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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 7**

Air traffic services

CHAPTER 1

Air traffic services

**Requirement for an air traffic control approval**

**180.**—(1) Subject to paragraph (3), a person in charge of the provision of an air traffic control service must not provide such a service for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services unless that person has been given and complies with the terms of an air traffic control approval granted by the CAA.

(2) The CAA must grant an air traffic control approval if it is satisfied that the applicant is competent to provide a service which is safe for use by aircraft, having regard to the applicant's organisation, staffing, equipment, maintenance and other arrangements.

(3) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.

**Duty of person in charge to be satisfied as to competence of controllers**

**181.** The holder of an approval granted under article 180 must not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

- (a) that person holds an appropriate licence; and
- (b) the approval holder is satisfied that the person is competent to perform the duties of an air traffic controller or a student air traffic controller.

**Manual of air traffic services**

**182.**—(1) Subject to paragraph (2), a person must not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services for that place;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions are made to the manual as the CAA may from time to time require.

(2) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.

### **Provision of air traffic services**

**183.** In the case of an aerodrome (other than a Government aerodrome) for which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome must—

- (a) inform the CAA in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by that person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

### **Making of an air traffic direction in the interests of safety**

**184.—**(1) The CAA may, in the interests of safety, direct the person in charge of an aerodrome that there must be provided for that aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(2) The CAA may, in the interests of safety, direct the holder of a licence to provide air traffic services granted under Part I of the Transport Act 2000<sup>(1)</sup> that there must be provided, for airspace specified in paragraph (3), such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(3) The airspace referred to in paragraph (2) is United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services, otherwise than in respect of an aerodrome.

(4) The CAA may specify in the direction the periods during which, the times at which, the manner in which and the airspace within which such service or such means must be provided.

(5) The person who has been directed must cause such a service or means to be provided in accordance with the direction.

(6) The CAA may, pending inquiry into or consideration of the case, make a provisional air traffic direction.

(7) A provisional air traffic direction—

- (a) may contain any of the requirements which may be included in an air traffic direction made in accordance with paragraph (1) or (2);
- (b) has effect as though it were an air traffic direction made in accordance with paragraph (1) or (2).

### **Making of a direction for airspace policy purposes**

**185.—**(1) After consultation with the Secretary of State the CAA may direct any person in charge of the provision of air traffic services to provide air traffic services for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air traffic services.

(2) A direction under paragraph (1) may be made—

- (a) in the interests of ensuring the efficient use of airspace; or

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(1) 2000 c.38.

- (b) to require that air traffic services are provided to a standard considered appropriate by the CAA for the airspace classification.
- (3) The CAA may specify in a direction under paragraph (1)—
  - (a) the air traffic services and the standard to which they are to be provided; and
  - (b) the periods during which, the times at which, the manner in which, and the airspace within which such services must be provided.
- (4) The person who has been directed must cause such a service to be provided in accordance with the direction.

#### **Use of radio call signs at aerodromes**

**186.** The person in charge of an aerodrome provided with means of two-way radio communication must not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

#### **Approval of instrument flight procedures**

**187.**—(1) An instrument flight procedure within the United Kingdom must not be notified unless that procedure has been designed or approved by the CAA.

(2) The CAA must not notify or approve an instrument flight procedure unless it is satisfied that the procedure is safe for use by aircraft.

(3) Subject to paragraph (5), the CAA may approve an instrument flight procedure where an application for approval of the procedure has been made.

(4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the CAA may require.

(5) The CAA is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under paragraph (6).

(6) The CAA must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if it is satisfied that the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.

(7) The applicant for an approval under paragraph (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

## CHAPTER 2

### Licensing of air traffic controllers

#### **Prohibition of unlicensed student air traffic controllers and air traffic controllers**

**188.**—(1) A person must not provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(2) A person must not provide air traffic control services in the North Atlantic Shanwick Oceanic Control Area unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4) which contains—

- (a) an Area Control Surveillance Rating and an Oceanic Control endorsement; or
- (b) an Area Control Procedural Rating and an Oceanic Control endorsement.

(3) A person must not hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(4) A student air traffic controller licence or air traffic controller licence referred to in paragraphs (1), (2) and (3) is a licence issued under the EASA Air Traffic Controller Licensing Regulation by a competent authority of the United Kingdom or a licence issued under the EASA Air Traffic Controller Licensing Regulation by a Member State other than the United Kingdom.

#### **Period for which a student air traffic controller licence remains in force**

**189.** Unless suspended or revoked under Article 6 of the EASA Air Traffic Controller Licensing Regulation, a student air traffic controller licence remains in force for the period specified in the licence, which must not exceed two years.

#### **Inclusion of national endorsements**

**190.**—(1) The CAA may include in an Approach Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

- (a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;
- (b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.

(2) The CAA may include in an Area Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

- (a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;
- (b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.

(3) The CAA may include in an Area Control Procedural Rating contained in an air traffic controller licence an Oceanic Control Endorsement which entitles the holder to provide air traffic control services to aircraft operating in an Oceanic Control Area.

