

1978 No. 1520

CIVIL AVIATION

**The Air Navigation (Overseas Territories)
 (Second Amendment) Order 1978**

Made - - - - 24th October 1978
Laid before Parliament 1st November 1978
Coming into Operation 22nd November 1978

At the Court at Buckingham Palace, the 24th day of October 1978

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by the Civil Aviation Act 1949(a), and the Civil Aviation Act 1949 (Overseas Territories) Order 1969(b), as amended by the Civil Aviation Act 1971 (Overseas Territories) Order 1976(c), 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.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Second Amendment) Order 1978 and shall be construed as one with the Air Navigation (Overseas Territories) Order 1977(d) as amended (e).

(2) This Order shall come into operation on 1st December 1978.

Amendment of the Air Navigation (Overseas Territories) Order 1977

2. The Air Navigation (Overseas Territories) Order 1977, as amended, shall be further amended as follows:

(1) In Article 8(2) for the proviso thereto there shall be substituted the following new proviso:

“Provided that the Governor shall not specify the General Purpose Category in any certificate of airworthiness issued or renewed on or after 1st December 1978.”

(2) In Article 11:

(a) in paragraph (2) for the words “a log book” there shall be substituted the words “the aircraft log book kept in respect of the aircraft pursuant to Article 15 of this Order”;

(a) 1949 c. 67.
 (d) S.I. 1977/422.

(b) S.I. 1969/592.
 (e) S.I. 1977/820.

(c) 1976/1912.

(b) in paragraph (3) for sub-paragraph (b) there shall be substituted the following new sub-paragraph:

“(b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulation made thereunder.”;

(c) for paragraph (6) there shall be substituted the following new paragraph:

“(6) Subject to the provisions of Article 57 of this Order, a certificate of compliance shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.”.

(3) In Article 15:

(a) in paragraph (1):

- (i) the words “public transport aircraft and aerial work” shall be deleted;
- (ii) after the words “to this Order” there shall be inserted the words “and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kg., shall be of a type approved by the Governor.”;

(b) for paragraph (2) there shall be substituted the following new paragraph:

“(2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 7 to this Order, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance (if any) in force in respect of the aircraft at the time of the occurrence;

(b) Each entry in the log book, being such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 7 to this Order shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.”.

- (4) In Article 18(6), after the words “any particular operator” there shall be inserted “of any aircraft registered in the Territory”.
- (5) In Article 19 in sub-paragraph (b)(ii) of the proviso to paragraph (1), for the words “he is fit to so act”, there shall be substituted “he is fit so to act”.
- (6) In Article 19 in sub-paragraph (b)(v) of the proviso to paragraph (1) after “instruction in flying” there shall be inserted “or the conducting of flying tests”.
- (7) In Article 19(8) in sub-paragraph (b) for the words “owned and operated” there shall be substituted the words “owned or operated”.

- (8) In Article 20(8)(b), for the last sentence there shall be substituted—
“The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness or the confirmation of the pregnancy, and
(aa) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Governor and pronounced fit to resume his functions as a member of the flight crew or upon the Governor exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination; and
(bb) in the case of pregnancy, the suspension may be lifted by the Governor for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Governor after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.”
- (9) In Article 23(2) after the words “a flying machine”, there shall be inserted “or glider”.
- (10) In Article 25(4) after “this Article” there shall be inserted “Article 39A of”.
- (11) In Article 28—
(a) at the end of the proviso to paragraph (2) there shall be added—
“(c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3,000 kg, and the total seating capacity of which does not exceed five persons.”
(b) at the end of paragraph (5) there shall be added—
“Provided that in the case of a helicopter, if in all the circumstances it is not reasonably practicable for the copies of the load sheet and instructions to be kept elsewhere than in the helicopter, they may be carried in the helicopter in a box approved by the Governor for that purpose.”
- (12) In Article 29, at the end of paragraph (4) there shall be added—
“(5) Without prejudice to the provisions of paragraph (3) of this Article a helicopter, in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance Group B shall not fly over water for the purpose of public transport so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing unless it is equipped with apparatus approved by the Governor enabling it to land safely on water but shall not so fly on any flight for more than three minutes except with the permission in writing of the Governor and in accordance with any conditions subject to which that permission may have been given. For the purpose of this sub-paragraph flying time shall be calculated on the assumption that the helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water.

(6) Without prejudice to the provisions of paragraph (3) of this Article, a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance Group A2 shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with apparatus approved by the Governor enabling it to land safely on water.”

