



GOVERNMENT OF BERMUDA
Ministry of Tourism and Transport

Department of Civil Aviation

**Bermuda Register
of Aircraft and Flight Crew**

GENERAL INFORMATION BRIEF

**ISSUE 10
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1. INTRODUCTION

- 1.1 The General Information Brief has been prepared by the Director of Civil Aviation of the Ministry of Transport and Aviation Services, Government of Bermuda, to draw attention to the existence and operation of the Bermuda Register of Aircraft and Flight Crew and also for the initial general information and assistance of those who may be considering the registration of aircraft in an off-shore jurisdiction.
- 1.2 Every effort has been taken to ensure that this Brief is complete and correct with respect to the governing law and practice existing as of the date of issue. However, it is intended to provide only a general overview and it is essential that, before proceeding with any specific proposal, persons should seek the detailed advice of legal counsel in Bermuda and of the Director of Civil Aviation. In practice, it often proves advantageous to overseas enquirers to consult the Director of Civil Aviation through Bermuda legal counsel and this becomes important when enquiries reach the stage of transition to serious proposals.
- 1.3 Persons establishing aircraft owning companies in Bermuda, and using the services of the Bermuda Register of Aircraft and Flight Crew, may enjoy various financial and operational benefits. However, no advice can be given on the position of regulatory bodies in other jurisdictions with respect to such operations or to the operation of law in such jurisdictions. Persons should, therefore, consult their tax, legal and other professional advisers, as may be considered necessary.
- 1.4 The Bermuda Register of Aircraft and Flight Crew operates substantially as an adjunct to the range of services provided by Bermuda to international company business. Bermuda registration enjoys global acceptance and respect and operations on the Register are conducted with appropriate regulatory safeguards to ensure that this position continues.
- 1.5 The Bermuda Department of Civil Aviation welcomes enquiries concerning the use of the Register, either made directly or through professional representation and will respond as rapidly as possible to all such enquiries.

2. BERMUDA - ABOUT THE JURISDICTION

- 2.1 Bermuda, an isolated group of small islands in the western Atlantic Ocean, lies at an approximate position of 32 degrees north and 64 degrees west, about 570 miles from the nearest point of the US coast, with New York 774 miles to the northwest and London 3445 miles to the northeast. The capital and principal city is Hamilton. Bermuda is not a part of the West Indies and is well to the north of the Caribbean and Bahamas groups.
- 2.2 Bermuda is a British Dependent Territory founded in 1620, with Governors appointed by the Crown. The Island is, however, internally self-governing with its law enacted by a local Legislature and responsibility for external affairs, defense, internal security and the Police substantially retained by the Governor, as representative of Her Majesty in the United Kingdom.

- 2.3 Bermuda's economy is service-oriented with the two main contributors being tourism and international company business. The Gross Domestic Product stood in excess of \$5.355 billion, for fiscal year 2005-2006. Bermuda is the largest captive insurance centre in the world and its international companies are also involved in a broad range of activities, including shipping, oil trading and investment holding.
- 2.4 Bermuda's international companies are of several types, with the most numerous example being the exempted company, so called because it is exempted from local ownership requirements, is owned predominantly by non-Bermudians, and cannot carry on business in Bermuda. These companies can undertake any type of approved business activity from a principal place of business in Bermuda, but cannot compete in the local economy with Bermudian-owned local companies.
- 2.5 Bermuda enjoys all excellent transportation and communications services with eight major airlines providing regular services between the Island and the USA, Canada and Great Britain. Sophisticated international communications services are furnished throughout the facilities of the Bermuda Telephone Company Limited, Telebermuda International, Digicell, Logic Communications and Cable & Wireless PLC. Also, all of the major courier firms maintain representation in Bermuda.
- 2.6 It is recognised that Bermuda, as an off-shore jurisdiction, is not among the least expensive. However, it prides itself on providing a very high quality and responsive service to its clients and possesses economic and government stability with the complete infrastructure support necessary for such activities.
- 2.7 Further information about Bermuda may be obtained from the Department of Information Services Tel: (441) 292-6384 Fax: (441) 295-5267 and the Department of Tourism Tel: (441) 292-0023 Fax: (441) 292-7537 of the Bermuda Government as well as from Bermuda legal counsel and the management services on the Island.

