



CHAPTER 1.

GENERAL

Note 1.— Although the Convention on International Civil Aviation allocates to the State of Registry certain functions which that State is entitled to discharge, or obligated to discharge, as the case may be, the Assembly recognized, in Resolution A23-13 that the State of Registry may be unable to fulfil its responsibilities adequately in instances where aircraft are leased, chartered or interchanged — in particular without crew — by an operator of another State and that the Convention may not adequately specify the rights and obligations of the State of an operator in such instances until such time as Article 83 bis of the Convention enters into force. Accordingly, the Council urged that if, in the above-mentioned instances, the State of Registry finds itself unable to discharge adequately the functions allocated to it by the Convention, it delegate to the State of the Operator, subject to acceptance by the latter State, those functions of the State of Registry that can more adequately be discharged by the State of the Operator. It was understood that pending entry into force of Article 83 bis of the Convention the foregoing action would only be a matter of practical convenience and would not affect either the provisions of the Chicago Convention prescribing the duties of the State of Registry or any third State. However, as Article 83 bis of the Convention entered into force on 20 June 1997, such transfer agreements will have effect in respect of Contracting States which have ratified the related Protocol (Doc 9318) upon fulfilment of the conditions established in Article 83 bis.

Note 2.— In the case of international operations effected jointly with helicopters not all of which are registered in the same Contracting State, nothing in this FOR prevents the States concerned entering into an agreement for the joint exercise of the functions placed upon the State of Registry by the provisions of the relevant ICAO Annexes.

1.1 Compliance with laws, regulations and procedures

1.1.1 The pilot-in-command shall comply with the relevant laws, regulations and procedures of the States in which the helicopter is operated.

Note 1.— Compliance with more restrictive measures, not in contravention of the provisions of 1.1.1, may be required by the State of Registry.

Note 2.— Rules covering flight over the high seas are contained in ICAO Annex 2.



Note 3.— Information for pilots 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

1.1.2 The pilot-in-command shall be responsible for the operation and safety of the helicopter and for the safety of all crew members, passengers and cargo on board, from the moment the engine(s) are started until the helicopter finally comes to rest at the end of the flight, with the engine(s) shut down and the rotor blades stopped.

1.1.3 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. 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 State of Registry. Such reports shall be submitted as soon as possible and normally within ten days.

1.1.4 The pilot-in-command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the helicopter, resulting in serious injury or death of any person or substantial damage to the helicopter or property.

Note.— A definition of the term “serious injury” is contained in ICAO Annex 13.

1.1.5 RESERVED

1.2 Dangerous goods

Note 1.— Provisions for carriage of dangerous goods are contained in Dangerous Goods Handling Requirements.

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

1.3 Use of psychoactive substances

1.1.3.1 Holders of licences provided for in this CAAN PELR, shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.

1.1.3.2 Holders of licences provided for in CAAN PELR, shall not engage in any problematic use of substances.



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- 1.1.3.3 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, by reason of which human performance is impaired. No such person shall engage in any kind of problematic use of substances.
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