, when a helicopter is to be used for CAT under IFR or when the helicopter cannot be maintained in a desired attitude without reference to one or more flight instruments (e.g. over water when out of sight of land) it is required to be equipped with a stabilization system, unless it has been demonstrated to the satisfaction of the certificating authority that the helicopter possesses, by nature of its design, adequate stability without such a system. (Annex 6 Part III Section II, Standard 4.4.3; implemented for OT-registered helicopters in OTAR 135.655.)

It is important to keep in mind that the regulation of foreign-registered aircraft and their operation are matters for the State of the Operator. Where an application is made for a Foreign Operator Permit (FOP) to conduct CAT operations in performance Class 3 (eg using a single engine helicopter), such a permit should only be granted subject to the condition that flights shall be restricted to VFR day only. For flights over water beyond autorotational or safe forced landing distance from land applicants will need to verify that flotation equipment is provided in compliance with ICAO Standard 4.5.1.

Note that where a FOP has been granted under AN(OT)O Article 135, the terms and conditions of that permit apply only while the aircraft is flying over the Territory and within the limit of the territorial sea – normally 3 miles or 12 miles (but less where it is a median line eg with the US Virgin Islands). Operations beyond that limit are matters for the competent authorities of the State of the Operator.²

Note also that the Rules of the Air do not permit VFR at night in the Territory. Rule 5 prohibits flight below 1000 feet over congested areas, except when flying in accordance with normal aviation practice for the purpose of taking off from, landing at or practising approaches to landing at a government or certificated aerodrome; and helicopters must always be able to land without causing danger to persons or property on the surface in the event of an engine failure. Requirements for the use of landing sites within the Territory are in OTAR Part 91.225.

Policy Statement:

1. Commercial air transport helicopter operations in performance Class 3 (eg using single engine helicopters) in the UK Overseas Territories are limited to VFR day only.
2. The codes of performance for commercial air transport helicopter operations using OT-registered helicopters are the same as those used in the United Kingdom (ie based on the EASA method contained in Annex IV to Regulation (EU) 965/2012).³
3. Police operations and commercial air transport medevac flights in the UK Overseas Territories shall be subject to paragraph 1 or 2 above, as appropriate.
4. OT registered commercial air transport helicopter operations over water, beyond autorotational or safe forced landing distance from land, must be approved by the OTAA.

² Other States may have approved operations by helicopters operating in performance Class 3 in IMC. For this the helicopter must be certificated for flight under IFR and the operator must meet additional requirements, which include a programme for engine trend monitoring. (Annex 6 Part III, Section II, Standard 3.4.2 and Appendix 2)

³ Requirements and limitations applicable to OT-registered helicopters conducting operations in performance Class 3 are in OTAR Part 135. The technical description (ie the method of calculation) is contained in Appendix E6 and E9 to OTAR Part 135.