



CHAPTER 1

GENERAL

1.1 COMPLIANCE WITH LAWS, REGULATIONS AND PROCEDURES

1.1.1 Operators shall ensure that their employees when abroad know that they must comply with the laws, regulations and procedures of the States in which their helicopters are operated.

1.1.2 Operators shall ensure that all pilots are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the heliports to be used and the air navigation facilities relating thereto. The operator shall ensure that other members of the flight crew are familiar with such of these regulations and procedures as are pertinent to the performance of their respective duties in the operation of the helicopter.

Note.— Information for pilots and flight operations personnel on flight procedure parameters and operational procedures is contained in PANS-OPS (Doc 8168), Volume I. Criteria for the construction of visual and instrument flight procedures are contained in PANS-OPS (Doc 8168), Volume II. Obstacle clearance criteria and procedures used in certain States may differ from PANS-OPS, and knowledge of these differences is important for safety reasons.

1.1.3 Operators shall ensure that flight crew members demonstrate the ability to speak and understand the language used for radiotelephony communications as specified in PELR.

1.1.4 An operator or a designated representative shall have responsibility for operational control.

Note.— The rights and obligations of a State in respect to the operation of helicopters registered in that State are not affected by this provision.

1.1.5 Responsibility for operational control shall be delegated only to the pilot-in-command and to a flight operations officer/flight dispatcher if an operator's approved method of control and supervision of flight operations requires the use of flight operations officer/flight dispatcher personnel.

Note.— Guidance on the operational control organization and the role of the flight operations officer/flight dispatcher is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335). Detailed guidance on the authorization, duties and responsibilities of the flight operations officer/flight dispatcher is contained in the manual Preparation of an Operations Manual (Doc 9376). The requirements for age, skill, knowledge and experience for licensed flight operations officers/flight dispatchers are contained in PELR.



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- 1.1.6 If an emergency situation which endangers the safety of the helicopter or persons becomes known first to the flight operations officer/flight dispatcher, action by that person in accordance with 2.6.1 shall include, where necessary, notification to the appropriate authorities of the nature of the situation without delay, and requests for assistance if required.
- 1.1.7 If an emergency situation which endangers the safety of the helicopter or persons necessitates the taking of action which involves a violation of local regulations or procedures, the pilot-in-command shall notify the appropriate local authority without delay.
- 1.1.7.1 If required by the State in which the incident occurs, the pilot-in-command shall submit a report on any such violation to the appropriate authority of such State; in that event, the pilot-in-command shall also submit a copy of it to the DG, CAAN. Such reports shall be submitted as soon as possible and normally within ten days.
- 1.1.8 Operators shall ensure that pilots-in-command have available on board the helicopter all the essential information concerning the search and rescue services in the area over which the helicopter will be flown.

Note.— This information may be made available to the pilot by means of the operations manual or such other means as is considered appropriate.

1.2 Compliance by a foreign operator with laws, regulations and procedures of a State

- 1.2.1 When the DG, CAAN identifies a case of non-compliance or suspected non-compliance by a foreign operator with laws, regulations and procedures applicable within Nepalese territory, or a similar serious safety issue with that operator, that DG, CAAN shall immediately notify the operator and, if the issue warrants it, the State of the Operator. Where the State of the Operator and the State of Registry are different, such notification shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.
- 1.2.2 In the case of notification to States as specified in 1.2.1, if the issue and its resolution warrant it, the DG, CAAN shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

Note.— The Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335) provides guidance on the surveillance of operations by foreign operators. The manual also contains guidance on the consultations and related activities, as specified in 1.2.2, including the ICAO model clause on aviation safety, which, if included in a bilateral or multilateral agreement, provides for consultations among States, when safety issues are identified by any of the parties to a bilateral or multilateral agreement on air services.



1.3 Safety management

Note.— Annex 19 includes safety management provisions for air operators. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).

1.3.1 RESERVED

1.3.2 A Flight Data Analysis programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

Note 1.— Guidance on the establishment of flight data analysis programmes is included in the Manual on Flight Data Analysis Programmes (FDAP) (Doc 10000).

Note 2.— Legal guidance for the protection of information from safety data collection and processing systems is contained in Attachment B to Annex 19.

1.3.3 An operator shall establish a flight safety documents system, for the use and guidance of operational personnel, as part of its safety management system.

Note.— Guidance on the development and organization of a flight safety documents system is provided in Attachment F of ICAO, Annex 6, Part III.

1.3.4 RESERVED

1.3.5 An operator shall implement a Safety Management System (SMS) in accordance with the provisions of *CAAN SMS Requirements 2010* acceptable to the Director General that, as a minimum:

- a) identifies safety hazards;
- b) ensures the implementation of remedial action necessary to maintain agreed safety performance;
- c) provides for continuous monitoring and regular assessment of the safety performance; and
- d) aims at a continuous improvement of the overall performance of the safety management system.

Note.— Guidance on defining safety performance is contained in the Safety Management Manual (SMM) (Doc 9859).

1.3.6 A Safety Management System shall clearly define lines of safety accountability throughout the operator's organization, including a direct accountability for safety on the part of senior management.

1.3.7 The operator shall nominate a post holder responsible for the development and establishment of the air operator's SMS and his/her functions and responsibilities shall be clearly defined and documented.



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Note.— The framework for the implementation and maintenance of a safety management system is contained in Appendix 4. Guidance on safety management systems is contained in the Safety Management Manual (SMM) (Doc 9859).

1.4 Dangerous goods

1.4.1 No operator may carry any item identified as dangerous goods under Technical Instructions for the Safe Transport of Dangerous Goods (DOC 9284) unless the operator has complied with CAAN Dangerous Goods Handling Requirements (DGHR).

Note 1.— Provisions for carriage of dangerous goods are contained in Annex 18.

Note 2.— Article 35 of the Convention refers to certain classes of cargo restrictions.

1.5 USE OF PSYCHOACTIVE SUBSTANCES

1.5.1 Holders of flight crew licenses and other personnel engaged in commercial air operations shall not exercise the privileges of their licenses and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.

1.5.2 Holders of licenses provided for in the PELR shall not engage in any problematic use of substances.

1.5.3 CAAN shall ensure, as far as practicable, that all license holders who engage in any kind of problematic use of substances are identified and removed from their safety-critical functions.

1.5.4 No person whose function is critical to the safety of aviation (safety-sensitive personnel) shall undertake that function while under the influence of any psychoactive substance, be reason of which human performance is impaired. No such person shall engage in any kind of problematic use of substances.

Note.— Provisions concerning the use of psychoactive substances are contained in ICAO Annex 1, 1.2.7 and ICAO Annex 2, 2.5.

1.6 RESERVED