(13) In Article 33, for paragraph (2) there shall be substituted—

“(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by Article 13 of this Order to be provided.”;

(14) After Article 35, there shall be inserted the following new Article—

“Minimum Navigation Performance

35A. An aircraft registered in the Territory shall not fly in airspace prescribed for the purposes of this Article by Regulation 15 of Schedule 15 to this Order unless—

- (a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability; and
- (b) the navigation systems required by paragraph (a) hereof are approved by the Governor and installed and maintained in a manner approved by the Governor; and
- (c) the operating procedures for the navigation systems required by paragraph (a) hereof are approved by the Governor; and
- (d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said airspace.”

(15) In Article 36—

- (a) in the heading the word “data” shall be deleted;
- (b) in paragraph (1)—
 - (i) after the word “recorder” there shall be inserted the words “or a cockpit voice recorder”;
 - (ii) for “sub-paragraph 4(5)” there shall be substituted “sub-paragraph 4(4) or (5)”;

(16) In Article 38, at the end of paragraph (4) there shall be added—

“(4A) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal.”

(17) In Article 39 in paragraph (1):

- (i) there shall be inserted at the beginning “Except under and in accordance with the terms of an aerial application certificate granted under Article 39A of this Order”;
- (ii) in paragraph (f) of the proviso thereto the words “agriculture, horticulture, forestry or” shall be deleted.

(18) After Article 39 there shall be inserted the following new Article:

“Issue of Aerial Application Certificates

39A.—(1) On or after 1st December 1978 an aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2) of this Article.

(2) The Governor may grant to any person applying therefor an aerial application certificate if he is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this Article. The certificate may be granted subject to such conditions as the Governor thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it does not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of Article 58 of this Order, remain in force for the period specified in the certificate.

(3) Every applicant for and holder of an aerial application certificate shall make available to the Governor upon application and to every member of his operating staff upon the certificate being granted an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Governor may require.

(4) For the purposes of this Article “operating staff” has the meaning ascribed to it in Article 25(4) of this Order.”.

(19) In Article 40, for paragraph (3) there shall be substituted—

“(3) For the purposes of this Article ‘munitions of war’ means such weapons and ammunition as are designed for use in warfare or against the person, including parts designed for such weapons and ammunition.”

(20) For the heading to Article 61 there shall be substituted the following—

“Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers”.

(21) In Article 61:

(a) in paragraph (1) for “or as a student air traffic controller” there shall be substituted “as a student air traffic controller or as an aerodrome flight information service officer”;

(b) in paragraph (a) of the proviso to paragraph (1) after “controller’s licence” there shall be inserted “or an aerodrome flight information service officer’s licence”;

(c) after paragraph (3) there shall be added the following new paragraph:—

“(3A) Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence. If, throughout any period of 180 days the holder of the licence has not at any time provided such a service at a particular aerodrome, the licence shall cease to be valid for that aerodrome at the end of that period.”;

(d) in paragraphs (4) and (5) for “or as a student air traffic controller” in each case there shall be substituted “as a student air traffic controller or as an aerodrome flight information service officer”.

(22) For Article 61(6) there shall be substituted—

“Every applicant for and holder of an air traffic controller’s licence or a student air traffic controller’s licence shall upon such occasions as the Governor may require—

(a) submit himself to medical examination by a person approved by the Governor either generally or in a particular case who shall make a report to the Governor in such form as the Governor may require; and

(b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill, as the Governor may require.”;

(23) In Article 62:

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

“(1) A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless:

(a) in the case of an air traffic control service, he is the holder, and complies with the terms of:

(i) a valid student air traffic controller’s licence granted under this Order and he is supervised in accordance with Article 61(3) of this Order; or

(ii) a valid air traffic controller’s licence so granted authorising him to provide that type of service at that place; or

(iii) a valid air traffic controller’s licence so granted which does not authorise him to provide that type of service at that place, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller’s licence so

granted which authorises him to provide at that place the type of air traffic control service which is being provided; or

- (b) in the case of an aerodrome flight information service, he is the holder and complies with the terms of an aerodrome flight information service officer's licence granted under this Order authorising him to provide such a service at that place:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.”;

- (b) for paragraph (2) there shall be substituted the following new paragraphs:

“(2) The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in Schedule 10 to this Order in respect of a rating at any place unless:

- (a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed; or
 (b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under this Order which authorises him to provide at that place the type of air traffic control service which is being provided.

(2A) A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he identifies himself in such a manner as may be notified.”.

