



OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)

Part 92

CARRIAGE OF DANGEROUS GOODS

Published by Air Safety Support International Ltd

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First Issue – published for information	June 2004
Second Issue - published for information	March 2007
Third Issue – released for gazetting	January 2008
Fourth Issue	July 2009
Fifth Issue	February 2013

This Issue takes account of ICAO Annex 18 at amendment 10.

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.

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Revisions

OTAR Issue	Subject
Issue 1	First issue published for information.
Issue 2	Second issue published for information.
Issue 3	Revision to simplify requirements by use of ICAO Technical Instructions for detailed compliance.
Issue 4	Addition to 92.11 to emphasise the need for the pilot to be notified of the carriage of dangerous goods and to be supplied with information to deal with DG emergencies; and to clarify that training programmes are required in accordance with the Technical Instructions.
Issue 5	Incorporation of the requirements in the Dangerous Goods Regulations (Schedule 10 to the AN(OT)O) to provide a full and comprehensive OTAR.

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Subpart A — General

92.1 Purpose

- (a) This Part sets out the requirements for the carriage of dangerous goods on aircraft, and the procedures for applications for approval to carry such items on aircraft.
- (b) This Part does not take account of any health and safety or similar legislation that may be applicable nor does it absolve users from complying with any other statutory and legal requirements relating to a general duty of care.
- (c) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the Requirements repeat or reproduce many of the provisions of the Air Navigation (Overseas Territories) Order 2007 (“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 issue or renewal of a certificate, approval, licence or permission; or
 - (4) result in action to suspend or revoke a certificate, licence, approval or permission.
- (d) The issue of an approval or a permission indicates only that the holder is considered competent to secure the safe transport of dangerous goods. The possession of such a document does not relieve the operator or the pilot-in-command, of responsibility for compliance with the Order and any other legislation in force.
- (e) Other OTAR Parts 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.

92.3 Use of English

All documentation, written communications and data (electronic or otherwise) for submission to the Governor in support of an application for an approval or a permission shall be provided in English.

92.5 Laws, requirements and procedures

Each holder of an approval or a permission shall take reasonable care to ensure that all persons employed, engaged, or contracted by the holder to perform related activities, are familiar with the appropriate sections of legislation, the

Overseas Territories Aviation Requirements, any applicable conditions on the approval or permission and the procedures specified in the approval holder's flight safety documentation.

92.7 Power to inspect

- (a) Each aircraft operator or aerodrome operator shall ensure that any person authorised by the Governor is allowed on board an aircraft, on an aerodrome or a place where an aircraft has taken off or landed.
- (b) Each person to whom this OTAR Part applies shall ensure that any person authorised by the Governor shall have access to any documentation relating to the operation. The holder of an approval shall be responsible for ensuring that, if requested to do so by an authorised person, documentation is produced within a reasonable period of time.
- (c) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of the Dangerous Goods Regulations have not been complied with.
- (d) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of the Dangerous Goods Regulations have not been complied with.
- (e) Subject to paragraph (i), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Governor considers necessary in all the circumstances and shall be disposed of in such manner as the Governor considers appropriate in all the circumstances.
- (f) Without prejudice to the generality of sub-paragraph (e) any sample taken or goods seized under this regulation may be retained or detained respectively:
 - (1) for use as evidence at a trial for an offence; or
 - (2) for forensic examination or for investigation in connection with an offence.
- (g) The person from whom any goods have been seized by an authorised person under this regulation may apply to the Governor for the item to be released to him. An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.
- (h) Where the Governor is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings he shall arrange for the goods concerned to be returned to the applicant.
- (i) Where further retention of goods is, in the opinion of the Governor, no longer necessary and no application has been made under sub-paragraph (g) or any such application has been unsuccessful the goods

shall be destroyed or otherwise disposed of in accordance with the directions of the Governor.

92.9 Definitions

The following terms have the specific meanings within this Part. Terms not included in paragraph 92.9 and not defined OTAR Part 1 or in the applicable legislation shall have the same meanings used in the annexes to the Convention:

Acceptance check list means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

Cargo aircraft means any aircraft which is carrying goods or property but not passengers and for the purposes of this Part the following are not considered to be passengers:

- (a) a crew member;
- (b) an operator's employee permitted to be carried by, and carried in accordance with, the instructions contained in the operations manual;
- (c) an authorised representative of a competent national aviation authority;
- (d) a person with duties in respect of a particular shipment on board;

Consignment means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

Dangerous goods accident means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;

Dangerous goods incident means an occurrence, other than a dangerous goods accident, which:

- (a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

Dangerous goods transport document means a document which is specified by the Technical Instructions and contains information about those dangerous goods;

Freight container means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device;

Handling agent means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

ID number means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

Overpack means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

Package means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

Packaging means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

Proper shipping name means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

Serious injury means an injury which is sustained by a person in an accident and which:

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

State of Origin means the State in the territory of which the consignment was first loaded on an aircraft;

Technical Instructions means the current English Language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, including any addendum or corrigendum, approved and published from time to time by decision of the Council of the International Civil Aviation Organisation;

UN number means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

Unit load device means any type of container or pallet designed for loading on to an aircraft but does not include a freight container for radioactive materials or an overpack.

