

BL 5-38

Regulations on VFR night flights with helicopters

Edition 3, 23 April 1993

In pursuance of Section 82 of the Danish Air Navigation Act, cf. Consolidation Act no. 118 of 12 March 1993, the Civil Aviation Administration - Denmark hereby lays down as follows on the authority of the Ministry of Transport, cf. Order No. 171 of 28 April 1985 on operational regulations for aviation with Danish aircraft, subsection 2 of § 2:

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 1-17, Radio equipment in Danish registered aircraft, latest edition.

1.3 BL 3-11, Lightning systems on heliports, latest edition.

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

1.5 BL 6-17, Regulations on private pilot licence, A licence, helicopter, general, latest edition.

1.6 BL 7-1, Rules of the air, latest edition.

2. Definitions

Day:

The period between sunrise and sunset.

Heliport.

An aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movements of helicopters.

Night:

The period between sunset and sunrise or any other period fixed by the appropriate authority.

Twilight:

The period after sunset and the period before sunrise where the appropriate state has fixed that VFR flights can be performed in accordance with the same rules as in daytime (VFR day).

3. General

3.1 This BL is valid for VFR night flights with helicopters within Danish territory, Greenland and the Faeroe Islands excepted, as well as for VFR night flights with Danish helicopters outside Danish territory. Stricter regulations laid down by a foreign state which is overflown, shall, however, be complied with.

3.1.1 A helicopter is considered to be Danish when it is Danish registered or is used for commercial flights in pursuance of a Danish operational permit, cf. subsection 2 of § 4 of the Air Navigation Act.

3.2 For flights within Danish territory with a foreign registered helicopter in accordance with the applicable rules of the state of registry, only paragraphs 6.1, 6.1.1 and Parts 7 and 8 in this BL shall apply.

3.3 Commercial air transportation of passengers, mail and/or cargo with Danish helicopters may only be performed as VFR night flights by air operators holding a permission to carry out IFR flights in connection with commercial air transportation of passengers, mail and/or cargo.

4. Material

4.1 VFR night flights shall only be carried out with helicopters which according to the flight manual are approved for such flight or for flights in accordance with IFR.

4.1.1 Commercial air transportation of passengers, mail and/or cargo shall only be carried out with multi-engined helicopters approved for flights in accordance with IFR in the flight manual.

5. Instrumentation and equipment

Helicopters shall fulfil the airworthiness requirements contained in Part 7 of BL 1-12.

6. Flight planning

6.1 A flight shall only be commenced when the official weather reports and forecasts available for aviation show that visibility along the planned flight path, including at the destination, will be at least 8 km, and there will be no clouds below 450 m (1500 FT) above the ground or the sea. Furthermore, the available weather information shall make it probable that the light conditions during the entire flight time will be such that external reference will be present.

6.1.1 Local VFR night flights with take-off and landing at the same aerodrome and where the entire flight is performed with the aerodrome in sight may, however, be commenced when ground visibility is at least 8 km and there are no clouds below 300 m (1000 FT).

6.2 When a flight is commenced fuel shall be carried, in consideration of the wind and other meteorological conditions to be expected during flight at the altitudes at which the flight is intended to be performed, to operate to the destination and a reserve to perform an alternate procedure, however, at least for 30 minutes' flight at normal speed.

6.2.1 For local IFR night flights the regulations in paragraph 6.2 shall, however, not apply.

6.3 Commercial air transportation of passengers, mail and/or cargo shall be planned so that the flight always can be changed into flight in accordance with the instrument flight rules and carried through in observance of the regulations for IFR flights in connection with commercial air transportation of passengers, mail and/or cargo.

7. Performance of flight

7.1 Flights shall only be performed with a visibility of 8 km and with ground sight. Distances from clouds shall be at least the distances required in the Rules of the air (BL 7-1). Furthermore the light conditions shall be such that the position of the helicopter in the air always can be determined by use of external references and so that obstacles in connection with take-off and landing are visible.

7.2 VFR night flights must not without permission from the Civil Aviation Administration - Denmark be carried out in altitudes above 900 m (3000 FT) MSL, unless

- a) the helicopter is equipped with SSR transponder with 4096 codes in mode A,
- b) flight plan has been filed for the flight in question, and
- c) to-way radio communication is established with the relevant air traffic service unit.

8. Take-off and landing site

8.1 When performing commercial air transportation of passengers, mail and/or cargo, aerodromes/heliports shall be used which are ap-

proved for night flying by the appropriate aviation authority.

8.1.1 When performing other commercial flights or private flights, non-approved helicopter landing areas may also be used, cf. BL 3-31.

8.1.2 In order to be used, aerodromes/heliports and non-approved helicopter landing areas shall be equipped with light systems which shall in operation in connection with take-off and landing.

8.2 The take-off and landing area of a non-approved helicopter landing area, cf. BL 3-31 shall have a size of at least 20 x 30 m in order to be usable.

8.3 In order to be usable a non-approved helicopter landing area shall be equipped with a light system ensuring identification and adequate reference for safe performance of take-off and landing and any connected manoeuvre.

8.3.1 The light system on a non-approved helicopter landing area shall fulfil the requirements in BL 3-11.

8.4 Before a non-approved helicopter landing area is used at night it shall have been reconnoitred from the air and ground in daylight, and the pilot shall be flown to it in daylight.

9. Personnel

Flight crew members shall, according to the licensing regulations, have the right to carry out VFR night flights, cf. BL 6-17.

10. Exemption

The Civil Aviation Administration - Denmark may in particularly exceptional cases grant exemption from the regulations in this BL when 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 An air operator violating the regulations in Parts 4 and 5 will be punished with fine, simple detention or imprisonment for up to 2 years in pursuance of subsection 8 of § 149 of the Air Navigation Act.

12.2 A pilot-in-command violating the regulations in Parts 6, 7, and 8 will be punished with fine, simple detention or imprisonment for up to 2 years in pursuance of subsection 8 of § 149 of the Air Navigation Act.

12.3 For violation committed by a limited company, a co-operative or the like, penalty may be imposed on the company/co-operative as such in pursuance of subsection 14 of § 149 of the Air Navigation Act.

13. Implementation

13.1 This BL comes into force on 1 June 1993.

13.2 At the same time BL 5-38, 2 edition of 1 November 1986 is repealed.

Civil Aviation Administration - Denmark, 23 April 1993

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