- (24) After Article 62 there shall be added the following new Article:—

“Flight Information Service Manual

62A.—(1) A person shall not provide an aerodrome flight information service at any aerodrome unless:—

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

- (25) In Article 63, for paragraph (3) there shall be substituted—

“(3) Upon the pregnancy of the holder of an air traffic controller's licence being confirmed, the licence shall be deemed to be suspended and such suspension may be lifted by the Governor subject to such conditions as he thinks fit, and shall cease upon the holder being medically examined under arrangements made by the Governor after the pregnancy has ended and pronounced fit to resume her functions under the licence.”

(26) For Article 68 there shall be substituted the following new Article:—

“68.—(1) The Governor may grant to any person applying therefor a licence in respect of any aerodrome in the Territory if he is satisfied that—

- (a) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and its aerodrome traffic zone are safe for use by aircraft; and
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.

(2) An aerodrome licence may be granted subject to such conditions as the Governor thinks fit and shall, subject to the provisions of Article 58 of this Order, remain in force for the period specified in the licence.

(3) Without prejudice to the generality of paragraph (2) of this Article, the Governor may grant a licence (in this Order referred to as “a licence for public use”) which shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome licence granted under this Order shall—

- (a) furnish to any person on request information concerning the terms of the licence; and
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of public transport of passengers or instruction in flying.

(5) The holder of an aerodrome licence granted under this Order shall not contravene or cause or permit to be contravened any condition of the aerodrome licence—

- (a) during the times notified pursuant to paragraph (4)(b) of this Article in relation to any aircraft;
- (b) at any time in relation to such aircraft engaged on such flights as are specified in Article 66(2) of this Order.”.

but the licence shall not cease to be valid by reason only of such a contravention.”.

(27) After Article 76 there shall be inserted the following new Article:—

“Aviation Fuel at Aerodromes

76A.—(1) A person who has the management of any aviation fuel installation on an aerodrome in the Territory shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless:—

- (a) when the aviation fuel is delivered into the installation he is satisfied that:
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft; and
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft:

Provided that this paragraph shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom paragraph (1) of this Article applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
 - (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples;
 - (c) particulars of the maintenance and cleaning of the installation;
- and he shall preserve the written record for a period of 12 months or such longer period as the Governor may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.
- (3) (a) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
 - (b) If it appears to the Governor or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this Article, the Governor or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Governor or by an authorised person.

(4) For the purpose of this Article:—

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.”.

(28) In Article 80(1) in sub-paragraph (a) for “36 or 40” there shall be substituted “36, 39A or 40”.

(29) In Article 92(1):—

(a) after the definition of “Aerodrome”, there shall be inserted the following new definition:—

“Aerodrome flight information unit” means a person appointed by the Governor or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and “aerodrome flight information service” shall be construed accordingly”;

(b) for the definition of “Air traffic control unit” there shall be substituted the following new definition:—

“Air traffic control unit” means a person appointed by the Governor or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to give information to aircraft, and “Air traffic control service” shall be construed accordingly.”;

(c) in the entry beginning “Log book” after the words “variable pitch propeller log book” there shall be inserted “or personal flying log book.”.

(30) In Schedule 4 the final sentence shall be deleted.

(31) In Schedule 5, in paragraph 5—

(a) at the end of Scale M, there shall be added the following proviso—

“Provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Governor may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.”;

(b) at the end of Scale P and Scale S respectively, there shall be added the following proviso—

“Provided that an aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable, and the aircraft flies in accordance with arrangements approved by the Governor.”

(32) In Schedule 7:—

(a) for sub-paragraph 2(d) there shall be substituted the following new sub-paragraph:

“(d) either (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or,

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the

immediately preceding occasion that any maintenance overhaul, repair, replacement, modification or inspection was undertaken on the engine;”;

(b) for sub-paragraph 3(d) there shall be substituted the following new paragraph:

“(d) either (i) the date of each flight and the duration of the period between take off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take offs and landing on that day; or,

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance overhaul, repair, replacement, modification or inspection was undertaken on the propeller;”.