3. BERMUDA REGISTER OF AIRCRAFT AND FLIGHT CREW

3.1 Maintenance of Register of Aircraft

- 3.1.1 The Governor of Bermuda is required by the provisions of the Air Navigation (Overseas Territories) Order 2007, as amended, to, inter alia, maintain a Register of Aircraft and to accept applications to register aircraft from qualified persons. Some of the Governor's responsibilities, in this regard, may be delegated to the Minister responsible for Transport and Aviation Services, under the Bermuda Constitution Order 1968.
- 3.1.2 Departmentally, these matters are the responsibility of the Director of Civil Aviation, to whom all correspondence should be addressed. The functions of the Department of Civil Aviation include all matters related to the licensing, certification and regulation of aircraft, flight crew and aerodromes, together with air navigation services aspects, aviation security and the safety regulatory

oversight of the Bermuda International Airport, as well as all matters related to the economic regulation of air transport and air services development.

3.1.3 Throughout this Brief, the title “Governor” shall include the Minister responsible for Transport and Aviation Services and the Director of Civil Aviation, as may be appropriate to the context and circumstances. Where the Director is cited, for administrative and editorial convenience, as the responsible authority throughout this Brief, it is to be understood that he functions with the delegated authority of the Governor and Minister.

3.2 Aircraft that may be Registered in Bermuda

3.2.1 The requirements in respect of registration are detailed in Article 4 of the Air Navigation (Overseas Territories) Order 2007, as amended, and this Order, and amendments, may be viewed on our web site

3.2.2 The Order provides that an aircraft shall not be registered or continue to be registered in Bermuda if it appears that:

- (a) the aircraft is registered outside Bermuda and that such registration does not cease by operation of law upon the aircraft being registered in Bermuda; or
- (b) an unqualified person holds a legal or beneficial interest by way of ownership in the aircraft or any share therein; or
- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Bermuda.

3.2.3 The Order defines persons who are “qualified” to be the owner of a legal or beneficial interest in aircraft registered in Bermuda, or a share in such aircraft, as:

- (a) the Crown in right of Her Majesty’s Government in the United Kingdom or in right of the Government of Bermuda;
- (b) Commonwealth Citizens;
- (c) British protected persons;
- (d) Bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;

- 3.2.4 An unqualified person holding a legal or beneficial interest by way of ownership in an aircraft or a share in it may still obtain registration if he resides or has a place of business in Bermuda and the Governor is satisfied that an aircraft may properly be registered. Similarly, if an aircraft is chartered by demise to a qualified person, the Governor may permit registration in the name of the charterer during the period of the charter, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft or a share in it. Both of these exemptions are subject to the discretion of the Governor and the full facts and circumstances must be presented to the Director of Civil Aviation before registration will be considered. An unqualified person who has registered an aircraft under the above exemptions shall not cause or permit the aircraft to be used for commercial air transport or aerial work. It may be expected that, provided the application may otherwise be properly accepted, such approval will not be unreasonably withheld. An aircraft so registered may not be used for the purpose of public transport or aerial work.
- 3.2.5 It may be seen from paragraph 3.2.3 above that included in the list of “qualified persons” are bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth. It should be noted that, by Bermuda Government policy, an application to register an aircraft is normally only accepted from a person residing in Bermuda or a body incorporated in Bermuda and having its registered office on the Island.

3.3 Ownership by a Bermuda Body Corporate

- 3.3.1 It is permissible for a Bermuda body corporate to be formed solely for the purpose of owning and operating an aircraft on the Bermuda Register. Indeed, this is a customary practice. Full company incorporation is required of persons wishing to avail themselves of this option and this may be achieved by the relatively simple process of registration under the Companies Act, 1981. Full guidance should be sought at an early stage, from a Bermuda law firm, regarding all aspects of incorporation and the maintenance of a Bermuda company. Similarly, advice should be obtained from competent legal counsel in the applicant’s principal jurisdiction regarding various possible advantages and disadvantages of such action. The Director of Civil Aviation cannot offer such advice and, when entertaining applications to register aircraft, he will assume that the applicant will have sought such professional counsel as may be necessary in his own interest.
- 3.3.2 A Bermuda exempted company may be incorporated subject to the consent of the Minister of Finance and subject to the approval of the Bermuda Monetary Authority, on behalf of the Minister, in accordance with the Companies Act 1981, as from time to time amended. It should be noted that the confidential disclosure of the beneficial identity, to the Bermuda Monetary Authority, is required and strict confidentiality is protected by statute. Further, the ultimate ownership and control of an aircraft to be registered must be disclosed to the Director of Civil Aviation. Such disclosure is treated in confidence and does not form a part of the public record regarding the registration. Additionally, the Bermuda Monetary Authority requires the provision of such further information as may be necessary to enable it to properly scrutinize the ownership of the company and that the applicants are persons of integrity and good financial standing. Full information

on these requirements may be obtained from any Bermuda law firm practicing corporate law. Such firms may also provide the required quorum of Bermuda resident Directors of an exempted company and the registered office of the company. Executives of the Bermuda banks and management companies may also participate in such arrangements.

