

1987 No. 2062

CIVIL AVIATION

The Air Navigation (Second Amendment) Order 1987

Made - - - - - 26th November 1987

Laid before Parliament 11th December 1987

*Coming into force in
accordance with article 1*

At the Court at Buckingham Palace, the 26th day of November 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of the Civil Aviation Act 1982(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 commencement

1. This Order may be cited as the Air Navigation (Second Amendment) Order 1987 and shall come into operation for the purpose of article 2(36), (37), (38), (39), (40), (41), (42), (43), (44), (45) and (46) on 1st June 1988, for the purpose of article 2(13) and (30) on 1st July 1989, and for all other purposes on 1st January 1988.

Amendment of the Air Navigation Order 1985

2. The Air Navigation Order 1985(b) shall be amended as follows:

(1) For article 18(3) there shall be substituted the following-

“(3) (a) A flying machine registered in the United Kingdom and flying for the purpose of public transport having a maximum total weight authorised exceeding 5700 kg. shall carry not less than two pilots as members of the flight crew thereof.

(b) On and after 1st January 1990, an aeroplane registered in the United Kingdom and flying for the purpose of public transport in circumstances where the aircraft commander is required to comply with Instrument Flight Rules and having a maximum total weight authorised of 5700 kg. or less and powered by:-

- (i) one or more turbine jets;
- (ii) one or more turbine propeller engines and provided with a means of pressurising the personnel compartments;
- (iii) two or more turbine propeller engines and certificated to carry more than nine passengers;
- (iv) two or more turbine propeller engines and certificated to carry fewer than ten passengers; being an aeroplane which is neither provided with a means

(a) 1982 c. 16.

(b) S.I. 1985/1643, amended by S.I. 1986/2238.

of pressurising the personnel compartments nor equipped with an auto-pilot approved by the Authority for the purposes of this article; or

- (v) two or more piston engines and not equipped with an auto-pilot approved by the Authority for the purposes of this article;

shall carry not less than two pilots as members of the flight crew thereof:

Provided that an aeroplane powered by two or more turbine propeller engines and certificated to carry fewer than ten passengers or an aeroplane powered by two or more piston engines and equipped with an appropriate autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved auto-pilot is found to be unserviceable if the aeroplane flies in accordance with arrangements approved by the Authority.”

- (2) For article 18(7) there shall be substituted the following—

“(7) (a) This paragraph applies to any flight for the purpose of public transport by an aircraft registered in the United Kingdom:—

- (i) on which is carried twenty or more passengers; or
(ii) which may in accordance with its certificate of airworthiness carry more than thirty-five passengers and on which at least one passenger is carried.
- (b) The crew of an aircraft on a flight to which this paragraph applies shall include cabin attendants carried for the purposes of performing in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.
- (c) On a flight to which this paragraph applies, there shall be carried not less than one cabin attendant for every fifty, or fraction of fifty passenger seats installed in the aircraft:

Provided that the number of cabin attendants calculated in accordance with this sub-paragraph need not be carried where the Authority has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.

(8) If it appears to it to be expedient to do so in the interests of safety, the Authority may direct any particular operator of any aircraft registered in the United Kingdom that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Authority may specify unless those aircraft carry in addition to the cabin attendants required to be carried therein by the foregoing provisions of this article such additional persons as cabin attendants as it may specify in the direction.”

- (3) In article 20(1)(a), after the words “shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations)” there shall be inserted the following—

“and undertake such courses of training”.

- (4) For article 30(1) there shall be substituted the following—

“30.—(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 such particulars of such aerodrome operating minima as are 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 such particulars of the aerodrome operating minima as are 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 three 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 such aerodrome operating minima as are appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.”

(5) In article 30(3)(e) there shall be substituted for the words “and shall establish in relation to each runway which may be selected for use aerodrome operating minima appropriate to each set of circumstances which can reasonably be expected” the words “and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected”.

(6) In article 30(4)(b) for the words “to commence or continue an approach to landing” there shall be substituted the words “to land”.

