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Bermuda
Department of Civil Aviation



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Legislation and Regulation

- Primary legislation extended to Overseas Territories (OT)
- AN(OT)O 2013 – gives effect to the ICAO Convention and Annexes in the OTs
- Bermuda (OTs) has its own requirements, separate from the UK, and closely aligned with ICAO
- Governor designated by the UK for aviation matters
- Director Civil Aviation designated by the Governor for discharging these responsibilities (except Annexes 9 and 17)



Article 83*bis*

- Leasing of aircraft from a foreign registry may create complex legal, safety, enforcement and practical problems
- Sharing of safety oversight responsibilities can be defined in a bilateral agreement or States may establish an Agreement under ICAO Article 83*bis* (assuming the States have ratified this Article)



Article 83bis

- Article 83bis allows the State of Registry to transfer certain functions to the State of the Operator (Article 12, 30, 31 and 32 (a))
- State of Registry must first determine that the State of the Operator is fully capable of carrying out the functions to be transferred
- Unlike a bilateral agreement, an 83bis Agreement between States relieves the State of Registry of the responsibility (and where applicable, of liability) in respect of the functions and duties transferred



Article 83bis

- Bermuda has established Article 83bis Agreements with the Russian Federation (625 aircraft), Uzbekistan (6 aircraft) and Azerbaijan (2 aircraft)
- Functions and duties including oversight and control of relevant items contained in Annex 1 (Personnel Licensing) and Annex 2 (Rules of the Air) have been fully transferred by Bermuda
- Bermuda has retained the responsibilities under the Convention for the regulatory oversight and control of Annex 8 (Airworthiness of Aircraft)



Safety Oversight and Challenges

- To ensure compliance with AN(OT)O and related regulations/requirements Bermuda conducts the following initial and recurrent inspections:
 - Certificate of Airworthiness – yearly
 - Continued Airworthiness Maintenance Organization (CAMO) inspections – every two years
 - Aircraft Maintenance Organizations (AMO) inspections every two years



Safety Oversight and Challenges

- Airworthiness section established with 14 full time inspectors located in Bermuda, London and Moscow
- Complemented by 27 part time Designated Airworthiness Inspectors (DAI) who are located throughout the world
- All trained by BDCA to the same level
- Bureau Veritas engaged in Russia as an approved organization based in Moscow
 - 7 airworthiness inspectors in Moscow
 - plus 2 part time in Toulouse



Cape Town Convention

- UK will be ratifying the Cape Town Convention this year
- Cape Town Convention provisions would be applicable to Bermuda registered aircraft
- In the absence of ratification, aircraft leasing companies have had confidence and security under UK/Bermuda law
- Leasing companies have repossessed aircraft under the Bermuda registry without difficulty



Conclusion

- Aircraft leasing assisted through 83 *bis* Agreements
- Bermuda has established an extensive safety oversight system to ensure that the obligations of the United Kingdom as contained in the ICAO Convention are fully met
- Review of safety oversight system as it relates to 83 *bis* arrangements with the objective to establish a risk based, data driven surveillance programme



Thank You !