(33) In Schedule 9, Part A—

(a) in paragraph 1:

(i) for paragraph (a) of the proviso to the privileges of the Private Pilot’s Licence (Aeroplanes) there shall be substituted:—

“(a) he shall not fly such an aeroplane for the purpose of public transport or aerial work other than aerial work which consists of:

(i) the giving of instruction in flying, if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating; or

(ii) the conducting of flying tests for the purposes of this Order

in either case in an aeroplane owned, or operated under arrangements entered into by, a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;”;

(ii) for paragraph (b) of the proviso to the privileges of the Private Pilot’s Licence (Aeroplanes) there shall be substituted

“(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso;”;

(b) in paragraph 2:

(i) for paragraph (a) of the proviso to the privileges of the Private Pilot’s Licence (Helicopters and Gyroplanes) there shall be substituted:—

“(a) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than aerial work which consists of:

(i) the giving of instruction in flying if his licence includes a flying instructor’s rating or an assistant flying instructor’s rating; or

- (ii) the conducting of flying tests for the purposes of this Order

in either case in a helicopter or gyroplane owned, or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;”;

- (ii) for paragraph (b) of the proviso to the privileges of the Private Pilot’s Licence (Helicopters and Gyroplanes) there shall be substituted:

“(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso;”;

- (c) in paragraph 3:

- (i) in paragraph (a) of the proviso to the privileges of the Private Pilot’s Licence (Balloons and Airships)—

(aa) after “instruction in flying” there shall be inserted “or the conducting of flying tests in either case”;

(bb) after “the person giving” there shall be inserted “the instruction or conducting the test”;

(cc) after “the person receiving the instruction”, there shall be inserted “or undergoing the test”;

- (ii) for paragraph (b) of the proviso to the privileges of the Private Pilot’s Licence (Balloons and Airships) there shall be substituted:

“(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (a) of this proviso;”.

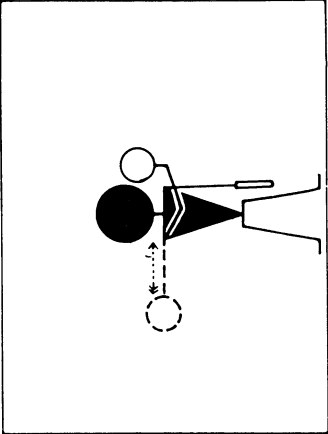
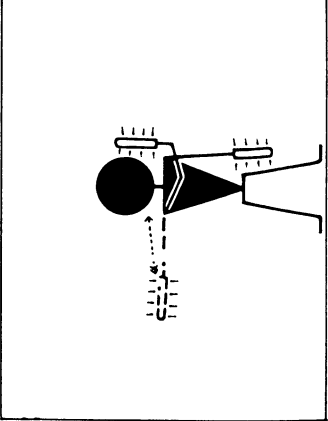
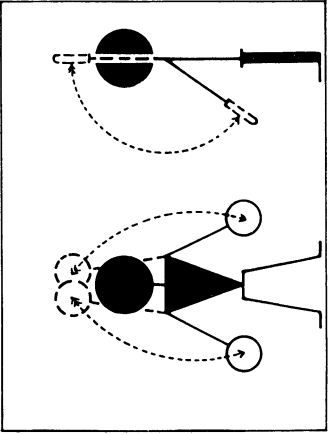
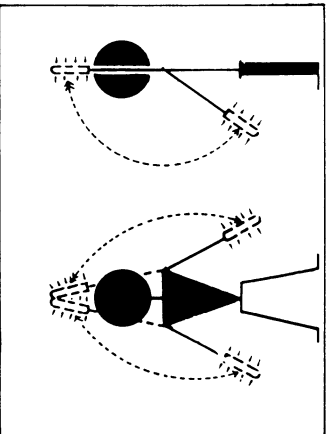
- (34) In Schedule 11, in Part B—

- (a) at the end of paragraph 1(2)(b) there shall be added the following sub-paragraph—

“(c) Every pilot included in the flight crew who is seated at flying controls during take-off or landing shall within the relevant period:—

- (i) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodromes of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Governor or under the supervision of a person approved by the Governor for the purpose by means of a flight simulator approved by the Governor; and

