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Part 171

AERONAUTICAL TELECOMMUNICATION SERVICES

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REVISIONS

OTAR Issue	Subject
Issue 1	First issue published for information.
Issue 2	Second issue released for gazetting, with minor amendment to introductory text.
Issue 3	Change to 171.1 to clarify applicability where Territory is subject to AN(OT)O 1989. Amplification of maintaining recordings of RTF messages.
Issue 4	Updating of references to legislation in Subpart A, including removal of reference to Gibraltar, and additional requirements for compliance with ICAO Annex 10 in 171.59. Amplification of the Safety Management System requirement. Minor editorial changes and correction of error in sense of 171.67.
Issue 5	This issue incorporates the requirements for aviation security with effect from 1 April 2015, plus an amendment to 171.9 regarding practical demonstrations and tests.

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Subpart A — General

171.1 Purpose

- (a) The requirements of this Part cover aeronautical telecommunications services in relation to their performance, provision, maintenance and safety management.
- (b) 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 (“the Order”), including the Rules of the Air set out in 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 renewal of a certificate or licence; or
 - (4) result in action to suspend or revoke a certificate or licence.
- (c) The Order details the legal obligations governing the provision of aeronautical telecommunication services. The Order specifies these obligations in rather general terms, therefore there is a provision in 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 applicant will be able to satisfy the Governor as to their fulfilment of their legal obligations in respect of the design, commissioning and operation of aeronautical telecommunication services.
- (d) The issue of a certificate, licence or approval indicates only that the holder is considered competent to secure the safe provision of an aeronautical telecommunication service. The possession of such a document does not relieve the provider from the 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.
- (f) References to the Governor in this OTAR Part mean the regulator designated by the Governor of the Territory to exercise his functions under the Order.

171.3 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 shall be provided in English.

171.5 Laws, regulations and procedures

Each holder of an approval shall take reasonable care to ensure that all persons employed, engaged, or contracted by the holder to perform safety-related activities, are familiar with the appropriate sections of legislation, the Overseas Territories Aviation Requirements, any applicable conditions on the approval and the procedures specified in the approval holder's exposition.

171.7 Procedure compliance

Each person performing duties in relation to an approval shall conform with the applicable procedures specified in the exposition of the approval holder which authorises the operation.

171.9 Power to inspect

- (a) Each holder of an approval shall ensure that any person authorised by the Governor is allowed on an aerodrome.
- (b) Each holder of an approval shall ensure that any person authorised by the Governor shall have access to any documentation relating to the safety of aircraft in flight. 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) Each aerodrome certificate holder or operator of an aerodrome shall comply with any request by the Governor for a practical demonstration or test to verify compliance with the OTARs.

171.11 Application for approval

An applicant for an aeronautical telecommunication service approval shall apply to the Governor with:

- (a) the Aeronautical Telecommunications Service Exposition written in English; and
- (b) any required payment.

171.13 Privileges of approval

The approval document shall specify the aeronautical telecommunication services and aeronautical telecommunication equipment that the approval holder is approved to operate.

171.15 Duration of approval

- (a) An aeronautical telecommunication service approval may be granted or renewed for a period of up to 5 years, unless revoked prior to this.
- (b) A change or variation of the details within the approval will require a re-issue of the approval document.

171.17 Renewal of approval

- (a) An application for the renewal of an aeronautical telecommunication service approval shall be made to the Governor.
- (b) The application for the renewal shall not be less than 30 days before the approval expires.
- (c) The application for renewal shall be accompanied by any required payment.

171.19 Exceptions

A person that operates aeronautical telecommunications equipment is exempt from holding an approval if:

- (a) the aeronautical telecommunications equipment:
 - (1) is a radio communication transmitter that does not support an air traffic service; and
 - (2) the establishment and operation of the radio communications transmitter is notified to the Governor; and
- (b) the aeronautical telecommunication equipment is operated in accordance with:
 - (1) the applicable system characteristics prescribed in ICAO Annex 10, Volume III, Part II, Chapter 2; and
 - (2) the applicable communication procedures prescribed in ICAO Annex 10, Volume II; and
- (c) the aeronautical telecommunication equipment does not interfere with any other aeronautical telecommunication service, aeronautical telecommunications equipment or air traffic service; and
- (d) a radio apparatus licence and use of the aeronautical frequency has been granted by the appropriate authorities.