- 3.3.3 It may be noted that, at the date of this General Information Brief, there is no Bermuda income or profits tax, withholding tax, capital gains tax, capital transfer tax, estate duty or inheritance tax payable by a Bermuda company or its shareholders, other than those shareholders ordinarily resident in Bermuda. Details of the fees, charges and stamp duties related to a Bermuda exempted company should be obtained from a Bermuda law firm.

3.4 Form of Application to Register an Aircraft

- 3.4.1 The Director of Civil Aviation examines each individual application carefully to determine its acceptability and appropriateness with regard to statute and Bermuda Government policy and to avoid any use of the Bermuda Register by applicants wishing to circumvent any recognised international standards of operation, under The Chicago Convention, 1944, as detailed by the International Civil Aviation Organisation in Annexes to the Convention.

- 3.4.2 It is therefore important that, prior to proceeding with the incorporation of a company, prospective applicants make a preliminary written application to the Director of Civil Aviation, briefly setting out the following details:

- (a) the name under which the aircraft is to be registered;
- (b) the name and nationality of the individual person enjoying ultimate ownership and control;
- (c) particulars of the aircraft, including correct designation, constructor's serial number and year of manufacture;
- (d) the name of the law firm in Bermuda acting in the matter;
- (e) the base and main geographic areas of operation;
- (f) the proposed maintenance arrangements;
- (g) the proposed operations and crewing arrangements;
- (h) any additional facts which may be helpful in enabling a determination to be made as to whether it is appropriate to entertain a full application.

It is suggested that the preliminary application for approval in principle may best be submitted through Bermuda legal counsel who will be well placed to offer appropriate general advice at that stage. All information furnished in this preliminary application is held in strict confidence and does not form part of the public record.

- 3.4.3 If it is determined that the matter may be properly proceeded with, formal application may be made. This is undertaken in the form that the Director may, from time to time, require and is to be supported by such documents and evidence as is necessary, relating to the aircraft, the ownership and chartering to enable a final decision on registration to be taken.
- 3.4.4 The Government of Bermuda does not require persons registering aircraft in Bermuda to obtain Import Licenses and no other consents are required in respect of registration from any other official bodies. An exception to this may arise in the event of an aircraft being physically imported to the Island for use domestically in Bermuda. Such an aircraft is likely to be subject to Customs duty and other possible requirements. Dependent upon its intended use, it may also be subject to restrictions arising from other Government bodies. Persons proposing to undertake such importation are advised to consult their legal counsel in advance.
- 3.4.5 It is appropriate to note here that aircraft being accepted on the Bermuda Register will be subject to various technical and operational directives with regard to their maintenance and operation, and the satisfaction of various requirements related to these aspects will be insisted upon concurrently with the application to register. These aspects are briefly alluded to elsewhere in this General Information Brief. It should be noted that a physical inspection of the aircraft prior to Bermuda Registration will normally be undertaken by the Department of Civil Aviation. The only requirements external to those of the Department of Civil Aviation are those related to the Aircraft Radio Station Licence which, under statute, are administered by the Bermuda Government Department of Telecommunications. This matter is separately dealt with in this Brief.

3.5 Nationality and Registration Marks

- 3.5.1 Upon registering an aircraft, the Director of Civil Aviation will assign a nationality and registration mark. The aircraft cannot, by law, fly unless this mark is painted and/or affixed thereon in the manner required by the Air Navigation (Overseas Territories) Order 2007, as amended.
- 3.5.2 This mark consists of five letters commencing with the nationality mark VP-B or VQ-B and followed by the two letters assigned to the specific aircraft.

