

BL 5-4

Regulations on sightseeing flights

Edition 5, 13 June 1997

In pursuance of § 72, subsection 2 of § 75, and §§ 78 and 82 of the Air Navigation Act, cf. Consolidation Act no. 162 of 7 March 1994, the Civil Aviation Administration - Denmark hereby stipulates as follows on the authority of the Ministry of Transport, including in Order no. 138 of 17 February 1997 on delegation of authorities to the Civil Aviation Administration - Denmark and on publication of the regulations issued by the Administration:

1. Reference documents

1.1 BL 1-12, Regulations on certificate of airworthiness and flight permit as well as airworthiness requirements, generally, latest edition.

1.2 BL 3-22, Regulations on aerodromes used for sightseeing flights with aeroplanes, latest edition.

1.3 BL 3-31, Non-approved helicopter landing areas, latest edition

1.4 BL 3-36, Regulations of aerodromes at waters for seaplanes etc., latest edition.

1.5 BL 5-12, Regulations on flight operations managers, latest edition.

1.6 BL 5-14, Performance standards for aeroplanes with a maximum permitted take-off weight exceeding 5,700 kg and used for scheduled or charter flights, latest edition.

1.7 BL 5-15, Performance standards for aeroplanes with a maximum permitted take-off

weight not exceeding 5,700 kg and used for taxi flights, latest edition.

1.8 BL 5-50, Regulations on approval of air operators to carry out commercial air traffic in accordance with JAR-OPS 1 and/or JAR-OPS 3, latest edition.

2. Definitions

Aerodrome, public:

An aerodrome approved by the Civil Aviation Administration - Denmark which on specified conditions is open to the general public.

Sightseeing flight:

Flight carried out with take-off and landing at the same aerodrome and during which passengers are carried against remuneration.

3. Applicability

3.1 This BL lays down regulations for sightseeing flights with Danish registered aircraft.

3.2 This BL further lays down regulations for sightseeing flights with foreign registered aircraft operating under the terms of a Danish operating permit, cf. subsection 2 of § 4 of the Air Navigation Act.

4. Responsibility

4.1 The air operator shall ensure

a. that a permission has been obtained from the Civil Aviation Administration - Denmark and

b. that the conditions in paragraph 5.3 are met.

4.2 The flight operations manager shall ensure

a. that the operations manual is revised when necessary in order to ensure that all information is up-to-date. Revisions shall be submitted to the personnel involved as well as to the Civil Aviation Administration - Denmark,

b. that the regulations in Part 6 are observed,

c. that sightseeing flights are only carried out from places of the nature mentioned in paragraph 7.1,

d. that during sightseeing flight the measures mentioned in paragraph 7.2 have been taken,

e. that notification to the Civil Aviation Administration - Denmark is made in accordance with paragraph 7.2, and

f. that the sightseeing flight is otherwise carried out in accordance with existing regulations, including the operations manual drawn up for the air operator.

4.3 The pilot-in-command shall ensure that the operational regulations in Part 9 are observed.

5. Permission

5.1 Sightseeing flights must only be carried after permission from the Civil Aviation Administration - Denmark.

5.1.1 Operators holding a licence to carry out commercial transportation of passengers, mail and/or cargo may, however, carry out sightseeing flights without special permission if

sightseeing flights are covered by the operator's operations manual.

5.2 The permission is conditional on

a. the applicant complying with the existing conditions in subsection 1 of § 7 of the Air Navigation Act for having an aircraft registered in this country,

b. the applicant's head office/registered office being legally situated in Denmark,

c. the applicant being either registered sole owner of or, in accordance with a lease agreement which must be approved by the Civil Aviation Administration - Denmark, having the exclusive right (full disposal) of at least one aircraft that is suitable for and in practice can be used for the type of flights in question (the principal aircraft),

d. the presumption that the applicant is able to conduct the activities in a proper way,

e. the applicant not having considerable outstanding debt to the public by which is meant amounts in the order for DKK 50,000 and above, cf. subsection 1 of § 146 a. of the Air Navigation Act,

f. the applicant having employed a flight operations manager, cf. paragraph 8.1, and

g. the applicant submitting an operations manual drawn up in accordance with JAR-OPS 1 and/or JAR-OPS 3, cf. BL 5-50.