Subpart B — Approval Requirements

171.51 Aeronautical telecommunications service exposition

The applicant shall provide the Governor with an exposition containing:

- (a) a policy statement signed by the person identified at paragraph 171.53(a)(1) attesting that:
 - (1) the exposition demonstrates compliance and supporting evidence with the relevant requirements of this Part; and
 - (2) the organisation will continually comply with the exposition; and
 - (3) the exposition commits the organisation to safety of the operation.
- (b) the titles and names of the senior person or persons required under paragraphs 171.53(a)(1) and (2); and
- (c) the duties and responsibilities of the senior person or persons in paragraph 171.53(a)(2), including matters for which they have responsibility to deal directly with the Governor on behalf of the organisation; and
- (d) an organisational chart; and
- (e) a summary of the organisation's staffing structure including job descriptions and safety responsibilities; and
- (f) a list of each type of aeronautical telecommunication equipment to be operated under the authority of the aeronautical telecommunication service approval; and
- (g) a summary of the operational details of each aeronautical telecommunication equipment; and
- (h) a summary of services provided at each location where an aeronautical telecommunication service is provided; and
- (i) details of the security procedures required under paragraph 171.61; and
- (j) the procedures required under paragraph 171.79 regarding the systematic management of quality; and
- (k) the procedures or a reference that identifies the documentation that contains the procedures required under paragraph 171.81 regarding the safety management system; and
- (l) the procedures, evidence or a reference that identifies the documentation that contains the procedures or evidence, that are required under:
 - (1) paragraph 171.53(a)(2) regarding the competence of personnel; and
 - (2) paragraph 171.57(a) regarding the design, installation, and commissioning of facilities; and

- (3) paragraph 171.57(b) regarding the operation of temporary, pre-operational or replacement equipment for site tests; and
 - (4) paragraph 171.63(b) regarding documentation; and
 - (5) paragraph 171.65(a) regarding the maintenance programme; and
 - (6) paragraph 171.67 regarding equipment performance; and
 - (7) paragraph 171.69 regarding the control, calibration, and maintenance of inspection, measuring, and test equipment; and
 - (8) paragraph 171.71(a) regarding the notification of facility information; and
 - (9) paragraph 171.73 regarding equipment checks after notification of an accident or incident; and
 - (10) paragraph 171.75 regarding equipment malfunction incidents; and
 - (11) paragraph 171.77 regarding the maintenance of records; and
 - (12) paragraph 171.103 regarding operating and maintenance instructions.
- (m) Procedures to control, amend, and distribute the exposition.

171.53 Personnel requirements

- (a) The applicant shall employ, contract, or otherwise engage:
- (1) a person or persons authorised as ultimately accountable and responsible for:
 - (i) managing safety; and
 - (ii) ensuring that the organisation complies with the requirements of this Part; and
 - (iii) ensuring that safety is given the highest priority when assessing commercial, operational, environmental or social pressures; and
 - (iv) managing personnel in relation to safety and compliance with this Part.
 - (2) competent and qualified personnel in respect of inspection, supervision and maintenance.
- (b) Written records and procedures shall be established in respect of commissioning, operation and maintenance of aeronautical telecommunications services or equipment, to:
- (1) assess the competence of those authorised personnel; and
 - (2) maintain the competence of those authorised personnel; and
 - (3) establish a means to provide those personnel with signed written evidence of the scope of their authorisation; and

- (4) establish the job descriptions containing safety responsibilities.

171.55 Service safety requirements

- (a) Notwithstanding the requirements of this Part, the applicant shall establish safety requirements for the aeronautical telecommunication service or equipment by assessing the safety hazards in relation to the purpose of the service and/or equipment.
- (b) The production of these requirements shall be in liaison with the providers of the air traffic service, radio navigation service or radio communication service that the aeronautical telecommunication service supports.
- (c) The service safety requirement shall be acceptable to the Governor.

171.57 Aeronautical telecommunication equipment requirements

- (a) The applicant shall list the aeronautical telecommunication equipment comprising the service in the Aeronautical Telecommunications Service Exposition and for each, the Aeronautical Telecommunications Service Exposition shall provide evidence that:
 - (1) it is designed, installed, and commissioned to meet the safety requirements of paragraph 171.55; and
 - (2) it complies with the applicable standards and recommended practices prescribed in the ICAO Annexes, including guidance material unless a justifiable alternative is agreed with the Governor; and
 - (3) the monitoring and communication of the operational status shall meet the operational needs of the related air traffic service; and
 - (4) the power supply to the equipment shall meet the operational continuity requirements of the air traffic service being supported; and
 - (5) any critical or sensitive site area necessary for protecting the safe operation of equipment listed shall be defined and protected; and
 - (6) a procedure has been established to ensure sufficient spares are held to ensure the continuity of the aeronautical telecommunication service.
- (b) The applicant who intends to operate temporary or pre-operational equipment shall:
 - (1) notify the Governor with adequate notice prior to start of the tests; and
 - (2) demonstrate that operation does not cause any interference with any other operating aeronautical telecommunication equipment; and
 - (3) ensure that the appropriate test frequencies have been allocated by the appropriate authority; and
 - (4) ensure that appropriate information is provided to the relevant AIS.

