

(b) subject to paragraph (c) of this proviso, he shall not be treated as being on duty at any time by reason only of his being required at that time to be available at particular place to report for duty if required to do so:

(c) he shall be treated as being on duty at any time when he is required to be available at a particular place to report for duty if required to do so if—

(i) that place is at an aerodrome or

(ii) that place, not being at an aerodrome, is a place at which his employer requires persons similarly employed to be available as aforesaid and adequate facilities for rest are not available for his use while he is required to be so available.

(4) For the purposes of this Part of this Order, a person who flies in an aircraft as a member of the flight crew thereof, otherwise than in the course of his employment under a contract of service to fly as aforesaid, shall be treated as being on duty at any time when, in connection with any business of operating aircraft, he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Article) or does any work.

(5) For the purposes of this Part of this Order, references to a person flying in an aircraft as a member of the flight crew thereof include references to the operator of the aircraft who himself flies in the aircraft in any such capacity and references to the work and other duties which a person is required or permitted by an operator to carry out shall in any such case be construed as references to any work carried out by that operator in connection with the management of aircraft or with any business which includes the flying of aircraft.

(6) Notwithstanding the provisions of this Article and Articles 44 to 50 of this Order, the Governor may by regulations modify or replace the provisions of this Article (other than this paragraph) or any or all of those Articles in their application to the Colony if he considers that the prevention of excessive fatigue of the flight crew of aircraft registered in the Colony will thereby be more suitably ensured.

*Duties of operators to prevent excessive fatigue of flight crew*

44. It shall be the duty of every operator of an aircraft to which this Article applies to ensure, as respects each person flying as a member of the flight crew of that aircraft, that the periods during which that person is required or permitted by that operator to carry out any work or other duties are so limited in length and frequency, and that that person is afforded such periods for rest, that his said work and duties are not likely to cause him such fatigue while he is flying in the aircraft as may endanger the safety thereof.

*Establishment of limits on flight times, flying duty periods and rest periods*

45.—(1) Without prejudice to the provisions of Article 44 of this order, and for the purposes of securing that the requirements of those provisions are complied with, every operator of an aircraft to which this Article applies shall establish for every person flying in that aircraft as a member of the flight crew thereof—

(a) limits on the aggregate of all his flight times during every period of 30 consecutive days,