92.11 Applicability

- (a) Subject to paragraph 92.11(b), this OTAR Part applies to:
- (1) the operator of a Territory registered aircraft; and
 - (2) the operator of a non-Territory registered aircraft in the Territory; and
 - (3) any agent of (1) or (2); and
 - (4) a shipper who consigns any dangerous goods for carriage by air in the Territory or by a Territory registered aircraft; and
 - (5) the operator of any airport in the Territory; and
 - (6) any other person delivering or causing to be delivered for carriage in, or taking or causing to be taken on board an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air.
- (b) Nothing in this OTAR Part other than the requirement to hold an approval in accordance with paragraph 91.15(1) shall apply to:
- (1) any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry, conservation or pollution control; or
 - (2) the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.
- provided that dangerous goods are carried and loaded in accordance with any conditions subject to which the approval was granted.
- (c) Any reference in the Technical Instructions or this OTAR Part to the taking on board, loading on to or carriage of dangerous goods in or on an aircraft shall be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

92.13 Prohibition of carriage of dangerous goods

- (a) Subject to paragraphs (b) and (c) a person shall not:
- (1) deliver or cause to be delivered for carriage in, or
 - (2) take or cause to be taken on board

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

- (b) Subject to paragraph (c), the requirements of this OTAR Part shall not apply to those dangerous goods specified in the Technical Instructions as being:
- (1) for the proper navigation or safety of flight provided that:
 - (i) they are required to be carried on an aircraft by the Order or the OTARs or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not such goods are required to be carried or intended to be used on that particular flight; or
 - (ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions; or
 - (2) for the provision, during flight, of medical aid to a patient or veterinary aid or a humane killer for an animal provided that:
 - (i) they are or may be required for use during the flight;
 - (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on to the aircraft in the intervening period before the commencement of that subsequent flight; or
 - (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight; or
 - (3) for the provision, during flight, aid in connection with search and rescue operations; or
 - (4) permitted for carriage by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions; or
 - (5) intended for use or sale during the flight if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement and they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.
- (c) The goods specified in paragraph (b) shall only be carried provided they comply with Part 8 and the applicable provisions in paragraphs 1.1.4 and 2.2 of Part 1 of the Technical Instructions.

92.15 Requirement for approval

- (a) An aircraft operator intending to carry or have loaded on to its aircraft any dangerous goods shall:
- (1) hold an approval issued by the Governor; and
 - (2) ensure that such goods are carried and loaded in accordance with:
 - (i) any conditions to which the approval may be subject, and

- (ii) the Technical Instructions.
- (b) The operator shall satisfy the Governor that he is competent to carry dangerous goods safely.
- (c) The approval shall be subject to such conditions as the Governor thinks fit.

92.17 Provision of information to passengers

- (a) Any person who, in the Territory, makes available flights on an aircraft shall ensure that persons who are or may become passengers are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them.
- (b) An airport operator shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft, as checked baggage or with them, by displaying notices sufficient in number and prominence for this purpose:
 - (1) at each of the places at an airport where tickets are issued; and
 - (2) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and
 - (3) at any location where a passenger may be checked in.
- (c) The operator of an aircraft flying for the purpose of the commercial air transport of passengers, or his agent, shall ensure that persons who are or may become passengers are warned as to the type of dangerous goods which they are forbidden from carrying on an aircraft, as checked baggage or with them, by displaying notices sufficient in number and prominence for this purpose:
 - (1) at each of the places at an airport where tickets are issued; and
 - (2) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and
 - (3) at any location where a passenger may be checked in; and
 - (4) where the operator has facilities for tickets to be purchased remotely (e.g. via the internet); and
 - (5) where the operator has facilities for the check-in process to be completed remotely (e.g. via the internet)

Subpart B Operator's responsibilities

92.51 Acceptance of dangerous goods

- (a) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until it has been inspected to determine that:
 - (1) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions; and
 - (2) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions; and
 - (3) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions; and
 - (4) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions; and
 - (5) the package, overpack or freight container is not leaking or damaged so that the contents may escape.
- (b) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.
- (c) For the purpose of each of the inspections required by paragraphs (a) and (b) an acceptance check list shall be used and the results of the inspection shall be recorded on it.
- (d) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

92.53 Provision of information in respect of cargo

The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

92.55 Method of loading

- (a) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that:
- (1) dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions; and
 - (2) any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions; and
 - (3) packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers; and
 - (4) packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device; and
 - (5) a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it; and
 - (6) any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft; and
 - (7) any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.
- (b) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

92.57 Removal of contamination

- (a) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.

- (b) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

92.59 Training

- (a) The operator of an aircraft and any of his agents shall inform their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and shall establish and undertake training programmes for the purpose, as required by Chapter 4 of Part 1 of the Technical Instructions.
- (b) Details of the training programme required by paragraph (a) shall be submitted to the Governor for approval as the Governor may require and shall be amended as required by the Governor.