(7) For article 30(5) there shall be substituted the following—

“An aircraft to which article 25 of this Order applies when making a descent to an aerodrome shall not:—

(a) descend below 1000 feet above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or

(ii) descend below the relevant specified minimum descent height unless from that height the specified visual reference for landing is established and is maintained.”.

(8) For article 30(7) there shall be substituted the following—

“(7) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to the proviso to paragraph (1)(a) of this article.”.

(9) For article 31(2) there shall be substituted the following—

“(2) The aircraft shall not take off or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima or the specified instruction.”.

(10) For article 31(3) there shall be substituted the following—

“(3) Without prejudice to the provisions of paragraph (2) of this article, a public transport aircraft registered in a country other than the United Kingdom when making a descent to an aerodrome shall not:—

(a) descend below 1000 feet above the height of an aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or

(ii) descend below the relevant specified minimum descent height unless from that height the specified visual reference for landing is established and is maintained.”.

(11) For article 31(4) there shall be substituted the following—

“(4) In this article “specified” in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Authority pursuant to paragraph (1) of this article.”.

(12) After article 33 there shall be added the following—

“Wearing of survival suits by crew

33A. Each member of the crew of an aircraft registered in the United Kingdom shall wear a survival suit if such a suit is required by article 13 of this Order to be carried.”.

(13) For article 34(2)(e)(i) there shall be substituted the following—

“(i) take all reasonable steps to ensure that all passengers of two years of age or more are properly secured in their seats by safety belts or safety harnesses and that all passengers under the age of two years are properly secured by means of a child restraint device; and”.

(14) For article 34(2)(g) there shall be substituted the following—

- “(g) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—
- (i) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 13 of this Order is demonstrated to all passengers;
 - (ii) when flying above flight level 120 all passengers and cabin attendants are recommended to use oxygen;
 - (iii) during any continuous period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;
- (h) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) prior to 1st January 1989, except in the case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—
- (i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 13 of this Order is demonstrated to all passengers;
 - (ii) when flying above flight level 130 all passengers and cabin attendants are recommended to use oxygen;
 - (iii) during any continuous period when the aircraft is flying above flight level 130 or on and after 1st January 1989 above flight level 100 oxygen is used by all the flight crew of the aircraft:

Provided that he need not comply with the provisions of this sub-paragraph (h) if he complies instead with the provisions of sub-paragraph (g) of this article.”.

- (15) For article 39(6) there shall be substituted the following—

“(6) 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 or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.”.

- (16) At article 70, for the heading “Balloons, kites and airships” there shall be substituted the heading “Balloons, kites, airships, gliders and parascending parachutes”.

- (17) After article 91 there shall be inserted the following new article 91A—

“Aircraft in transit over certain United Kingdom territorial waters

91A.—(1) Where an aircraft, not being an aircraft registered in the United Kingdom, is flying over the territorial waters adjacent to the United Kingdom within part of a strait referred to in paragraph (4) of this article solely for the purpose of continuous and expeditious transit of the strait, only the following articles of and Schedules to this Order shall apply to that aircraft:—

article 14 and Schedule 6, to the extent necessary for the monitoring of the appropriate distress radio frequency, article 64(1)(a), (b) and (e), article 64(2), (3) and (4), together with the regulations made thereunder, article 94 and Part A of Schedule 13.

(2) The powers conferred by the provisions referred to in paragraph (1) of this article shall not be exercised in a way which would hamper the transit of the strait by an aircraft not registered in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(3) In this article “transit of the strait” means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait and “an area of high seas” means any area outside the territorial waters of any State.

(4) The parts of the straits to which this article applies are specified in Schedule 14 to this Order.”.

