

BHUTAN AIR NAVIGATION REGULATIONS

SECTION 7 - Air Traffic Control

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Chapter 1. General

7.1.1 Rules of the Air

7.1.1.1 Without prejudice to any other provisions of these Regulations, the Director may make regulations (hereinafter referred to as the Rules of the Air) prescribing:-

- a) the manner in which aircraft may move or fly, including in particular the manner in which civil aircraft will give way to military aircraft;
- b) the lights and other signals to be shown or made by aircraft or persons;
- c) the lighting and marking of aerodromes;
- d) the air traffic control services to be provided at aerodromes;
- e) any other provisions for securing the safety of the aircraft in flight and in movement, and the safety of persons and the property on the surface.

7.1.1.2 Subject to the provisions of paragraph 7.1.1.3 of these Regulations, it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air, and those rules relating to Air Traffic Control.

7.1.1.3 It shall be lawful for the Rules of the Air, and those relating to Air Traffic Control, to be departed from to the extent necessary -

- a) for avoiding immediate danger; or
- b) for complying with the law of any country other than Bhutan within the boundaries of which the aircraft then is.

7.1.1.4 If any departure from the Rules of the Air, and those rules relating to Air Traffic Control, is made for the purpose of avoiding immediate danger, the commander of the aircraft shall make a written report, giving particulars of the departure and of the circumstances giving rise to it, within ten days thereafter to the competent authority of the country in whose territory the departure was made, or if the departure was made over the high seas, to the CAD.

7.1.1.5 Nothing in the Rules of the Air, and those relating to Air Traffic Control, shall exonerate any person from the consequence any neglect in the use of lights or signals, or of the neglect of any precautions required by ordinary aviation practice, or by the special circumstance of the case.

7.1.2 **Power to prohibit or restrict flying**

7.1.2.1 Where the Director deems it necessary in the public interest to restrict or prohibit flying by reason of -

- a) the intended gathering or movement of a large number of persons, or
- b) the intended holding of an aircraft race or contest or of an exhibition of flying, or
- c) national defence or any other reason affecting the public interest,

the Director may make regulations, applying generally or in relation to any class of aircraft, prohibiting, restricting or imposing conditions on flight -

- a) by an aircraft, whether or not registered in Bhutan, in any airspace over Bhutan;
- b) by aircraft registered in Bhutan, in any other airspace, being airspace in respect of which the Royal Government of Bhutan has, in pursuance of international arrangements, undertaken to provide navigation services for aircraft.

7.1.2.2 If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph 7.1.2.1 above he shall, unless otherwise instructed pursuant to paragraph 7.1.2.3, cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not descend while over such an area.

7.1.2.3 The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph 7.1.2.1 or within airspace notified as a Danger Area, shall forthwith comply with instructions given by radio, or by one of the prescribed visual signals, by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

7.1.3 **Flight Information Service Manual**

7.1.3.1 A person shall not provide an aerodrome flight information service at any aerodrome unless -

- a) the service is provided in accordance with the standards and procedures specified in an aerodrome information service manual in respect of that aerodrome;
- b) the manual is produced to the CAD within a reasonable time after the request for its production is made by the CAD;
- c) such amendments or additions as the CAD may from time to time require have been made to the manual.

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SECTION 7 - Air Traffic Control

Chapter 2. Air Traffic Controllers

7.2.1 Licensing of air traffic controllers

7.2.1.1 The CAD shall grant a licence, subject to such conditions as it thinks fit, to any person to act as an air traffic controller, as a student air traffic controller, or as an aerodrome flight information service officer upon its being satisfied that the applicant is a fit person to hold the licence, and is qualified by the reason of his knowledge, experience, competence, skill, physical and mental fitness so to act. Any applicant for such a licence shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the CAD may require of him:

Provided that the CAD shall not grant -

- a) a student air traffic controller's licence, or an aerodrome flight information service officer's licence, to a person under the age of 18; or
- b) an air traffic controller's licence which includes an Aerodrome Control Rating, an Approach Control Rating or an Area Control Rating, to a person under the age of 20 years; or
- c) an air traffic controller's licence which includes any other rating, to a person under the age of 21 years.

7.2.1.2 Every licence to act as an air traffic controller shall include;

- a) ratings specifying the type of air traffic control service which the holder of the licence is competent to provide,
- b) the type of radar equipment, if any, which the holder is qualified to use, and
- c) a list of places at which the holder is licensed to operate.