92.61 In-flight emergency

The pilot-in-command of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

92.63 Aircraft accident and serious incident reporting

The operator of an aircraft which is involved:

- (a) in an aircraft accident whilst carrying any Dangerous Goods as cargo on the aircraft; or
- (b) in a serious incident in which, in the reasonable opinion of the operator, Dangerous Goods carried as cargo on the aircraft may be involved

shall immediately notify the Governor and a police officer for the area where the accident or serious incident occurred, of any Dangerous Goods carried as cargo on the aircraft.

92.65 Dangerous goods accident and incident reporting

- (a) The operator of an aircraft registered in a Territory shall report any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage, wherever it occurs, to the Governor.
- (b) The operator of an aircraft not registered in a Territory shall report any dangerous goods accident, dangerous goods incident or the finding of

undeclared or misdeclared dangerous goods in cargo or passenger's baggage which occurred in the Territory to the Governor.

- (c) Subject to paragraph 92.65(d), the report required under paragraph 92.65(a) or (b) shall be made within 72 hours of the occurrence coming to the knowledge of the operator, by the quickest available means, in writing or in such other form as approved by the Governor. The report shall contain as much of the following information as is appropriate to the occurrence:
- (1) date of the occurrence; and
 - (2) location of the occurrence, flight number and flight date; and
 - (3) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket; and
 - (4) proper shipping name (including the technical name, if applicable); and
 - (5) UN/ID number; and
 - (6) class or division in accordance with the Technical Instructions and any subsidiary risk(s); and
 - (7) type of packaging and the packaging specification marking; and
 - (8) quantity of dangerous goods; and
 - (9) name and address of the shipper or passenger; and
 - (10) suspected cause of the occurrence; and
 - (11) action taken; and
 - (12) any other reporting action taken; and
 - (13) name, title, address and contact number of the reporter; and
 - (14) any other relevant details.
- (d) If any of the information in paragraph 91.65(c) is not available at the time the report is made, the operator shall despatch such information to the Governor within 72 hours of the information coming into his possession.
- (e) A report made in accordance with OTAR Part 13 meets the requirement of this paragraph.

Subpart C Shippers

92.101 Shipper's responsibilities

Before consigning any dangerous goods for carriage by air the shipper shall ensure that:

- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;
- (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;
- (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;
- (d) the goods are packed according to paragraphs 2.2 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3, 4.4, 5.2 and 5.3 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;
- (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions;
- (f) the package is in a fit condition for carriage by air;
- (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.3 of Part 5 of the Technical Instructions;
- (h) a dangerous goods transport document:
 - (1) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and
 - (2) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods:
 - (i) are fully and accurately described; and
 - (ii) are correctly classified, packed, marked and labelled; and
 - (iii) are in a proper condition for carriage by air;
- (i) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph 92.101(h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 1.2 and 4.3 of Part 5 of the Technical Instructions.

92.103 Training

- (a) A shipper of dangerous goods by air and any of its agents shall inform their respective employees whose duties include a function connected with the carriage of cargo by air of the provisions of the Technical Instructions and shall establish and undertake training programmes for the purpose, as required by Chapter 4 of Part 1 of the Technical Instructions.
- (b) Details of the training programme required by paragraph (a) shall be submitted to the Governor for approval as the Governor may require and shall be amended as required by the Governor.

Subpart D Documents and records

92.151 Production of documents

- (a) The operator of an aircraft in which Dangerous Goods are carried shall, within a reasonable time after being requested to do so by the Governor produce all or any of the following documents:
 - (1) the written approval to carry dangerous goods by air; and
 - (2) the Dangerous Goods Transport Document or other document in respect of any dangerous goods; and
 - (3) the completed Acceptance Check List in a legible form in respect of any dangerous goods; and
 - (4) a copy of the written information provided to the pilot-in-command of the aircraft in respect of any dangerous goods; and
- (b) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, produce any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of the Order or this OTAR Part have not been complied with.
- (c) All documents listed in paragraph 92.151(a) and (b) shall be in English or be accompanied by an English translation.

92.153 Personnel records

- (a) Each person to whom this OTAR Part applies shall retain a training record, for every person whose duties include a function connected with the carriage of passengers or cargo by air, for at least 36 months from the date of the training undertaken.
- (b) The record required to be retained under paragraph 92.153(a) shall identify for each person:
 - (1) the individual's name;
 - (2) the initial training programme, if applicable, and the date of last recurrent training undertaken; and
 - (3) a description, copy or reference to training materials used to meet the requirement;
 - (4) the identity of the person and/or organisation that conducted the training; and
 - (5) the results of assessments of the individual's knowledge and understanding and the competency achieved.

92.155 Retention of records

- (a) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the Dangerous Goods Transport Document and the written information to the pilot-in-command are retained at a readily accessible location until after the full period of the flight on which the goods were carried.
- (b) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months:
 - (1) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper; and
 - (2) the record of any completed acceptance check list; and
 - (3) the written information to the pilot in command.
- (c) The record referred to in paragraph 92.155(b)(2) may be in hard copy or electronic form so long as the recording is capable of being reproduced in a legible format.

END