3.6 Particulars recorded in the Register

- 3.6.1 The Register of Aircraft forms the official public record relating to the registration of an aircraft and the particulars recorded in it are the only details which will be furnished to enquirers. All other records related to the owner, aircraft, etc, are treated in confidence.
- 3.6.2 The Register will include the following particulars:
- (a) the number of the certificate of registration;

- (b) the nationality mark of the aircraft and the registration mark assigned to it;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e) (i) the name and address of every person who is entitled to a legal interest in the aircraft or a share in it, or, in the case of an aircraft which is a subject of a charter by demise, the name and address of the charterer by demise;
and
 - (ii) in the case of an aircraft registered in pursuance of the exemptions relating to legal or beneficial ownership resting with an unqualified person who is resident in Bermuda, etc, an indication that it is so registered;
- (f) relevant dates of registration, change of ownership, cancellation of registration etc.

3.6.3 Upon registration, the Director of Civil Aviation will furnish to the person in whose name the aircraft is registered a Certificate of Registration which shall include the particulars detailed in paragraph 3.6.2. above.

3.7 The Effect of Registration

3.7.1 The registration of title to the aircraft constitutes prima facie evidence of ownership of the aircraft. However, such evidence is not conclusive. The Air Navigation (Overseas Territories) Order 2007, as amended, provides that the provisions of the Order, in so far as they apply to Bermuda registered aircraft, shall apply to such aircraft wherever they may be.

3.8 Amendments to the Register and Cancellation

3.8.1 The Governor may amend the Register whenever it appears necessary or appropriate to bring it up to date or to correct particulars. This may include the cancellation of the registration.

3.8.2 The registration will be cancelled if the Governor is satisfied that there has been a change of ownership (unless it is otherwise inexpedient in the public interest to do so).

3.8.3 Any person who is registered as the owner of an aircraft registered in Bermuda must inform the Director of Civil Aviation in writing of:

- (a) any change in the particulars which were furnished upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft or its permanent withdrawal from use; or

(c) in the case of an aircraft registered under a demise charter, the termination of the demise charter.

3.8.4 Any new owner of a Bermuda registered aircraft must immediately advise the Director of Civil Aviation in writing. Other than in the case of the exemption relating to dispensations granted to unqualified persons and to aircraft subject to demise charters, if at any time after an aircraft has been registered in Bermuda an unqualified person becomes entitled as owner to a legal or beneficial interest in the aircraft or a share in it, the registration of the aircraft shall thereupon become void, and the certificate of registration shall forthwith be returned by the registered owner to the Director of Civil Aviation for cancellation.

3.9 De-registration of Aircraft

3.9.1 Application for cancellation of a Certificate of Registration from the Bermuda Register should be initiated from the local registered office. This is usually in the form of a letter requesting de-registration, accompanied by a Certified Resolution signed by directors of the company. It is important to note that all original documentation issued in connection with the registration must be returned to the Bermuda Department of Civil Aviation within seven days.

3.9.2 If an Export Certificate of Airworthiness is sought, the Department of Civil Aviation will conduct a physical inspection of the aircraft and associated technical records to ensure compliance with internationally recognised standards of airworthiness. If an Export Certificate of Airworthiness is not required, the Department of Civil Aviation may conduct a physical inspection of the aircraft and associated technical records. An audit of the aircraft's technical history may be carried out to ensure compliance with internationally recognised standards of airworthiness. The extent of the audit or inspection will be decided at the time of request for de-registration. All fees payable to the Bermuda DCA must be settled prior to de-registration.

3.9.3 Following cancellation of registration, a Letter of De-registration, evidencing the deletion of the aircraft from the Bermuda Register will be issued and the Aeronautical Regulatory Authority of the next intended State of Registration may be informed of the deletion.

3.9.4 It is not possible to obtain a Letter of De-registration prior to the actual deletion of the aircraft from the Register. De-registration can only be effected as stated in paragraphs 3.8 and 3.9.1 above.

4. MORTGAGING OF AIRCRAFT AND REGISTRATION OF MORTGAGES

4.1 Registration of Mortgages or Rights over Aircraft

4.1.1 The Mortgaging of Aircraft and Engines Act 1999, the Mortgaging of Aircraft (Procedures) Regulations 1999, the Mortgaging of Aircraft Engines (Procedures) Regulations 1999 and the Mortgaging of Aircraft and Engines (Fees) Regulations 1999 all came into effect in Bermuda on 1st July 1999.