#### **Fatigue of air traffic controllers**

**191.** A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence if they know or suspect that they are suffering from or, having regard to the circumstances of the period of duty to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

#### **Acting under the influence of psychoactive substances or medicines**

**192.** A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence whilst under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly.

### **Failing exams, assessments or tests**

**193.** A person who, when last examined, assessed or tested for the purposes of this Chapter, failed that examination, assessment or test must not act in the capacity for which that examination, assessment or test would have qualified them had it been passed.

### **Use and approval of simulators**

**194.—(1)** No part of any examination, assessment or test undertaken for the purposes of the EASA Air Traffic Controller Licensing Regulation may be undertaken in a simulator unless that simulator has been approved for the purpose by the CAA.

(2) The CAA must approve a simulator for the purposes of paragraph (1) if it is satisfied that it is fit for its intended purpose.

### **Approval of courses, persons and simulators**

**195.** Without prejudice to any other provision of this Order the CAA may, for the purposes of this Chapter, approve—

- (a) any course of training or instruction;
- (b) any unit training plan or unit competence scheme;
- (c) a person to conduct such examinations, assessments or tests as it may specify; and
- (d) a simulator.

### **Certification of training organisations**

**196.** A person must not provide training necessary to obtain from the CAA student air traffic controller licences or air traffic controller licences or any associated rating or endorsement or to maintain any of them unless—

- (a) that person holds training organisation certification issued or recognised by the CAA in accordance with the EASA Air Traffic Controller Licensing Regulation; and
- (b) the training has been approved by the CAA in accordance with Article 22(2)(d) of the EASA Air Traffic Controller Licensing Regulation.

### **Certified training organisation: production of records**

**197.** A certified training organisation must, within a reasonable time of being requested to do so by an authorised person, produce to that person any record or document (whether or not in electronic form) which that person may require for the purpose of determining whether the certified training organisation fulfils the requirements set out in Chapter IV of the EASA Air Traffic Controller Licensing Regulation as amended from time to time.

### **Meaning of terms used in this Chapter**

**198.** Terms used in this Part have the same meaning as equivalent terms used in the EASA Air Traffic Controller Licensing Regulation.

## CHAPTER 3

### Flight information services and licensing of flight information service officers

#### **Prohibition of unlicensed flight information service officers**

**199.**—(1) A person must not act as a flight information service officer at any aerodrome or area control centre or hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may so act unless—

- (a) they hold and comply with the terms of a flight information service officer’s licence granted under this Order authorising the holder to act as such an officer at that aerodrome or area control centre; and
- (b) they have identified themselves in such a manner as may be notified.

(2) In this Chapter, “acting as a flight information service officer” means giving a flight information service.

#### **Licensing of flight information service officers**

**200.**—(1) The CAA must grant a flight information service officer licence to any person aged 18 years or more if it is satisfied that the applicant—

- (a) is a fit person to hold the licence; and
- (b) is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates.

(2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

(3) The licence may be issued subject to such conditions as the CAA thinks fit.

(4) A licence to act as a flight information service officer—

- (a) may be renewed by the CAA from time to time, when it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1);
- (b) remains in force, subject to article 253, for the period indicated in the licence or if no period is indicated, for the lifetime of the holder.

(5) A flight information service officer’s licence does not authorise the giving of a flight information service at an aerodrome or area control centre unless—

- (a) that aerodrome or area control centre has been specified in the licence by a person authorised by the CAA for the purpose; and
- (b) the licence has been validated for that aerodrome or area control centre by a person authorised for the purpose by the CAA.

(6) If, throughout any period of 90 days, the holder of the licence has not at any time given such a service at a particular aerodrome or area control centre, the licence ceases to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated for that aerodrome or area control centre by a person authorised by the CAA for the purpose.

(7) A licence to act as a flight information service officer is not valid unless it has been signed by the holder in ink or indelible pencil.

(8) Every holder of a flight information service officer’s licence must, on such occasions as the CAA may require, submit to such examinations and tests and supply such evidence of the holder’s knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

### **Flight information service manual**

**201.**—(1) Subject to paragraph (2), a person must not provide a flight information service at any aerodrome or area control centre unless—

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual for that aerodrome or area control centre;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions have been made to the manual as the CAA may from time to time require.

(2) Paragraph (1) does not apply to any person who is required to be certified under Article 7 of the Service Provision Regulation.

## **CHAPTER 4**

### **Certificate of competence to operate an aeronautical radio station**

#### **Prohibition of unauthorised operation of an aeronautical radio station**

**202.**—(1) Subject to paragraph (3), a person must not operate an aeronautical radio station for any purposes specified in paragraph (4), or hold themselves out, whether by use of a radio call sign or in any other way, as one who may do so unless that person—

- (a) held on 9th August 2012 an Air Ground Communication Service Radio Operator's Certificate of Competence or an Offshore Communication Service Radio Operator's Certificate of Competence issued by the CAA; or
- (b) holds and complies with the terms of an aeronautical radio station operator certificate of competence granted under article 203 authorising the holder to provide such a service.