(18) In article 96(1), for the definition of "Aerodrome operating minima" there shall be substituted the following—

"Aerodrome operating minima" in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;"

(19) In article 96(1), for the definition of "Approach to landing" there shall be substituted the following—

"Approach to landing" means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 feet above the relevant specified decision height or minimum descent height;"

(20) In article 96(1), for the definition of "Decision height" there shall be substituted the following—

"Decision height" in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;"

(21) In article 96(1), for the definition of "Hire purchase agreement" and "hirer" there shall be substituted the following—

"Hire-purchase agreement" has the same meaning as in section 189 of the Consumer Credit Act 1974(b);"

(22) In article 96(1), there shall be inserted immediately before the words "Nautical mile" the following—

"Minimum descent height" in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;"

(23) In article 96(1), there shall be inserted immediately before the word "Notified" the following—

"Non-precision approach" means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;"

(24) In article 96(1), there shall be inserted immediately before the word "Prescribed" the following—

"Precision approach" means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;"

(25) In article 96(1), for the definition of "Runway visual range" there shall be substituted the following—

"Runway visual range" in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the midpoint of the runway; and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;"

(26) In Schedule 5, paragraph 4, for sub-paragraph (2)(b)(vii) of the Table in the column headed "Circumstances of Flight" there shall be substituted the following—

"(vii) when flying at a height of 10,000 feet or more above mean sea level:

(aa) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 1989

(bb) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989"

and in the column headed "Scale of Equipment Required" there shall be inserted against the new sub-paragraph (vii)(aa) "K1 or K2" and against the new sub-paragraph (vii)(bb) "K2".

(27) In Schedule 5, paragraph 4, for sub-paragraph (2)(b)(xii) there shall be substituted the following—

"(xii) on all flights by a pressurised aircraft

- (aa) before 1st January 1990
- (bb) on or after 1st January 1990”

and in the column headed “Scale of Equipment Required” there shall be inserted against the new sub-paragraph (aa) “R1” and against the new sub-paragraph (bb) “R2”.

(28) In Schedule 5, paragraph 4 after sub-paragraph (9)(b)(v)(dd) of the Table in the column headed “Circumstances of Flight” there shall be inserted the following sub-paragraph—

- “(ee) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 which is intended to fly beyond ten minutes flying time from land or which actually flies beyond ten minutes flying time from land, on a flight in support of or in connection with the offshore exploitation or exploration of mineral resources (including gas) when the weather report or forecasts available to the commander of the aircraft indicate that the sea temperature will be less than plus ten degrees centigrade during the flight or when any part of the flight is at night”

and in the column headed “Scale of Equipment Required” there shall be inserted against the new sub-paragraph (ee) “HH”.

(29) In Schedule 5, paragraph 4, for sub-paragraph (9)(b)(vii) of the Table in the column headed “Circumstances of Flight” there shall be substituted the following—

“(vii) when flying at a height of 10,000 feet or more above mean sea level:

- (aa) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 1989
- (bb) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989”

and in the column headed “Scale of Equipment Required” there shall be inserted against the new sub-paragraph (vii)(aa) “K1 or K2” and against the new sub-paragraph (vii)(bb) “K2”.

(30) In Schedule 5, paragraph 5, in Scale A after sub-paragraph (iii)(b) there shall be added the following—

- “(c) In addition and for attachment to the equipment required in sub-paragraph (b) above, a child restraint device for every child under the age of two years on board.”.

(31) In Schedule 5, paragraph 5, after Scale H there shall be the following—

“Scale HH

A survival suit for each member of the crew.”.

(32) In Schedule 5, paragraph 5, for the heading “Scale K” there shall be substituted the heading “Scale K1” and for sub-paragraph (ii)(a) thereof there shall be substituted the following—

- “(a) a supply of oxygen sufficient for continuous use by all the crew, and if passengers are carried, by 10% of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 except that on and after 1st January 1989 flight crews shall be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and”.

(33) In Schedule 5, paragraphs 5, immediately before Scale L there shall be inserted the following—

“Scale K2

A supply of oxygen and the associated equipment to meet the requirements set out in Parts I and II of this scale. The duration for the purposes of this scale shall be:

- (i) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of:
 - (a) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100,
 - (b) the possibility of failure of one or more of the aircraft engines,

- (c) restrictions due to required minimum safe altitude,
 - (d) fuel requirement, and
 - (e) the performance of the aircraft; or
 - (ii) the period or periods during which the aircraft is actually flown in the circumstances specified in the said Parts;
- whichever is the greater.