- 4.1.2 Under the above legislation, a Register of Aircraft Mortgages and a Register of Aircraft Engine Mortgages has been established in Bermuda. These are available to facilitate the registration of security interests in aircraft and aircraft engines.
- 4.1.3 The Air Navigation (Overseas Territories) Order 2007 as amended, Part 1, Art. 4. (17) links the Register of Mortgages and the Nationality (Aircraft) Register and gives the mortgagee greater security and asset protection.
- 4.1.4 It is presently the policy of the Department of Civil Aviation that all Priority Notices and Entry of Aircraft Mortgage applications be submitted to the Register by a Bermuda law firm. Forms for an Entry of Priority Notice, an Entry of Aircraft Mortgage, Change in Particulars and a Discharge of Registered Mortgage, are available from the Bermuda Department of Civil Aviation.
- 4.1.5
1. Upon making an application for the registration of a mortgage of an aircraft or an aircraft engine the applicant shall pay –
 - (i) \$100 where the sum secured by the mortgage does not exceed \$100,000
 - (ii) \$200 where the sum secured by the mortgage exceeds \$100,000 but does not exceed \$ 5,000,000
 - (iii) \$400 where the sum secured by the mortgage exceeds \$ 5,000,000 but does not exceed \$ 20,000,000
 - (iv) \$800 where the sum secured by the mortgage exceeds \$ 20,000,000
 2. Where the mortgage to be registered does not specify the amount of the sum secured, the applicant shall pay a charge calculated as follows-
 - (i) where the maximum amount of the sum secured by the mortgage is specified, a charge calculated in accordance with paragraph 1 according to the maximum:
 - (ii) in any other case \$ 800
- 4.1.6 A complete copy of the Mortgaging of Aircraft and Aircraft Engines (Fees) Regulations 1999 may be obtained from the Bermuda Department of Civil Aviation.

5. USE OF THE BERMUDA REGISTER OF CIVIL AIRCRAFT

5.1 Uses of Aircraft Registered in Bermuda

- 5.1.1 The registration of aircraft in this jurisdiction is sought for a number of purposes. The majority of aircraft registered are corporate and private executive types, whilst also included are helicopters, aircraft leased to public transport undertakings (where the State of the Operator has agreed to accept a formal delegation of a substantial portion of operational and airworthiness oversight responsibilities) and “white-tailed” aircraft awaiting leasing or sale.

5.2 Benefits of Registration in Bermuda

- 5.2.1 Owners and operators enjoy an administration which is prepared to accept more than one internationally recognised set of airworthiness requirements, various flight crew licenses for validation and a “low-profile” registration mark which some operators consider of value when operating in areas of the world which may be subject to certain security risks or political instability. Further, owners and operators have expressed satisfaction with the degree of responsiveness of the Department of Civil Aviation, in dealing with their enquiries and requirements, made possible by the absence of the degree of administrative bureaucracy often encountered when dealing with some other major jurisdictions. Bermuda does, however, offer the full range of professional and administrative services necessary to ensure that all legal and other requirements may be properly met and to ensure international respect for the Register.
- 5.2.2 Persons registering aircraft in Bermuda may well also enjoy financial benefits, including those arising from taxation relief. However, it is not possible to give any guidance in this regard and it is again stressed that it is essential that prospective applicants seek appropriate professional opinion in their primary jurisdictions, as well as in Bermuda, on such matters.

5.3 Protection of the Public Interest and Restrictions on use of Aircraft

- 5.3.1 The Director of Civil Aviation monitors the operation of the Register very carefully in order to ensure the protection of public interest and the avoidance of embarrassment to either the Government of Bermuda or HM Government.
- 5.3.2 Aircraft must be operated and maintained at all times in accordance with the arrangements approved by the Director of Civil Aviation and in compliance with internationally recognised standards of airworthiness. Aircraft must be operated in accordance with the rules governing the category in which they are certificated. In particular, it must be noted that, under the Air Navigation (Overseas Territories) Order 2007, as amended, any operation of an aircraft for hire or reward for the carriage of passengers or cargo constitutes “commercial air transport” and may not be undertaken in the Private Category. In such cases, the aircraft must be certificated in Commercial Transport Category and the operator must be the holder of an Air Operator’s Certificate issued by the Director and hold an Air Transport Licence issued by the Bermuda Government. Such provisions involve stringent requirements and are seldom issued. This, again, reinforces the need for the intended use of the aircraft to be clearly stated at the time of initial preliminary application (see paragraph 3.4.2 above).
- 5.3.3 Oversight of the operation of aircraft on the Register will be undertaken at all times with the objective of ensuring that the recognised requirements of air safety, as detailed by the International Civil Aviation Organisation in the Annexes to The Chicago Convention 1944, are adhered to and that “off-shore registration “is not used for the purpose of attempting to circumvent these principles.