(2) In this article, “operate an aeronautical radio station” means activate or alter any of the external controls of any of the apparatus comprised in the station or transmit or receive messages.

(3) Nothing in this article prevents a person operating an aeronautical radio station for the purpose of avoiding immediate danger.

(4) The purposes specified for the purpose of paragraph (1) are to provide—

- (a) an air/ground communications service;
- (b) a service to give information to pilots of aircraft flying to or from offshore installations and to other aircraft operating in the vicinity of these aircraft; or
- (c) a service to give information to pilots of aircraft flying for the purpose of the dropping of persons by parachute and to persons who have been dropped by parachute.

#### **Aeronautical radio station operator certificate of competence**

**203.**—(1) The CAA must grant an aeronautical radio station certificate of competence if it is satisfied that the applicant—

- (a) is at least 18 years of age; and
- (b) is qualified by having the knowledge, experience and skill to act in the capacity to which the certificate of competence relates.

(2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

(3) An aeronautical radio station certificate of competence—

- (a) remains in force, subject to article 253, for the period indicated in the certificate or if no period is indicated, for the lifetime of the holder; and
  - (b) may be renewed by the CAA from time to time, if it is satisfied that the applicant is qualified in accordance with paragraph (1).
- (4) An aeronautical radio station operator certificate of competence does not authorise the holder to provide a service at an aerodrome unless the certificate has been endorsed by the person in charge of the aeronautical radio station at the aerodrome in accordance with paragraph (5).
- (5) An endorsement is in accordance with this paragraph if it certifies that the person in charge of the aeronautical radio station at the aerodrome is satisfied that the holder of the certificate is familiar with the terms and conditions of the wireless telegraphy licence issued under the Wireless Telegraphy Act 2006 for the aeronautical radio station and has been informed of any relevant operational information concerning the types of equipment and operating procedures for the station.
- (6) Every holder of an aeronautical radio station operator certificate of competence must, on such occasions as the CAA may require, submit to such examinations and tests, supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.
- (7) Nothing in this Order obliges the CAA to accept an application for the issue, variation or renewal of an aeronautical radio station operator certificate of competence if the application is not supported by such reports from such persons approved under article 268 as the CAA may specify, either generally or in a particular case or class of cases.

#### **Approval of courses, persons, examinations and simulators**

**204.** Without prejudice to any other provision of this Order the CAA may, for the purposes of this Chapter, approve—

- (a) any course of training or instruction;
- (b) a person to conduct such examinations, assessments or tests as it may specify; and
- (c) any examinations, assessments or tests.

### **CHAPTER 5**

#### **Air traffic service equipment**

##### **Air traffic service equipment**

**205.**—(1) A person must not cause or permit any air traffic service equipment to be established or used in the United Kingdom otherwise than under and in accordance with an approval granted by the CAA to the person in charge of the equipment.

- (2) An approval must be granted under paragraph (1) if the CAA is satisfied—
- (a) as to the intended purpose of the equipment;
  - (b) that the equipment is fit for its intended purpose; and
  - (c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a public use licence has been granted or at an EASA certified aerodrome must cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.



(5) An approval granted under paragraph (1) may include such other conditions as the CAA thinks fit including—

- (a) a condition requiring the person in charge of the equipment to use a person approved by the CAA under paragraph (6) for the provision of particular services in connection with the equipment; and
- (b) a condition requiring that the equipment be flight checked by such an approved person.

(6) The CAA may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted for one or more persons or generally.

(8) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

### **Air traffic service equipment records**

**206.**—(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

- (a) keep records for such equipment or apparatus in accordance with Part 1 of Schedule 11; and
- (b) preserve such records for one year or such longer period as the CAA may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit must provide recording apparatus in accordance with paragraph (4).

(3) The CAA may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

- (a) when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; and
- (b) in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

- (a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;
- (b) ensure that each record made by the apparatus complies with Part 2 of Schedule 11;
- (c) not cause or permit that apparatus to be used unless it is approved by the CAA; and
- (d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the CAA may have regard to the matters specified in Part 3 of Schedule 11.

(7) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the CAA may have had regard under paragraph (6); and

(b) for one or more persons or generally.

(8) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus must ensure that, so far as practicable—

(a) a record is kept which complies with Part 2 of Schedule 11; and

(b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft are recorded.

(9) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(10) The person in charge of any air traffic service equipment must preserve any record made in compliance with paragraph (5) or (8) for 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the CAA may in a particular case direct.

(11) A person required by this article to preserve any record by reason of being the person in charge of the air traffic service equipment is in this article called “the first person in charge”.

(12) If the first person in charge ceases to be in charge of the air traffic service equipment, they must continue to preserve the record until paragraph (14) is complied with.

(13) In the event of the death of the first person in charge, the duty to preserve the record falls on their personal representative.

(14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or their personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.

(15) The person in charge of any air traffic service equipment must within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

(16) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.