PART I

Unpressurised Aircraft

- (i) When flying at or below flight level 100
Nil.
- (ii) When flying above flight level 100 but not exceeding flight level 120

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100
(b) Cabin attendants and 10% of passengers	For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding flight level 120, the duration shall be the period by which 30 minutes is exceeded
- (iii) When flying above flight level 120

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Cabin attendants and all passengers	Any period during which the aircraft flies above flight level 120

PART II

Pressurised Aircraft

- (i) When flying at or below flight level 100
Nil.
- (ii) When flying above flight level 100 but not exceeding flight level 250

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
(b) Cabin attendants and 10% of passengers	(aa) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
	(bb) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 feet but does not exceed 12,000 feet
(c) Cabin attendants and passengers	(aa) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, no requirement other than that at (ii)(b)(aa) of this part of this scale
	(bb) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 12,000 feet or 10 minutes, whichever is the greater

(iii) When flying above flight level 250

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
(b) Cabin attendants	Whenever the cabin pressure altitude exceeds 10,000 feet and a portable supply for 15 minutes
(c) 10% of passengers	Whenever the cabin pressure altitude exceeds 10,000 feet but does not exceed 12,000 feet
(d) 30% of passengers	Whenever the cabin pressure altitude exceeds 12,000 feet but does not exceed 15,000 feet
(e) All passengers	If the Cabin pressure altitude exceeds 15,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 15,000 feet or 10 minutes, whichever is the greater
(f) 2% of passengers or 2 passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or 2 passengers wherever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8,000 feet

- A. The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.”.

(34) In Schedule 5, paragraph 5, for the heading “Scale R” there shall be substituted the heading “Scale R1”.

(35) In Schedule 5, paragraph 5 immediately before Scale S there shall be inserted the following—

“Scale R2

- (i) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5700 kg, equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of article 18 of this Order for a period of not less than 15 minutes and, in addition, where the minimum flight crew required as aforesaid is more than 1 and a cabin attendant is not required to be carried by virtue of article 18 of this Order; portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.
- (b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5700 kg, the equipment specified in (i)(a) of this Scale:
Provided that in the case of such aeroplanes restricted by virtue of the operator’s operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder such equipment shall be sufficient to protect the eyes only.
- (ii) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5700 kg, portable equipment to protect the eyes, nose and mouth of all cabin attendants required to be carried by virtue of article 18 of this Order for a period of not less than 15 minutes.

(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5700 kg, the equipment specified in (ii)(a) of this Scale:

Provided that this requirement shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder.

- A. The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.”.

(36) In Schedule 9, Part A, in paragraph 1 for the privileges of the Private Pilot's Licence (Aeroplanes) there shall be substituted the following—

“Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified or otherwise falling within the aircraft rating included in the licence:

Provided that:—

- (a) he shall not fly such an aeroplane for the purpose of public transport or aerial work save as hereinafter provided—

(i) he may fly such an aeroplane for the purpose of aerial work which consists of:—

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

(bb) 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) he may fly such an aeroplane for the purpose of aerial work which consists of:—

(aa) towing a glider in flight; or

(bb) a flight for the purpose of dropping of persons by parachute,

in either case in an aeroplane owned, or operated under arrangements entered into, by a club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members;

- (b) he shall not receive any remuneration for his services as a pilot on a flight save that—

(i) if his licence includes at any time between 1st June 1988 and 1st October 1988 (both dates inclusive) a flying instructor's rating or an assistant flying instructor's rating he may, prior to 1st June 1991 receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a)(i) of this proviso; or

(ii) if his licence includes a flying instructor's rating or an assistant flying instructor's rating by virtue of which he is entitled to give instruction in flying microlight aircraft or self-launching motor gliders he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a)(i) of this proviso in a microlight aircraft or a self-launching motor glider;

- (c) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as a pilot in command of such an aeroplane—

(i) on a flight outside controlled airspace:—

(aa) when the flight visibility is less than 1½ nautical miles; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a flight visibility of less than 3 nautical miles;

- (ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles except on a route or in an aerodrome traffic zone notified for the purpose of this sub-paragraph;
- (iii) out of sight of the surface; and
- (d) he shall not fly as pilot in command of such an aeroplane at night unless—
 - (i) his licence includes a night rating (aeroplanes), and
 - (ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon.”.

