
STATUTORY INSTRUMENTS

1995 No. 1038

The Air Navigation Order 1995

PART VI

FATIGUE OF CREW

Fatigue of crew—operator’s responsibilities

63.—(1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless:

- (a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the Authority subject to such conditions as it thinks fit;
- (c) either:
 - (i) the scheme is incorporated in the operations manual required by article 27 of this Order; or
 - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and
- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:

- (a) all his flight times; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) shall, subject to the provisions of article 70, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.