7.2.1.3 If, throughout any period of 90 days, the holder of the licence has not, at any time, provided, at a particular place, the type of air traffic control service specified in the rating, the rating shall, without prejudice to the CAD's powers under paragraph 7.2.4 of these Regulations, cease to be valid for that place. The holder of the licence shall forthwith inform the CAD to that effect and shall forward the licence to the CAD to enable it to be endorsed accordingly.

7.2.1.4 Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and is valid at the place in question.

7.2.1.5 Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence. If the holder of the licence has not at any time provided such a service at a

particular aerodrome throughout any period of 180 days the licence shall cease to be valid for that aerodrome.

7.2.1.6 A licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall not be valid unless the holder of the licence has signed his name thereon with ink with his ordinary signature.

7.2.1.7 Subject to the provisions of paragraph 7.2.4 of these Regulations, a licence to act as an air traffic controller, student air traffic controller or an aerodrome flight information service officer shall remain in force for the period indicated in the licence and may be renewed by the CAD from time to time, upon its being satisfied that the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force, subject, as aforesaid, for the lifetime of the holder.

7.2.1.8 Every applicant for, and holder of, an air traffic controller's licence, a student air traffic controller's licence or an aerodrome flight information service officer's licence shall, upon such occasions as the CAD may require, -

- a) submit himself to medical examination by a person approved by the CAD, either generally or in a particular case, who shall make a report to the CAD in such form as the CAD may require; and
- b) submit himself to such examinations and tests, and furnish such evidence as to his knowledge, experience, competence and skill, as the CAD may require, and such examinations and tests may be conducted by the CAD or by a person approved by the CAD.

7.2.1.9 On the basis of medical examination referred to in paragraph 7.2.1.8 a) of these Regulations, the CAD, or any person approved by it as competent to do so, may issue a medical certificate subject to conditions as it or he thinks fit to the effect that the holder of the licence has been assessed fit to perform the function to which the licence relates. The certificate shall, without prejudice to Paragraph 7.2.1.7 of these Regulations, be valid for such period as therein specified, and shall be deemed to form part of the licence.

7.2.1.10 The holder of an air traffic controller's licence, a student air traffic controller's licence or an aerodrome flight information service officer's licence shall not provide any type of air traffic control service at any aerodrome or place as is referred to in Paragraph 7.2.1.2.c) of these Regulations unless his licence includes a valid medical certificate

7.2.2 Incapacity of air traffic controllers

7.2.2.1 Every holder of an air traffic controller's licence granted under paragraphs 7.2.1 of these Regulations who -

- a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- b) in case of a woman, has reason to believe that she is pregnant,

shall inform the CAD in writing of such injury, illness or pregnancy as soon as possible.

7.2.2.2 An air traffic controller's licence shall be deemed to be suspended during such period of injury or illness as is referred to in paragraph 7.2.2.1 above. The suspension of the licence shall cease -

- a) upon the holder being medically examined under arrangements made by the CAD and pronounced fit to resume his functions under the licence; or
- b) upon the CAD exempting the holder from the requirement of medical examination subject to such conditions as the CAD may think fit.

7.2.3 Restrictions on unlicensed controllers.

7.2.3.1 A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless -

- a) in the case of air traffic control service, he is the holder, and complies with the terms of-
 - i) a valid student air traffic controller's licence granted under these Regulations and he is supervised in accordance with paragraph 7.2.1.4 of these Regulations; or
 - ii) a valid air traffic controller's licence granted under these Regulations authorising him to provide that type of service at that place.
- b) in the case of an aerodrome flight information service he is the holder, and complies with the terms of, an aerodrome flight information service officer's licence granted under these Regulations authorising him to provide such a service at that place.

7.2.3.2 The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in respect of a rating at any place unless -

- a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed; or
- b) he is supervised by a person who is present at the time and who is the holder of an air traffic controller's licence granted under these Regulations which authorises him to provide at that place the type of air traffic control service which is being provided.

7.2.3.3 A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he has identified himself in such a manner as may be notified.

7.2.3.4 Nothing in these Regulations shall prohibit the holder of a valid air traffic controller's licence from providing, at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

7.2.4 Power to suspend or vary certificates, licences and other documents

7.2.4.1 The CAD may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations, pending inquiry into, or consideration of, the case. The CAD may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

7.2.4.2 The holder or any person having possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the CAD within a reasonable time after being required to do so.

