

United Kingdom Overseas Territories Aviation Circular

OTAC 121-10
135-10

Fatigue Management – Commercial Air Transport Operations

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Effective on issue

GENERAL

Overseas Territories Aviation Circulars are issued to provide advice, guidance and information on standards, practices and procedures necessary to support Overseas Territory Aviation Requirements. They are not in themselves law but may amplify a provision of the Air Navigation (Overseas Territories) Order or provide practical guidance on meeting a requirement contained in the Overseas Territories Aviation Requirements.

PURPOSE

This Overseas Territories Aviation Circular provides information on the approval by OTAAs, of company Fatigue Management Schemes, as required by the AN(OT)O, that are within the prescriptive limits laid down in Appendix F of OTAR Parts 121 and 135.

RELATED REQUIREMENTS

This Circular relates to Part 5 of the AN(OT)O, Subpart K (Fatigue Management) and Appendix F (Prescriptive Limits) of OTAR Parts 121 and 135.

CHANGE INFORMATION

Second Issue

ENQUIRIES

Enquiries regarding the content of this Circular should be addressed to Air Safety Support International at the address on the ASSI website www.airsafety.aero or to the appropriate Overseas Territory Aviation Authority.

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Introduction

1 Requirement for a fatigue management scheme

1.1 The Air Navigation (Overseas Territories) Order requires that the operator of Territory-registered aircraft that is either:

- (1) engaged on a commercial air transport flight; or
- (2) operated by an air transport undertaking

shall establish a fatigue management scheme for the regulation of flight times, flight duty periods, duty periods and rest period limitations, except where the flight is made only for the purpose of instruction in flying, given by or on behalf of a flying club or flying school.

1.2 The Scheme must be approved by the Overseas Territory Aviation Authority (OTAA) and included in the company's Operations Manual. The Operations Manual shall be readily available to every person employed by the operator as a member of an aircraft crew.

1.3 The Order also requires that a crew member shall not fly, and an operator shall not require him to fly, if either has reason to believe that they are suffering, or likely to suffer while flying, from such fatigue as may endanger the safety of the aircraft or of its occupants.

1.4 A flight crew member is required to inform anyone who employs their services as a flight crew member of all flight times and flight duty periods undertaken, whether professionally or privately, except for flying in aircraft not exceeding 1,600kg MTOM and not flying for the purpose of commercial air transport or aerial work. Aerial work includes flying instruction for which the pilot is remunerated. It is also aerial work where valuable consideration is given specifically for flying instruction, even if the pilot receives no reward.

2 General principles for controlling flight, duty and rest time

2.1 The prime objective of a fatigue management scheme is to ensure that crew members are adequately rested at the beginning of each flight duty period and, whilst flying, be sufficiently free from fatigue so that they can operate to a satisfactory level of efficiency and safety in all normal and abnormal situations. Aircraft operators are expected to appreciate the relationship between the frequency and pattern of scheduled flight duty periods, rest periods and time off, as well as giving due consideration to the cumulative effects of working long hours interspersed with minimum rest.

2.2 Planned schedules must allow for flights to be completed within the permitted flight duty period. The OTAA, when assessing the planning of a schedule will take into account the time allowed for pre-flight duties, taxiing, the flight and turn-round times. However, it is recognised that on occasion a planned flight will experience unforeseen delays. Under these conditions, the pilot-in-command of the aircraft may, within prescribed conditions, extend an FDP.

- 2.3 Other factors to be considered when planning duty periods include:
- (a) the allocation of work patterns which avoid such undesirable practices as alternating day/night duties, the positioning of crew so that a serious disruption of established sleep/work patterns occur, or scheduling rest periods of between 18 and 30 hours especially after long flights crossing many time zones;
 - (b) planning days off and notifying crew well in advance;
 - (c) consultation between operators and crew to agree basic roster concepts which ensure adequate rest prior to flight but, within that constraint, takes account of the commercial requirements of the company.

NOTE: The OTAA will conduct periodic and spot checks on operator's records and the reports of pilots-in-command to determine whether the planning of flight schedules and duty is compatible with the limitations provided for in the operator's scheme.

3 Responsibilities of operator and crew members

- 3.1 It is the responsibility of the operator to prepare duty rosters sufficiently in advance to provide the opportunity for crew to plan adequate pre-duty rest. Operators must establish minimum periods of notification of duty for operating crew, or where this is not practicable due to the nature of the operation, must establish in advance minimum periods of notification of days off, during which a crew member will not be required for any duties. Training for Rostering Staff must include guidance on the effects of disturbing Circadian Rhythms, and sleep deprivation. Away from base, the operator/owner must provide for crew members both the opportunity and facilities for adequate pre-flight rest, in suitable accommodation. When an operator employs a crew member on an irregular basis, then that employer must ensure that the crew member satisfies the provisions of the company approved fatigue management scheme. Furthermore, operators shall satisfy themselves that crew members who undertake other employment, if allowed by the operator, still have the opportunity to enjoy adequate pre-flight rest.
- 3.2 Responsibility for preventing the onset of fatigue cannot rest on the operator alone. The formal responsibilities of crew members, under the Protection of Crew provisions of the Order (Articles 61 to 64), are described in subparagraphs 1.3 and 1.4 above; furthermore, individuals shall ensure that they are not in breach of the Company approved fatigue management scheme. It is emphasised that crew members working on a freelance basis must maintain an individual record of their flying and duty hours which must be presented to an operator before undertaking a duty period. All crew members shall make optimum use of the opportunities and facilities for rest provided, and plan and use their rest periods properly. Before considering additional employment, crew members must recognise that the responsibility for being sufficiently rested before undertaking a flying duty remains with the individual. Crew members are also reminded that persons are not entitled to act as a member of the crew of an aircraft registered in the Territory if the individuals know or suspect that their physical or mental condition renders them temporarily unfit so to act.

4 Approval of schemes

- 4.1 An operator must submit for approval to the OTAA a proposed Fatigue Management Scheme for the regulation of flight and duty times and provision of minimum rest periods.
- 4.2 Subject to the prescriptive requirements in Appendix F of OTAR Parts 121 & 135, it is incumbent on the operator to establish flight duty periods and minimum rest periods appropriate to the nature of flight operations undertaken. Comprehensive guidance and instructions shall be included in the Operations Manual for the benefit of all crew members and the staff concerned with the preparation and day to day management of rostering and scheduling.
- 4.3 Although operators must plan their schemes in accordance with the prescriptive requirements, it is recognised that this will not necessarily satisfy every type of operation. In these circumstances, operators may apply to the OTAA for a deviation, for their scheme, from the prescriptive limits laid down within Appendix F to OTAR Parts 121 and 135. However, a deviation will only be given where an operator can show that such proposals have been submitted on the basis of a risk assessment in accordance with its Safety Management System and ensure a better, or equivalent level of protection against fatigue, provided for by the OTAR prescriptive requirements. Any deviations given by the OTAA must be brought to the attention of crew by incorporation into Section 7 of Part A of the Operations Manual.
- 4.4 The existence of any industrial agreement cannot in any way absolve either the operator or the crew member from observing any of the conditions contained within an approved Fatigue Management Scheme.