- (ii) have carried out when seated at the flying controls no less than three take-offs and three landings in aircraft of the type to be used on the flight”;
- (b) sub-paragraphs (5)(a)(ii), (5)(a)(iii) and (6) of paragraph 1 shall be deleted;
- (c) in sub-paragraph (7)(a) of paragraph 1, for “sub-paragraph (5)(a)(iii) and (6)(b)” there shall be substituted “sub-paragraph (2)(c)(ii);”;
- (d) for sub-paragraph (7)(b) of paragraph 1, there shall be substituted—
- “(b) in the case of sub-paragraphs (2)(a)(ii), (2)(b)(ii), (2)(c)(i) and (3)(b) of this paragraph, of 6 months;”;
- (e) in paragraph (i) of the proviso to paragraph 1(7) for “sub-paragraphs (2)(a)(ii), (2)(b)(ii), (5)(a)(ii) or (6)(a)” there shall be substituted “sub-paragraphs (2)(a)(ii), (2)(b)(ii) or (2)(c)(i)”
- (35) In Schedule 13 Part B after “Article 69” there shall be inserted “Article 76A”.
- (36) In Schedule 14:
- (a) in Rule 5 after sub-paragraph (2)(a)(ii) there shall be added the following new sub-paragraph :
- “(iii) any aircraft while it is flying under and in accordance with the terms of an aerial application certificate granted to the operator thereof under Article 39A of the Order.”;
- (b) in Rule 26 for the words from “The level of flight” to “the aircraft is flying” there shall be substituted the following:
- “The level of flight shall be measured by an altimeter set according to the system published by the competent authority in relation to the area over which the aircraft is flying;;
- (c) in Rule 28 for “altitude” there shall be substituted “level”;
- (d) in Table B for paragraphs (a) and (b) there shall be substituted

Description of Signal	Meaning of Signal	In Daylight	By Night
<p>(a) Right or left arm down, the other arm moved across body and extended to indicate position of the other marshaller.</p>	<p>Proceed under guidance of another marshaller.</p>		
<p>(b) Arms repeatedly moved upward and backward, beckoning onward.</p>	<p>Move ahead.</p>		

(37) In Schedule 15 after Regulation 14 there shall be added the following new Regulation:—

“Minimum Navigation Performance Specifications—Prescribed Airspace and Navigation Performance Capability

15.—(1) With reference to Article 35A of the Order, as amended, the following navigation performance capability is hereby prescribed, that is to say, a capability to ensure that—

- (a) the standard deviation of lateral errors in the track of the aircraft is not more than 6.3 nautical miles; and
- (b) the proportion of the flight time of the aircraft during which the actual track of the aircraft is 30 nautical miles or more off the track along which it has been given an air traffic control clearance to fly is less than 5.3×10^{-4} ; and
- (c) the proportion of the flight time of the aircraft during which the actual track of the aircraft is between 50 and 70 nautical miles off the track along which it has been given an air traffic control clearance to fly is less than 13×10^{-5} .

(2) For the purposes of Article 35A of the Order, as amended, the following airspace is hereby prescribed, that is to say, the airspace from flight level 275 to flight level 400 within the area defined by rhumb lines joining successively following points:—

34° 10' N 17° 48' W
 36° 30' N 15° 00' W
 42° 00' N 15° 00' W
 43° 00' N 13° 00' W
 45° 00' N 13° 00' W
 45° 00' N 08° 00' W
 51° 00' N 08° 00' W
 51° 00' N 15° 00' W
 54° 00' N 15° 00' W
 54° 34' N 10° 00' W
 61° 00' N 10° 00' W
 61° 00' N 00° 00'
 67° 00' N 00° 00'
 67° 00' N 60° 00' W
 65° 30' N 58° 39' W
 64° 00' N 63° 00' W
 61° 00' N 63° 00' W
 57° 00' N 59° 00' W
 53° 00' N 54° 00' W
 49° 00' N 51° 00' W
 45° 00' N 51° 00' W
 45° 00' N 53° 00' W
 43° 36' N 60° 00' W
 27° 00' N 60° 00' W
 27° 00' N 25° 00' W
 30° 00' N 25° 00' W
 30° 00' N 20° 00' W
 31° 39' N 17° 25' W

thence by that part of the arc of a circle radius 100 nautical miles centred on 33° 04' N 16° 21' W to 34° 10' N 17° 48' W.”

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation (Overseas Territories) Order 1977, as amended. In addition to minor and drafting amendments the following changes are made:

- (1) A Certificate of Airworthiness issued or renewed after 1st December 1978 may not specify the General Purpose Category. (Article 2(1) of this (Second Amendment) Order.)
- (2) Radio apparatus provided for use in any aircraft registered in the Territory, or for use in any survival craft carried therein, may not now be installed or placed on board after being overhauled repaired or modified unless there is in force in respect of it a certificate of compliance certifying that the overhaul, repair or modification has been carried out in a manner, and with material, of a type approved by the Governor. Hitherto this requirement applied only to public transport aircraft. (Article 2(2)).
- (3) Aircraft, engine and propeller log books are now required to be kept in respect of aircraft registered in the Territory. Hitherto this requirement applied only to public transport aircraft and aerial work aircraft. Such log books kept in respect of an aircraft having a maximum total weight authorised not exceeding 2,730 kg shall be of a type approved by the Governor. (Article 2(3)).
- (4) The holder of a flight crew licence or an air traffic controller's licence may now be permitted by the Governor to continue to exercise the privileges of her licence during pregnancy subject to such conditions as the Governor thinks fit. Previously the licence was deemed to be suspended upon confirmation of the pregnancy and remained so suspended until the pregnancy had ended and the licence holder had been examined and pronounced fit to resume the exercise of those privileges. (Article 2(8) and (25)).
- (5) A person who gives instruction in flying a glider to any person for the purpose of becoming qualified for the grant of a Commercial Pilot's Licence (Gilders) must now have a flying instructor's rating or an assistant flying instructor's rating included in his licence. (Article 2(9)).
- (6) From 1st December 1978 an aircraft may not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry for the training for any of such purposes unless the operator of the aircraft holds an Aerial Application Certificate. Such certificates may be granted by the Governor upon he being satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, staffing and other arrangements. (Articles 2(10), (17) and (18)).
- (7) Helicopters of less than 3,000 kgs maximum total weight authorised and with a seating capacity not exceeding 5 persons may now fly on a flight for the purpose of public transport without the prior preparation of a

load sheet. Additionally all helicopters may now carry both copies of the load sheet, if required to be completed in the aircraft in a container of a type approved by the Governor. Previously one copy of the load sheet was required to be kept elsewhere than in the aircraft. (Article 2(11)).

- (8) A helicopter designated by its certificate of airworthiness as being of performance Group B may not now fly for the purpose of public transport over water further than 20 seconds flying time from a point at which it could make an autorotative descent to land, unless it is equipped with flotation apparatus, or if it is so equipped, further than 3 minutes flying time from that point. (Article 2(12)).
- (9) A helicopter designated by its certificate of airworthiness as being of performance Group A2 may not now fly for the purpose of public transport over water for more than 15 minutes during any flight unless it is equipped with flotation apparatus. (Article 2(12)).
- (10) An aircraft may not now fly in prescribed airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability, the equipment is installed and maintained in a manner approved by the Governor and the equipment is operated in accordance with operating procedures approved by the Governor while the aircraft is flying within the prescribed airspace. The prescribed navigation performance capability and the prescribed airspace are included in an amendment to Schedule 15. (Articles 2(14) and (37)).
- (11) In aeroplanes which are required to be equipped with cockpit voice recorders that equipment must now be in use whenever the aircraft is in flight. Such an aeroplane may, however, now fly notwithstanding that its flight recorder has become unserviceable if it flies with the approval of the Governor. (Article 2(15)).
- (12) The operator of an aircraft engaged in crop spraying or similar activities is now required to hold an Aerial Application Certificate granted by the Governor. An aircraft may now fly closer than 500 feet to persons, vessels, vehicles and structures if it is flying in accordance with such a Certificate. (Article 2(18) and (36)).
- (13) The definition of "munitions of war", which under Article 40 of the Air Navigation (Overseas Territories) Order 1977 may not be carried in aircraft, is now extended to include weapons or ammunition designed for use against the person, whether or not in warfare and parts designed for such weapons or ammunition. (Article 2(19)).
- (14) The exceptions to the requirement of a licence for providing an air traffic control service have now been removed. (Article 2(20)).
- (15) The Governor may now grant aerodrome flight information service officer's licences. A person may not provide an aerodrome flight information service or hold himself out whether by use of a radio call sign or in any other way as a person who may provide that service without being the holder of such a licence. (Articles 2(20), (21), (22), (23) and (29)).
- (16) There are now specified the matters about which the Governor must be satisfied before granting an aerodrome licence. (Article 2(26)).

- (17) Aviation fuel may not now be delivered to an aerodrome fuel installation unless the person having the management of the installation is satisfied that the installation is capable of storing the fuel so as not to render it unfit for use in aircraft, that the installation is properly marked and, after sampling, that it is fit for use in aircraft. Fuel may not be dispensed from an installation to an aircraft unless it has been sampled and found to be fit for use in aircraft. (Article 2(27)).
- (18) Only those pilots who are seated at the flying controls of public transport aircraft during take-off or landing are now required to undergo the tests and practice hitherto required by Schedule 11, Part B, paragraph 1(6). (Article 2(34)).
- (19) The altimeter pressure setting for flight in compliance with Instrument Flight Rules is specified as that which accords with the system published by the competent authority for the area over which the aircraft is flying. (Article 2(36)).

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