6. OPERATION OF AIRCRAFT ON THE BERMUDA REGISTER

6.1 General Provisions

- 6.1.1 The provisions of the Air Navigation (Overseas Territories) Order 2007, as amended, together with any Regulations made under this Order, govern all aspects of the operation of aircraft on Registers of British Dependent Territories.
- 6.1.2 Additionally, Bermuda Government policy may be established to define how the provisions of the Order will be administered with regard to aircraft on the Bermuda Register of Aircraft.
- 6.1.3 Under certain circumstances, when it is deemed to be in the public interest, the Director of Civil Aviation may, subject to certain controls, grant exemption from provisions of the Order. Such exemptions are, however, normally only granted when compelling arguments in their favour can be made by the applicant and when it is judged that there will be no unacceptable impact on air safety.
- 6.1.4 The Department of Civil Aviation undertakes regular airworthiness and operations inspections of Bermuda registered aircraft as well as audits of approved maintenance organisations to ensure compliance with the provisions of the Air Navigation (Overseas Territories) Order 2007, as amended.
- 6.1.5 Also, the Department of Civil Aviation reserves the right, with reasonable notice, to require the presentation of any aircraft, and its technical records, being an aircraft on the Bermuda Register or for which such registration is sought, in Bermuda or at such other place as the Department may, in its sole discretion, determine.

6.2 Airworthiness

- 6.2.1 The Director of Civil Aviation may issue a Certificate of Airworthiness to an aircraft registered in Bermuda if he is satisfied that the aircraft is fit to fly having regard to all aspects of the design, construction and other factors of the aircraft, its engines, propellers and equipment. In the initial instance, in respect of aircraft types, this approval is exercised through the acceptance, by validation, of the type certification process of a foreign State. In general terms, the Director of Civil Aviation accepts, and will render valid for Bermuda registration, type certification which has been carried out under either the European Airworthiness Safety Administration (EASA) Requirements or United States Federal Aviation Regulations (FARs). The Director is not, however, bound to such acceptance and may, with respect to any series of aircraft or any individual aircraft, mandate the imposition of such special conditions as he may consider necessary.

- 6.2.2 The Director of Civil Aviation will make such arrangements as may be necessary to ensure the continuing airworthiness of aircraft in service, including the annual renewal of the Certificate of Airworthiness.
- 6.2.3 Certain manuals and documents related to the aircraft, most notably the Airplane Flight Manual and Supplements and the Inspection Procedures and Time Limits sections of the Maintenance Manual or Maintenance Schedule, require the specific approval of the Director of Civil Aviation. This approval will normally take the form of a validation of the approval rendered by the State carrying out the basic type certification evaluation.
- 6.2.4 In relation to paragraph 6.2.2 above, the Director of Civil Aviation requires, as a matter of policy, that every aircraft on the Register, irrespective of size or category of Certificate of Airworthiness, be maintained in accordance with the provisions of an approved maintenance inspection schedule and, except in certain emergency circumstances, be maintained only by organisations specifically approved by him for the purpose.
- 6.2.5 Maintenance facilities undertaking work on Bermuda Registered Aircraft are required to hold a Bermuda Aircraft Maintenance Organisation Approval. The Director of Civil Aviation issues such validation and approvals as may be appropriate under the provisions of the Air Navigation (Overseas Territories) Order 2007, as amended, to enable these requirements to be complied with.
- 6.2.6 Radio and avionic equipment installed in Bermuda registered aircraft is subject to the provisions of the Air Navigation (Overseas Territories) Order 2007, as amended, and also to the Telecommunication Act 1986 and Regulations made under this legislation. In discharge of these obligations, the Director of Civil Aviation issues Certificates of Approval for Aircraft Radio Installation and the Telecommunications Inspector issues Aircraft Radio Station Licenses.
- 6.2.7 The Director of Civil Aviation will, upon receipt of a properly technically supported application, issue Noise Certificates in respect of aircraft qualifying for the issue of such certificates under the provisions of ICAO Annex 16 to The Chicago Convention 1944.