171.59 Identification codes, call signs and frequencies

- (a) Aeronautical Telecommunication systems and procedures, where applicable, shall comply with ICAO Annex 10, Volume 2.
- (b) The assignment, utilisation and management for aeronautical telecommunication frequencies shall comply with the applicable standards and recommended practices prescribed in ICAO Annex 10, Volume 5.
- (c) The applicant shall only operate an aeronautical radio navigation aid or radio communication transmitter if a current licence is held for the radio frequency and that an identification code has been allocated and that this has been declared in the Aeronautical Telecommunications Service Exposition.
- (d) The applicant shall ensure the performance of an aeronautical radio navigation aid or radio communication transmitter is protected against any interference caused by obstructions and other radio emissions.

171.61 Security

The applicant shall ensure that reasonable measures are made for the security of equipment, including those required by OTAR Part 178 if applicable, in relation to its safe operation and that these are included in the Aeronautical Telecommunications Service Exposition.

171.63 Documentation

- (a) The applicant shall hold copies of relevant equipment manuals, technical standards, practices, instructions, and any other documentation that are necessary for the provision and operation of the facilities listed in the applicant's Aeronautical Telecommunications Service Exposition.
- (b) The applicant shall establish a procedure for the retention and configuration control of the documentation required in relation to this Part.

171.65 Maintenance programme

- (a) The applicant shall establish a procedure for maintenance of the aeronautical telecommunications equipment listed in the applicant's exposition verifying that it meets the applicable requirements and performance specifications for that equipment, including:
 - (1) a schedule of maintenance meeting the manufacturers' recommendations and ICAO Doc 8071 (Manual on Testing of Radio Navigation Aids); and
 - (2) personnel maintenance instructions meeting manufacturers' recommendations and ICAO Doc 8071, as required under paragraph 171.103; and
 - (3) the identification of any maintenance or fault rectification that requires a calibration flight check before the equipment is returned to service.

- (b) Any flight checking organisation for maintenance of the aeronautical telecommunications equipment shall be approved by the Governor.

171.67 Aeronautical telecommunication equipment performance

- (a) The applicant shall ensure that a person does not put or return an aeronautical telecommunication service into operation:
 - (1) unless he is assessed as competent and authorised for that specific function according to paragraph 171.53(b); and
 - (2) unless the appropriate checks detailed in the operating and maintenance instructions required under paragraph 171.103 have been carried out to verify the performance of the aeronautical telecommunication equipment; and
 - (3) unless the aeronautical telecommunication equipment record has been completed according to the procedures required under paragraph 171.77; and
 - (4) if that person knows or suspects that the information being provided by that facility is erroneous unless it is being used under the conditions at paragraph 171.105.
- (b) The applicant shall apply the requirements of paragraph 171.67(a) before returning an aeronautical telecommunication systems to service following a flight inspection.

171.69 Tools and test equipment

- (a) The applicant shall ensure that appropriate tools and test equipment are available for personnel to maintain the operation of equipment listed in the applicant's Aeronautical Telecommunications Service Exposition.
- (b) The applicant shall establish a procedure to control, calibrate, and maintain all the equipment required under paragraph 171.69(a) to ensure that it is suitable for purpose.

171.71 Notification of aeronautical telecommunication service information

A person operating an aeronautical telecommunication service shall have a procedure to:

- (a) inform all relevant AIS providers of:
 - (1) information to be promulgated in the AIP in relation to that aeronautical telecommunication service in relation to type and availability for use by aircraft; and
 - (2) information to be promulgated in a NOTAM concerning any change in the operational status of the aeronautical telecommunication service.

- (b) verify that the information under paragraph 171.71(a) has been accurately published by the AIS.

171.73 Aeronautical telecommunication equipment check after an accident or incident

The applicant shall establish a procedure to check and accurately record the operating condition of any aeronautical telecommunication equipment operated under the authority of an approval that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

171.75 Aeronautical telecommunications equipment malfunction

Where telecommunication equipment malfunctions such that it fails to meet the technical requirements of this Part, there shall be a procedure:

- (a) to notify, investigate, and record the malfunction; and
- (b) to record and implement corrective action; and
- (c) to record where a change has been implemented to prevent recurrence.