(37) In Schedule 9, Part A, in paragraph 1 after the privileges of the Private Pilot's Licence (Aeroplanes) there shall be inserted the following—

“Basic Commercial Pilot's Licence (Aeroplanes)

Minimum Age—18 years.

Maximum Period of Validity—10 years.

Privileges:

- (1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes); and
- (2) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that—

- (a) he shall not fly such an aeroplane on a flight for the purpose of public transport if he has less than 400 hours of flying experience as pilot in command of aeroplanes other than self launching motor gliders or microlight aircraft;
- (b) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 2300 kg;
- (c) he shall not fly such an aeroplane on any scheduled journey;
- (d) he shall not fly any such aeroplane on a flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
- (e) he shall not fly any such aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane;
- (f) he shall not fly such an aeroplane at night, unless—
 - (i) his licence includes a night rating (aeroplanes); and
 - (ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon; and
- (g) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane—
 - (i) on a flight outside controlled airspace:—
 - (aa) when the flight visibility is less than 1½ nautical miles; or
 - (bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a flight visibility of less than 3 nautical miles;
 - (ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;
 - (iii) out of sight of the surface.

- (3) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor's rating or assistant flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of the giving of instruction in flying or the conducting of flying tests for the purposes of this Order.
- (4) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever, provided that he shall not be entitled to fly as a co-pilot of an aeroplane which is engaged on a flight for the purpose of public transport unless he has more than 400 hours of flying experience as pilot in command of aeroplanes other than self launching gliders and microlight aircraft and the maximum total weight authorised of the aeroplane does not exceed 5700 kg.
- (5) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport."

(38) In Schedule 9, Part A, in paragraph 1 in the privileges of the Commercial Pilot's Licence (Aeroplanes) in sub-paragraph (2)(b) the words "on which any passenger is carried or give any instruction in flying at night" shall be deleted and for the words "90 days" there shall be substituted "13 months".

(39) In Schedule 9, Part A, in paragraph 1 in the privileges of the Private Pilot's Licence (Helicopters and Gyroplanes) in sub-paragraph (c) the words "on a flight on which any passenger is carried or give any instruction in flying at night" shall be deleted and for the words "90 days" there shall be substituted "13 months".

(40) In Schedule 9, Part A, in paragraph 1 in the privileges of the Private Pilot's Licence (Helicopters and Gyroplanes) in sub-paragraph (d) the words "on a flight on which any passenger is carried or instruction in flying is given" shall be deleted and for the words "90 days" there shall be substituted "13 months".

(41) In Schedule 9, Part A, in paragraph 1 in the privileges of the Commercial Pilot's Licence (Helicopters and Gyroplanes) in sub-paragraph (2)(c) the words "on a flight on which any passenger is carried or instruction in flying is given" shall be deleted and for the words "90 days" there shall be substituted "13 months".

(42) In Schedule 9, Part A, in paragraph 1 in the privileges of the Commercial Pilot's Licence (Helicopters and Gyroplanes) in sub-paragraph 2(d) the words "on a flight on which any passenger is carried or instruction in flying is given" shall be deleted and for the words "90 days" there shall be substituted "13 months".