5.2.1 The lease agreement mentioned in paragraph 5.2 c. shall meet the following conditions:

a. The lessee shall have the exclusive right to use the aircraft in his company (full disposal).

- b. The lease period shall be at least 2 years, and term of notice, if any, shall be at least 6 months.
- c. The lessee shall have the full financial responsibility for the operation and maintenance of the aircraft.
- d. The rent shall be a fixed amount independent on the number of hours for which the lessee operates aircraft.

Note: In addition to a fixed rent a small additional hourly charge may be agreed.

5.3 The following conditions shall apply to the permission:

- a. The company shall be run in accordance with the EU Regulations and Danish rules and regulations in force at any time.
- b. The company shall be operated in accordance with the operations manual on which the permission is based.
- c. In the company only Danish registered aircraft may be used unless the Civil Aviation Administration - Denmark exceptionally authorises otherwise. Insurance shall have been effected for each of the aircraft used covering liability for injury to person or damages to property outside the aircraft, cf. § 130 of the Air Navigation Act.
- d. The company is subject to the Civil Aviation Administration - Denmark's inspection. The owner shall obey any order from the Civil Aviation Administration - Denmark and shall give the Civil Aviation Administration - Denmark of any information relevant to the exercise of the inspection. The Civil Aviation Administration - Denmark's inspectors shall have free access to the holder's premises, aircraft, documents etc. to the extent necessary for the exercise of the inspection. The Civil Aviation Administration - Denmark's personnel shall travel free with the company's aircraft

when used in connection with the inspection.

- e. With a view to estimating the operator's financial situation the Civil Aviation Administration - Denmark may require the company's accounts submitted for inspection.
- f. Establishment of joint operation with other operators must not take place without permission from the Civil Aviation Administration - Denmark.
- g. If one of the principal aircraft, cf. paragraph 5.2 c., is not airworthy for a period of more than one month, the Civil Aviation Administration - Denmark shall be notified thereof.
- h. The Civil Aviation Administration - Denmark shall be notified in advance of changes in the company's legal status, including ownership.

5.4 The permission is granted for a determined period of time, normally 5 years, and may be made conditional on further conditions if considered necessary. The Civil Aviation Administration - Denmark may further make such amendments, within the duration of the permission, in the existing terms and conditions, including establish additional terms and conditions, as considered necessary to ensure that the company is run in a way that is proper and adequate to the general public.

5.5 The permission will be revoked if

- a. the holder so requests,
- b. the holder no longer meets the conditions for obtaining a permission, and the situation is not corrected within a time-limit specified by the Civil Aviation Administration - Denmark,
- c. the regulations in this BL or existing rules and regulations for the activities of the undertaking are substantially disregarded in connection with the exercise of the activities,

- d. it must be assumed that the holder is no longer able properly to maintain the authorised activities, or
- e. the company has discontinued operations for 12 months or has not commenced operations 12 months after the issue of the permission,
- f. if the holder goes into liquidation, is subjected to proceedings in bankruptcy or suspends payments. The estate or, in case of notified suspension of payment, the estate administration, may, however after permission from the Civil Aviation Administration - Denmark temporarily continue the activities with a view to winding up, realisation or financial reconstruction of the company,
- g. there are substantial changes in the ownership of the company, including changes in the board of directors and management which imply that the company no longer meets the existing conditions in subsection 1 of § 7 of the Air Navigation Act, to have an aircraft registered in this country,
- h. the majority shareholder, the main partner in a private company or the managing director is punished for violation of the Criminal Code or the Air Navigation Act, and the violation is estimated to endanger the company's access to conduct air navigation activities, or
- i. the holder has a considerable outstanding debt to the public by which is meant amounts in the order of DKK 100,000 or above, cf. subsection 2 of § 146 a of the Air Navigation Act.

