

Provided that within India, such flying machine, when flying by day and when not employed on a scheduled air transport service, may be flown by a person holding an "A" licence which has been specially endorsed in accordance with sub-rule (2) of rule 41 ("A-1" licence):

Provided further that a flying machine, the property of or being used by a duly constituted flying club, carrying a member of the club otherwise than for the purpose of instructing such member in flying shall not, for the purpose of this rule, be deemed to be flown for public transport notwithstanding that payment may be made to the flying club for such carriage, unless payment is made either directly or indirectly to the pilot of the flying machine or the pilot of the flying machine is a paid employee of the flying club in which case the aircraft shall be deemed to be flown for public transport.

(3) *Pilot instructor*.—Every flying machine which is being used for the purpose of giving instruction in piloting shall carry, except when flown solo by a pupil under instruction, a person holding a "B" licence which has been specially endorsed for instructional purposes in accordance with sub-rule (4) of rule 41, and no other person may impart, for a remuneration of any nature whatsoever instruction in piloting machines:

Provided that the holder of a "B" licence which has not been so endorsed may, when acting as assistant to a licensed pilot instructor, impart such instruction but shall in no case authorize a person under instruction to perform his first solo flight nor give instruction in any form of aerobatics.

*Explanation*.—A person acting as assistant to a licensed pilot instructor shall not be deemed to have ceased to be so acting by reason only of the absence of the pilot instructor, if such absence does not exceed seven consecutive days, but where such absence exceeds seven consecutive days, he shall not continue to act without a written authorization from the Central Government.

(4) *Navigator*.—(a) Every flying machine used for international public transport and having to fly without landing—

(i) by day, more than 100 miles, or

(ii) by night, more than 15 miles,

shall have on board as navigator, a person holding a navigator's licence.

(b) The navigator must hold a first class licence if the flying machine has to fly without landing—

(i) by day more than 600 miles, entirely over the high seas or elsewhere than over recognized routes; or

(ii) by night, more than 600 miles.

(5) *Pilot or other member of crew as Navigator*.—

(a) The duties of navigator may be performed by the pilot if he holds a navigator's licence save when the itinerary flown by night does not follow a recognized route:

Provided that when the presence of a navigator holding a first class licence is compulsory the pilot may not perform the duties of such navigator unless a second pilot is on board who can in case of need take charge of the handling of the aircraft.

(b) When there is on board the flying machine a member of the crew, other than the pilot, who holds the necessary navigator's licence, he may perform the duties of a navigator.