171.77 Records

- (a) The applicant shall record legibly recoverable information relating to maintenance, periodic inspections and test data (including flight checks), overhaul, modification for the equipment listed on the applicant's Aeronautical Telecommunications Service Exposition. These records shall be preserved for a period of one year or longer if the Governor so directs.
- (b) The applicant shall use recording apparatus that is capable of recording and replaying the terms or content of any message or signals transmitted or received through equipment. In the case of an aeronautical radio station, recording apparatus shall be capable of recording and replaying the content of any voice radio message or signal transmitted and received from aircraft either alone or in common with other aircraft. Records will include, as a minimum:
 - (1) the identification of the aeronautical station; and
 - (2) the date or dates on which the record was made; and
 - (3) a means of determining the time at which the each message or signal was transmitted or received; and
 - (4) the radio frequency on which the message or signal was transmitted or received; and
 - (5) the time at which the record started and finished.
- (c) The applicant shall ensure that any impounding or changing of ATC recording media is not performed by operational ATC personnel and that access to the original media is controlled to ensure its integrity is preserved.

171.79 Systematic management of quality

The applicant shall develop and establish a systematic means of managing quality to ensure continued compliance with, and the adequacy of, the procedures required under this Part for the aeronautical telecommunications service provided under the approval.

171.81 Safety management system

- (a) The applicant shall establish a documented safety management system appropriate to the size and complexity of the operation, for the proactive management of safety, that:
 - (1) integrates the management of operations and technical systems with financial and human resource management and that reflects quality assurance principles; and
 - (2) includes policy and objectives for continuous improvement to the organisation's overall safety performance; and
 - (3) defines clear lines of safety accountability throughout the operator's organisation, including direct accountability for safety on the part of senior management.
- (b) The documented safety management system specified in paragraph 171.81(a) shall include:
 - (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.

Subpart C — Operating Requirements

171.101 Continued compliance

The holder of an aeronautical telecommunication service approval shall:

- (a) continue to meet the standards and comply with the requirements of this Part; and
- (b) comply with all procedures referred to in its Aeronautical Telecommunications Service Exposition; and
- (c) hold at least one complete and current copy of its Aeronautical Telecommunications Service Exposition; and
- (d) make each applicable part of its exposition available to personnel who require those parts to carry out their duties.

171.103 Operating and maintenance instructions

The holder of an aeronautical telecommunication service approval shall:

- (a) have operating and maintenance instructions that set out the requirements for operating and maintaining each aeronautical telecommunication equipment listed in its exposition; and
- (b) provide the operating and maintenance instructions required under paragraph 171.103(a) for the use and guidance of its personnel.

171.105 Temporary aeronautical telecommunication equipment

If temporary, pre-operational or replacement aeronautical telecommunication equipment is operated for the purpose of a site test, the holder of an aeronautical telecommunication service approval is not required to comply with any requirements of Subpart B, except for paragraph 171.57(b).

171.107 Limitations on approval holder

Except if a site test is carried out according to the procedures required under paragraphs 171.53(b) and 171.105, the holder of an aeronautical telecommunication service approval may not operate aeronautical telecommunication equipment under the authority of that approval unless:

- (a) the aeronautical telecommunication equipment is listed in the approval holder's Aeronautical Telecommunications Service Exposition; and
- (b) the performance of the aeronautical telecommunication equipment meets the applicable information published for that facility under paragraph 171.71; and
- (c) the performance of the aeronautical telecommunication equipment meets the applicable requirements in paragraph 171.57(a); and

- (d) any integrity monitoring system for the aeronautical telecommunication equipment is fully functional; and
- (e) all the periodic tests for the aeronautical telecommunication equipment are completed according to the programmes established in accordance with the requirements of paragraph 171.65.

171.109 Aeronautical telecommunication exposition changes

- (a) The holder of an aeronautical telecommunication service approval shall:
 - (1) ensure that its Aeronautical Telecommunications Service Exposition is amended, as required, to remain a current description of the approval holder's organisation, aeronautical telecommunication services, and equipment; and
 - (2) ensure that any amendments made to its Aeronautical Telecommunications Service Exposition meet the applicable requirements of this Part; and
 - (3) comply with the Aeronautical Telecommunications Service Exposition amendment procedure; and
 - (4) provide the Governor with a copy of each amendment to the Aeronautical Telecommunications Service Exposition; and
 - (5) make such amendments to its Aeronautical Telecommunications Service Exposition as the Governor may consider necessary in the interests of aviation safety.
- (b) The holder of an aeronautical telecommunication service approval shall apply and obtain prior acceptance by the Governor if the approval holder proposes to change any of the following:
 - (1) the person identified in paragraph 171.53(a)(1); or
 - (2) the chief executive; or
 - (3) the maintenance engineering staffing; or
 - (4) the aeronautical telecommunication equipment operated under the authority of the approval.
- (c) An application to make any of the changes under paragraph 171.109(b) shall be made by the approval holder in writing or on the appropriate form.
- (d) The Governor may impose any conditions that are considered necessary in the interests of aviation safety, on the holder of an aeronautical telecommunications service approval while any changes under paragraph 171.109(b) are occurring or as a consequence of those changes.

END