6. Material

6.1 The aircraft shall meet the requirements contained in Part 7 of BL 1-12.

6.2 Sightseeing flights must only be carried out with aircraft entered in the operations manual and of which the air operator has full

disposal. The right of full disposal of aircraft of which the operator is not the registered owner and which are not covered by paragraph 5.2 c, shall be documented to the Civil Aviation Administration - Denmark on a special form (Declaration of disposal), cf. Appendix 1.

6.3 When an aircraft has been entered in an air operator's operations manual it must not be used by other operators for commercial air traffic, except for the cases mentioned in paragraphs 6.3.1 and 6.3.2.

6.3.1 For a period of up to 8 days the aircraft may be left to another air operator for use in commercial air transportation of passengers, mail and/or cargo or on sightseeing flights, if this air operator operates the same type of aircraft. Agreement on this shall be made on a special form (Lease/loan declaration), cf. Appendix 2, and shall be submitted to the Civil Aviation Administration - Denmark and shall according to its contents meet the following conditions:

- a. The operational responsibility shall be transferred to the new user.
- b. The responsibility for maintenance of the aircraft remains with the original user.
- c. The responsibility for the aircraft being airworthy before each flight rests with the new user.

7. Aerodromes

7.1 Sightseeing flights must only be carried out from

- a. public aerodromes,
- b. aerodromes approved for sightseeing flights, cf. BL 3-22,
- c. water aerodromes, cf. BL 3-36, and
- d. for helicopters also approved helicopter landing areas and non-approved helicopter landing areas, cf. BL 3-31.

7.2 In connection with sightseeing flights it must be ensured

- a. that spectators are kept outside the barriers requested in connection with sightseeing flights,
- b. that passengers are escorted to and from the aircraft by the pilot-in-command or by a person appointed by him, and
- c. that personnel is present during the sightseeing flight to attend the required material and equipment.

7.3 Use of non-approved helicopter landing areas for sightseeing flights shall be made in accordance with BL 3-31. These cases shall furthermore be reported to the Civil Aviation Administration - Denmark not more than 4 weekdays before the sightseeing flight is going to be carried out.

Note: It rests with the one wishing to use a non-approved helicopter landing area for sightseeing flights to obtain the necessary permission in pursuance with the environment protection act.

8. Personnel

8.1 The flight operations manager shall be approved in accordance with BL 5-12.

8.2 A pilot carrying out sightseeing flights shall at least hold commercial pilot licence of III class.

9. Operational regulations

9.1 Sightseeing flights to be carried out outside an area covered by a circle with centre in the centre of the site and with a radius of maximum 50 km shall be carried out in accordance with the operational regulations.

9.2 Sightseeing flights to be carried out within an area covered by a circle with centre in the centre of the site and with a radius of maximum 50 km shall be carried out in accordance with the following conditions:

- a. During flight and at any time of the flight a fuel reserve shall be carried which for aeroplanes corresponds to at least 45 minutes' flight and for helicopters at least 15 minutes' flight.
- b. For aeroplanes the regulations on take-off and landing in BL 5-14 and BL 5-15, respectively, shall apply.
- c. During flight life jackets shall be carried to all persons on board and shall be placed so that they are easily accessible from each seat.
- d. Sightseeing flights shall be planned and performed so that the surroundings are disturbed as little as possible. If it is noted that the flight causes inconvenience, measures shall be taken to limit the inconvenience.

10. Exemption

The Civil Aviation Administration - Denmark may in quite exceptional cases grant exemption from the regulations in this BL if it is deemed compatible with the considerations on which the regulations in question are based.

11. Complaints

Complaints of the decisions taken by the Civil Aviation Administration - Denmark in pursuance of the regulations in this BL may be presented to the Ministry of Transport.

12. Punishment

12.1 Performance of sightseeing flights without permission will be punished with fine or simple detention in pursuance of subsection 4 of § 140 of the Air Navigation Act.

12.2 Violation of the conditions in paragraph 5.3 and conditions stated in pursuance of paragraph 5.4 is punishable under subsection 13 of § 149 of the Air Navigation Act with fine or simple detention.

