

As an exception, their registration in the registers of the professional flight personnel of civil aviation may, in specific instances be authorized by an ordinance of the Minister in charge of civil aviation.

CHAPTER II. THE AIRCRAFT COMMANDER AND THE CREW

Art. 153. The crew shall consist of all the persons present aboard for the service of the aircraft in flight. They shall be subject to the orders of the aircraft commander.

Art. 154. Membership of the crew shall be determined in accordance with the type of aircraft, the kind and duration of the trip to be made and the nature of operations for which the aircraft is used.

The members of the crew shall be appointed by the operator and carried on a list as required by the regulations.

A list of names of the crew shall be made out before each flight, in accordance with the regulations.

Art. 155. The functions of aircraft commander shall be exercised by a pilot.

The aircraft commander shall be named first on the crew list.

In the case of death or disability of the aircraft commander, the command of the aircraft to the place of landing shall be exercised as a matter of law in the order set by such list.

Art. 156. The aircraft commander shall be responsible for the execution of the mission. Within the limits defined in the regulations and the instructions of the competent authorities and the operator, he shall choose the route and flight altitude, and shall determine the distribution of the cargo of the aircraft.

He may delay or suspend the departure and, during the flight, even change the destination whenever he finds it necessary for safety reasons and provided he gives an account by furnishing reasons for his decision.

Art. 157. The aircraft commander shall have authority over all persons aboard. He shall have the right to remove from the aircraft any person among the crew or the passengers or all [or] part of the cargo that may present a danger for the safety, the welfare or good order aboard the aircraft. If he considers it necessary, he may, during the flight, discharge all or part of the cargo of merchandise or fuel, provided he renders an account thereof to the operator. If any choice is possible, he must jettison goods of low value.

He shall have command of the aircraft during the whole flight.

Art. 158. The aircraft commander shall be consignee of the aircraft and shall be responsible for the loading. In the case of difficulties in the execution of his task, he must request instructions from the operator. If it is impossible for him to receive precise instructions, he shall have the right without special orders:

a) to incur expenses necessary for the accomplishment of the mission undertaken;

b) to have repairs made that are necessary to permit the aircraft to continue its mission within a reasonable time;

c) to take all measures and incur all expenses to assure the safety of the persons aboard and the safekeeping of the cargo;

d) to hire additional personnel for the completion of the mission and to discharge them;