(43) In Schedule 9, Part B, in paragraph 1 for the paragraph relating to the instrument meteorological conditions rating (aeroplanes) there shall be substituted the following—

"Instrument Meteorological Conditions Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) or a basic commercial pilot's licence (aeroplanes) to fly as pilot in command of an aeroplane without being subject to the restrictions contained respectively in proviso (c) or 2(g) to the privileges of such licences set out in Part A of this Schedule provided that he shall not fly—

- (a) on a special VFR flight in a control zone in a flight visibility of less than 1½ nautical miles;
- (b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1 nautical mile."

(44) In Schedule 9, Part B, in paragraph 1 there shall be substituted for the paragraph relating to the night rating (aeroplanes) the following paragraph—

"Night Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) or a basic commercial pilot's licence (aeroplanes) to act as pilot in command of an aeroplane at night."

(45) In Schedule 9, Part B, in paragraph 1 there shall be substituted for the paragraph relating to the night rating (helicopters and gyroplanes) the following paragraph—

"Night Rating (Helicopters and Gyroplanes) shall entitle the holder of a private pilot's licence (helicopters and gyroplanes) to act as pilot in command of a helicopter or gyroplane at night."

(46) In Schedule 9, Part C, in paragraph 1(a) in the Table, in the column headed "Class of Licence" in Cases B, C, D and E, before the words "Commercial Pilot's Licence (Aeroplanes)" there shall be inserted the words "Basic Commercial Pilot's Licence (Aeroplanes)".

(47) In Schedule 9, Part C, in paragraph 1(a) in the Table, in the column headed "Description of Flight" in Case F for the words "article 17(4)" there shall be substituted the words "article 18(4)".

(48) In Schedule 11, Part B, in paragraph 1(5)(b) for the words "in sub-paragraph (a)(i)" there shall be substituted the words "in sub-paragraph (a)".

(49) In Schedule 13 Part A, in the column headed "Article of Order" immediately below "40" there shall be inserted "41" and adjacent thereto in the column headed "Subject matter" there shall be inserted the words "Dropping of persons".

(50) There shall be inserted the following new Schedule 14—

"SCHEDULE 14

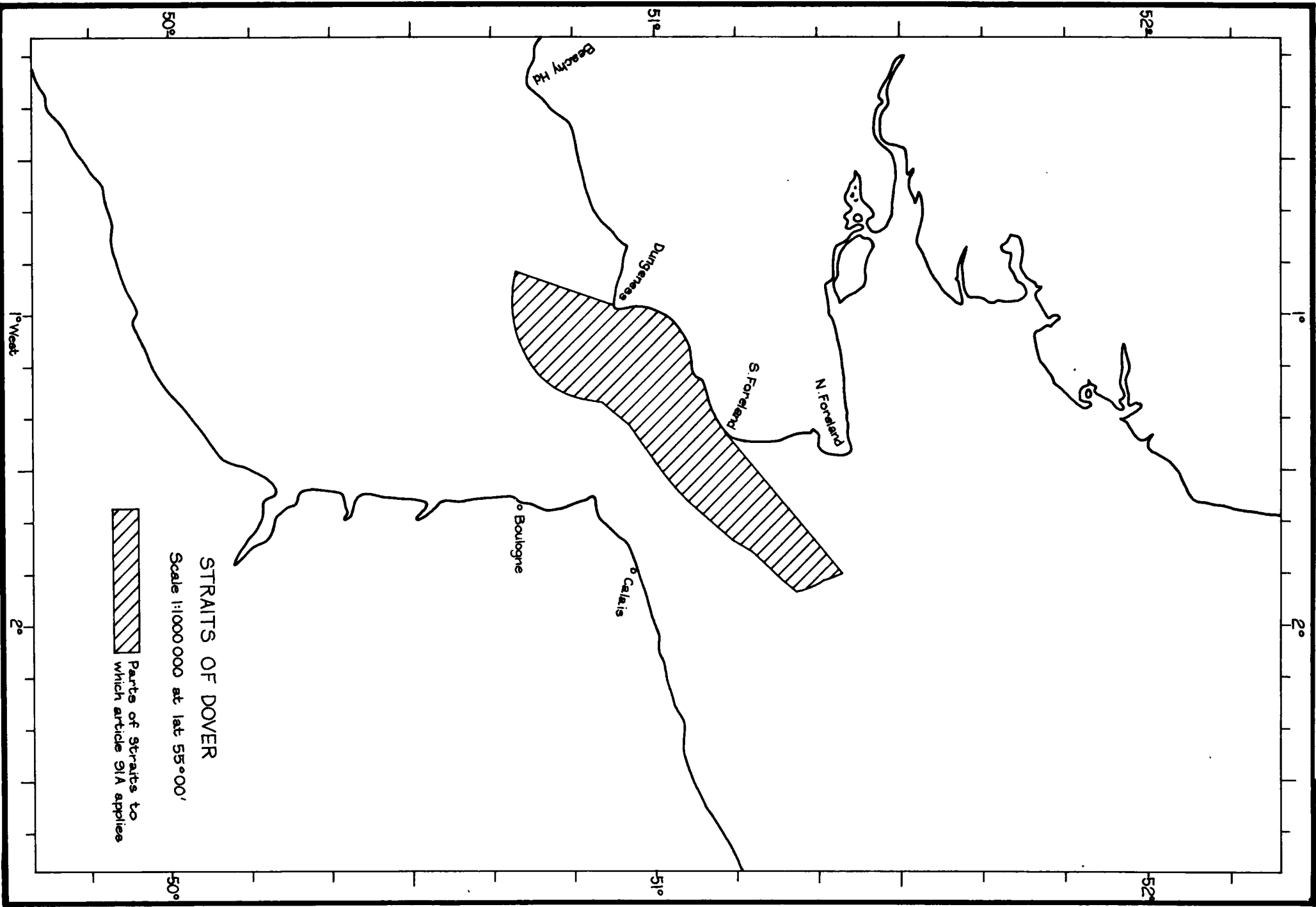
Article 91A(4)