6.3 Flight Operations

- 6.3.1 The Director of Civil Aviation requires to be satisfied that appropriate arrangements exist to ensure that flight operations with Bermuda registered aircraft are controlled and conducted in a safe manner consistent with law and policy. Operators of aircraft for commercial air transport (for which comprehensive requirements for the provision of an Operations Manual, including Training Manual, Minimum Equipment List, etc, exist) are required to demonstrate compliance in accordance with Overseas Territories Air Regulations (OTAR) Parts 119 and 121. Operators of corporate and general aviation aircraft are required to demonstrate compliance in accordance with OTAR Part 125. Similarly, the means of compliance for helicopter and air taxi operations are OTAR Parts 135. Aerial work and application operations fall

under OTAR Part 137. Links to the OTAR parts and the Air Navigation (Overseas Territories) Order 2007 are available on the website.

- 6.3.2 Where the owning company enters into a management agreement to secure the operation of the aircraft, a copy of the agreement must be provided to the Director of Civil Aviation for scrutiny and approval. Similarly, this requirement exists in respect of any leasing agreements governing a Bermuda registered aircraft. This examination is confined to the assurance of compliance with the law and policy applicable to the aircraft and approval of such arrangements will, at no time, be unreasonably withheld. The financial details contained in any such documents may be deleted before presentation to the Director and copies of the final, approved and executed documents are required to be lodged with the Director.
- 6.3.3 The owner/operator of aircraft to be operated for hire and reward is required to apply for the issue of a Bermuda Air Operator's Certificate (AOC). The requirements concerning this are most stringent and the issue of this document is treated very seriously. Full particulars concerning this matter are available from the Director of Civil Aviation, upon presentation of a preliminary application providing details of the intended operation. An exception to this may be when the aircraft is to be utilised on a lease arrangement by the holder of a foreign AOC or equivalent document and where satisfactory arrangements can be concluded, with the regulatory authorities having responsibility for the foreign operator, to permit a significant delegation of the Bermuda responsibility for oversight of operational matters.
- 6.3.4 The Air Navigation (Overseas Territories) Order 2007, as amended, requires that no person shall act as a member of the flight crew of an aircraft registered in Bermuda unless he or she is the holder of an appropriate license and ratings issued or rendered valid under the Order. To ensure compliance with this requirement, the Director of Civil Aviation issues flight crew licenses and validations, generally by means of stated procedures of conversion of foreign licenses or issues certificates of validation to render basic foreign licenses and ratings valid for the operation of Bermuda registered aircraft.
- 6.3.5 The matter of operation in Required Navigation Performance (RNP) and Minimum Navigation Performance Specifications (MNPS) Airspace, such as exists across the North Atlantic Ocean, is dealt with in Article 50 of the Air Navigation (Overseas Territories) Order 2007, as amended. Subject to the approval of the standard of aircraft equipment, crew training and experience and the approval of full written operating procedures, the Director of Civil Aviation issues Letters of Authorisation for MNPS Operation.
- 6.3.6 All aircraft on the Bermuda Register are subject to procedures governing the reporting and investigation of a wide range of accidents, incidents and reportable occurrences. In dealing with a major event, the Department of Civil Aviation has an arrangement to obtain the specialist support of the United Kingdom Air Accident Investigation Branch (AAIB).

7. FEES AND CHARGES

- 7.1 Fees and charges for all services, certifications etc, made in respect of the Bermuda Register of Aircraft and Flight Crew are established by statute, in the form of Regulations made under the Air Navigation (Overseas Territories) Order 2007, as amended. These can be made available upon request.

**8. FURTHER INFORMATION AND CONTACT WITH
BERMUDA DEPARTMENT OF CIVIL AVIATION**

- 8.1 Further information may be obtained from the Bermuda Department of Civil Aviation and enquiries should be addressed to:

Department of Civil Aviation
P.O. Box GE 218
St. George's GE BX
Bermuda

Telephone: (441) 293-1640
Telefax: (441) 293-2417
Website: www.dca.gov.bm

- 8.2 The Department of Civil Aviation is open to the public from 9.00 am to 5.00 pm Mondays to Fridays. The Department is closed for normal business on Saturday, Sunday and statutory public holidays (details of which can be obtained from the Department). Bermuda local time is UTC minus 4 hours, which is adjusted to UTC minus 3 hours during the period of Bermuda summer time. The dates of summer time are promulgated through the aeronautical information service.