12.3 Violation of the regulations in Parts 6, 7 and 9 is punishable under subsection 8 of § 149 of the Air Navigation Act with fine, simple detention or imprisonment for up to 2 years.

12.4 Violation of the regulations in Part 8 is punishable under subsection 2 of § 149 of the Air Navigation Act with fine, simple detention or imprisonment for up to 2 years.

12.5 Criminal liability may be imposed on companies etc. (legal persons) under the rules of Chapter 5 of the Danish Criminal

Code, cf. subsection 14 of § 149 of the Air Navigation Act.

13. Implementation

13.1 This BL comes into force on 1 August 1997.

13.2 At the same time BL 5-4, 4 edition of 25 July 1989 is repealed.

Civil Aviation Administration - Denmark, 13 June 1997

Ole Asmussen

/M. Dambæk

Declaration of disposal for aircraft up to and including MTOM 5,700 kg

1. The undersigned registered owner of the aircraft OY-_____ hereby grants the below-mentioned commercial air transportation company/sightseeing flight company

(below called the user) the sole right to use the aircraft in its company, cf. items 3, 4, 5 and 6.

2. This sole right of use is valid from _____ to _____ (at least 6 months).

The right of use may be revoked with a notice of one month. If a lease agreement has been entered into between the owner and the user, copy of this shall be attached to the Declaration of disposal.

3. The user may use the aircraft for : *(tick off)*

- a. Commercial air transportation activities
- b. Sightseeing flights
- c. Flight school activities
- d. Photography flights
- e. Agricultural flights
- f. Aerial target flights, aerial target towing, aerial advertisement flights and dropping of advertisements
- g. Other commercial aviation _____

4. Lease to owner, cf. BL 10-5

5. Lease to private flights, cf. BL 10-5.

6. Lease/loan for periods of up to 8 days for commercial air transportation activities and/or sightseeing flights. When leaving the aircraft to commercial air transportation activities and/or sightseeing flights, a special "Lease/loan declaration" form shall be used.

7. Lease/loan for periods of up to 8 days to other commercial aviation for use, cf. item 3, in connection with *(tick off)*:

c. d. e. f. g.

8. Owner of the aircraft:

(date)

(date)

(signature)

(signature)

(name in block letters)

(name in block letters)

The declaration shall be signed by the person(s) authorised to sign for the owner.

9. The declaration shall be submitted to the Civil Aviation Administration - Denmark via the user..

User:

(date)

(date)

(signature)

(signature)

(name in block letters)

(name in block letters)

Lease/loan declaration, commercial air transportation activities

1. The commercial air transportation company/sightseeing flight company
_____ (the original user),
holding the Civil Aviation Administration - Denmark's permission to use the aircraft OY-_____, hereby leaves the aircraft to the below-mentioned commercial air transport company/sightseeing flight company
_____ (the new user),
who also holds the Civil Aviation Administration - Denmark's permission to use an aircraft of the same type.
2. The lease/loan period starts on _____ and ends on _____ (not more than 8 days).
3. During the period in which the aircraft is left to the new user it cannot at the same time be used by the original user or any other air operator.
4. The following shall apply to the lease:
 - a. The operational responsibility is transferred to the new user.
 - b. The maintenance responsibility remains with the original user.
 - c. The responsibility for the aircraft being airworthy before each flight rests with the new user.
 - d. The new user is responsible for having drawn up a passenger insurance for the aircraft.
5. The declaration shall be submitted to the Civil Aviation Administration - Denmark by the new user accompanied by the weight and balance instructions with relevant weight and balance forms that shall be used.
6. Copy of the declaration has been given to the original user. Both persons signing shall insert a copy of the declaration in their operations manuals.
7. The Civil Aviation Administration - Denmark shall have received this declaration before the aircraft is left to the new user.
8. The Civil Aviation Administration - Denmark's consideration of this declaration is free of charge.

The original user:

The new user:

(date)

(date)

(signature)

(signature)

(name in block letters)

(name in block letters)