

1967 No. 1678

## CIVIL AVIATION

**The Air Navigation (Second Amendment) Order 1967***Made* - - - 13th November 1967*Laid before Parliament* 17th November 1967*Coming into Operation*(a) *for all purposes of Article 3 (2) to (6)* 1st January 1968(b) *for all other purposes* 23rd November 1967

At the Court at Buckingham Palace, the 13th day of November 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8, 57 and 59 of the Civil Aviation Act 1949(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

*Citation and Operation*

1. This Order may be cited as the Air Navigation (Second Amendment) Order 1967 and shall come into operation on 1st January 1968 for all purposes of paragraphs (2) to (6) of Article 3, and on 23rd November 1967 for all other purposes.

*Interpretation*

2.—(1) In this Order, "the Principal Order" means the Air Navigation Order 1966(b), as amended (c).

(2) The Interpretation Act 1889(d) applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

*Amendment of Air Navigation Order 1966*

3. The Principal Order shall be further amended as follows:

(1) In Article 17(2)(a) for "paragraphs (10) and (11)" there shall be substituted "paragraphs (11) and (12)".

(2) In the heading to PART VI and in Articles 45 (except sub-paragraph (2) (a)), 46 (including the heading), 47(4) and (7), and 50 there shall be substituted for the words "flight crew" the word "crew" wherever those words appear.

(3) At the end of Article 46 there shall be added the words "or of the persons therein."

## (4) In Article 47—

(a) the following shall be substituted for paragraph (1)—

“(1) Without prejudice to the provisions of Article 46 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—

(a) for every person flying in that aircraft as a member of the crew thereof:

- (i) limits on his flying duty periods, and
- (ii) minimum rest periods which he is to have immediately before any duty period in the course of which he flies as aforesaid; and

(b) for every person flying in that aircraft as a member of the flight crew thereof, limits on the aggregate of all his flight times during every period of 28 consecutive days, being limits and minimum rest periods which the operator is satisfied after taking into account the matters mentioned in paragraph (2) of this Article, are such that, if every member of the crew observes such of those limits as are applicable to him and has those minimum rest periods, the safety of neither the aircraft nor of the persons therein is likely to be endangered on the flight by reason of any fatigue which may be caused by the work or other duties which the members of the crew are required or permitted by the operator to carry out. Different limits and different minimum rest periods may be established either for different persons or for different classes of persons and for different circumstances.”;

(b) the following shall be substituted for sub-paragraph (2) (e)—

“(e) for every person who is to fly in that aircraft as a member of the flight crew thereof, the number of consecutive occasions on which he will be required to fly for the maximum period permitted under this Part of the Order.”;

(c) in paragraph (5)—

- (i) there shall be substituted for the word “persons” the word “person”;
- (ii) after the words “makes any flight in an aircraft to which this Article applies” shall be inserted the words “as a member of the crew thereof”;

(d) the following shall be substituted for condition (b) in the proviso to paragraph (6)—

“(b) that the commander is satisfied that the safety of neither the aircraft nor the persons therein will be endangered on that flight if he or that other person makes that flight.”.

## (5) In Article 49—

(a) for the last line of TABLE A there shall be substituted:

“32	”	...	..	”	23	”	”	”	24	”
an additional 1½ hours				..	for every hour and every fraction of an hour in excess of 24 hours.”					

(b) for the last line of TABLE B there shall be substituted:

“18	”	...	..	”	23	”	”	”	24	”
an additional 1½ hours				..	for every hour and every fraction of an hour in excess of 24 hours.”					

(6) In Article 51 there shall be substituted for the figures “115” the figures “100” wherever those figures occur.

(7) In Article 62(2) for "in the aerodrome." there shall be substituted "on the aerodrome."

(8) In Article 83(1) in the definition of "Air traffic control unit" after "an aerodrome" there shall be inserted "or place".

(9) In Schedule 5, paragraph 4 (2) after sub-paragraph (h) before "on all flights on which" there shall be inserted "(i)".

(10) In Schedule 11 in the definition of "H" for "Article 22 (2) (a) (ii)" there shall be substituted "Article 22(2)(a)(iii)".

*W. G. Agnew.*

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### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the Air Navigation Order 1966, as previously amended.

In addition to some minor and drafting amendments the following changes are made in the Articles mentioned below:

- (1) Operators of public transport aircraft must now limit flying duty periods and establish minimum rest periods for cabin staff and not only for flight crew as hitherto (Article 47(1)).
- (2) Tables A and B of Article 49 are amended so as to specify new minimum lengths of sufficient rest periods in relation to immediately preceding duty periods which exceed 24 hours in length (Article 49).
- (3) Operators must now keep records in respect of cabin staff and not only for flight crew as hitherto (Article 50(1)).
- (4) The limit on flight times for flight crew within any 28 days has been reduced from 115 hours to 100 hours (Article 51).