
 S T A T U T O R Y I N S T R U M E N T S

1975 No. 1836

CIVIL AVIATION

The Air Navigation (Fourth Amendment) Order 1975

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| <i>Made</i> | - - - | 12th November 1975 |
| <i>Laid before Parliament</i> | | 19th November 1975 |
| <i>Coming into Operation</i> | | 1st January 1976 |

At the Court at Buckingham Palace, the 12th day of November 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8 and 57 of the Civil Aviation Act 1949(a) as amended by section 62(1) of the Civil Aviation Act 1971(b) 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 Commencement

1. This Order may be cited as the Air Navigation (Fourth Amendment) Order 1975 and shall come into operation on 1st January 1976.

Interpretation

2. The Interpretation Act 1889(c) shall apply 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 the Air Navigation Order 1974

3. The Air Navigation Order 1974(d), as amended(e), shall be further amended as follows:

(1) For Article 29(1) there shall be substituted:—

“29.—(1)(a) The operator of every aircraft to which Article 25 of this Order applies shall establish and include in the operations manual relating to the aircraft particulars of aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished, in writing, to the commander of the aircraft particulars of the

(a) 1949 c. 67.

(b) 1971 c. 75.

(c) 1889 c. 63.

(d) S.I. 1974/1114 (1974, p. 4057).

(e) The only relevant amendment is S.I. 1974/1275 (1974 II, p. 4855).

aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with the specified method; and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of 3 months.

(b) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate aerodrome operating minima appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight."

(2) After Article 57 there shall be added the following new Article:—

"Records to be kept

57A. The operator of a public transport aircraft registered in the United Kingdom shall in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed by the Authority of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight."

(3) In Article 58(2) after sub-paragraph (g) there shall be added:—

"(h) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under Article 57A of this Order."

(4) In Article 63(1), for the proviso there shall be substituted:—

"Provided that the Authority shall not grant—

- (a) a student air traffic controller's licence to a person under the age of 18 years; or
- (b) an air traffic controller's licence which includes an Aerodrome Control Rating, an Approach Control Rating or an Area Control Rating, to a person under the age of 20 years; or
- (c) an air traffic controller's licence which includes any other rating, to a person under the age of 21 years."

(5) For Article 80A, there shall be substituted the following:—

"80A.—(1) Subject to the provisions of this Article, every person who—

- (a) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2,300 kg; or
- (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or
- (c) signs a certificate of maintenance, release or compliance in respect of such an aircraft, part or equipment; or
- (d) performs a function for which he requires an air traffic controller's licence; or
- (e) is the licensee or manager of a licensed aerodrome,

shall—

- (i) make a report to the Authority of any reportable occurrence of which he knows and which is of such a description as may be prescribed. The report shall be made within such time, by such

means, and shall contain such information as may be prescribed and it shall be presented in such form as the Authority may in any particular case approve, and

- (ii) make a report to the Authority, within such time, by such means, and containing such information as the Authority may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this Article.

(2) In this Article 'reportable occurrence' means—

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person;
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident notified to the Secretary of State in pursuance of regulations made under section 10 of the Civil Aviation Act 1949 shall not constitute a reportable occurrence for purposes of this Article.

(3) Subject to paragraph (1)(ii) of this Article, nothing in this Article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this Article.

(4) A person shall not make any report under this Article if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to Article 35(2) and subject to the provisions of Article 59 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Article, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct:

Provided that the record may be erased if the aircraft is outside the United Kingdom and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom."

(6) In Article 91(1) in the definition of "Aerodrome traffic zone" for the words "extending from the aerodrome" there shall be substituted "extending from the surface".

(7) In Schedule 5—

(a) in paragraph 4(2) after sub-paragraph (o) there shall be added the following new sub-paragraph:

“(p) when flying at an altitude of more than 49,000 feet”

and an additional column headed “W” shall be added to the Table after the column headed “V”; and “W” shall be put in column “W” opposite sub-paragraph (p):

(b) after Scale V there shall be added the following new Scale:

“Scale W

Cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

Provided that an aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.”

(8) In Schedule 6, in the Table set out in paragraph 2—

(a) in sub-paragraph (1) in the section headed “Scale of Equipment Required”—

(i) opposite sub-paragraph (1)(a), “F” shall be inserted in the column headed F;

(ii) opposite sub-paragraph (1)(b), “F*” shall be inserted in the column headed F;

(iii) opposite sub-paragraph (2), “A*”, “B*” and “F*” shall be inserted in the columns headed A, B and F respectively;

(b) sub-paragraph (3) shall be deleted.

(9) In Schedule 11, Part A after sub-paragraph (xiv) there shall be added the following new sub-paragraph:—

“(xv) in the case of aircraft intended to fly at an altitude of more than 49,000 feet, the procedures for the use of cosmic radiation detection equipment.”

N. E. Leigh

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Air Navigation Order 1974, as amended. In addition to some minor and drafting amendments, the following changes are made:—

- (1) An operator of public transport aircraft is now required to include in the operations manual particulars of aerodrome operating minima for every aerodrome of intended departure or landing, or if this is not practicable, to supply such particulars prior to the flight and in any event to include in every operations manual data and instructions by means of which such particulars may be calculated. Previously the requirement to include aerodrome operating minima in the operations manual applied only to scheduled journeys; for other flights it was sufficient to provide instructions by means of which aerodrome operating minima could be calculated. (Article 3(1)).
- (2) All public transport aircraft which fly above 49,000 feet are now required to carry cosmic radiation detection equipment. Operators of such aircraft are required to include in the operations manual relating to such aircraft the procedures for the use of that equipment and to

keep records of the total dose of cosmic radiation received by each aircraft and the names of the crew members on the flight. (Article 3(2), (3), (7) and (9)).

- (3) The age of a person to whom the Civil Aviation Authority may grant an air traffic controller's licence which includes an Aerodrome Control Rating, an Approach Control Rating or an Area Control Rating is reduced to 20 years. Previously such a licence could not be granted to a person under the age of 21 years. (Article 3(4)).
- (4) The requirement to report to the Authority occurrences which endanger, or which if not corrected would have endangered, an aircraft is extended in that—
- (a) air traffic controllers, and licensees and managers of licensed aerodromes are added to the list of persons obliged to report;
 - (b) where an occurrence has been reported, the Authority may require anyone on the list of persons obliged to report to furnish information in his possession or control relating to that occurrence;
 - (c) the definition of a reportable occurrence now includes any defect in or malfunctioning of any ground facilities used or intended to be used for purposes of or in connection with the operation of aircraft.

The operator of an aircraft is now required to preserve data from the flight data recorder relating to a reportable occurrence for 14 days unless otherwise directed by the Authority. (Article 3(5)).

- (5) Additional scales of radio equipment are required to be carried by aircraft flying within the United Kingdom. (Article 3(8)).

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