**PARTS OF STRAITS SPECIFIED IN CONNECTION WITH THE FLIGHT OF
AIRCRAFT IN TRANSIT OVER UNITED KINGDOM TERRITORIAL
WATERS**

(1) The following parts of the straits named hereafter are hereby specified for the purposes of article 91A(4) of this Order—

- (a) In the Straits of Dover, the territorial waters adjacent to the United Kingdom which are (i) to the south of a rhumb line joining position 51°08'23" north latitude: 1°23'00" east longitude and position 51°22'41" north latitude: 1°50'06" east longitude, and (ii) to the east of a rhumb line joining position 50°54'33" north latitude: 0°58'05" east longitude and position 50°43'15" north latitude: 0°51'39" east longitude;
- (b) In the North Channel, the territorial waters adjacent to the United Kingdom which are (i) to the north of a rhumb line joining position 54°13'30" north latitude: 5°39'28" west longitude and position 54°09'02" north latitude: 5°18'07" west longitude, (ii) to the west of a rhumb line joining position 54°26'02" north latitude: 4°51'37" west longitude and position 54°38'01" north latitude: 4°51'16" west longitude, and (iii) to the east of (a) a rhumb line joining position 55°40'24" north latitude: 6°30'59" west longitude and position 55°29'24" north latitude: 6°40'31" west longitude or (b) a rhumb line joining position 55°24'54" north latitude: 6°44'33" west longitude and position 55°10'15" north latitude: 6°44'33" west longitude;
- (c) In the Fair Isle Channel, the territorial waters adjacent to the United Kingdom which are (i) to the north of a rhumb line joining position 59°10'54" north latitude: 2°01'32" west longitude and position 59°33'27" north latitude: 2°38'35" west longitude, and (ii) to the south of a rhumb line joining position 59°51'06" north latitude: 0°52'10" west longitude and position 59°51'06" north latitude: 1°46'36" west longitude."

(2) The parts of each of the Straits specified in paragraph (1) are shown hatched on Charts A, B and C respectively.



Parts of Straits to which article 91A applies

STRAITS OF DOVER
Scale 1:1 000 000 at lat 55°00'

1° West

13

50°

51°

52°

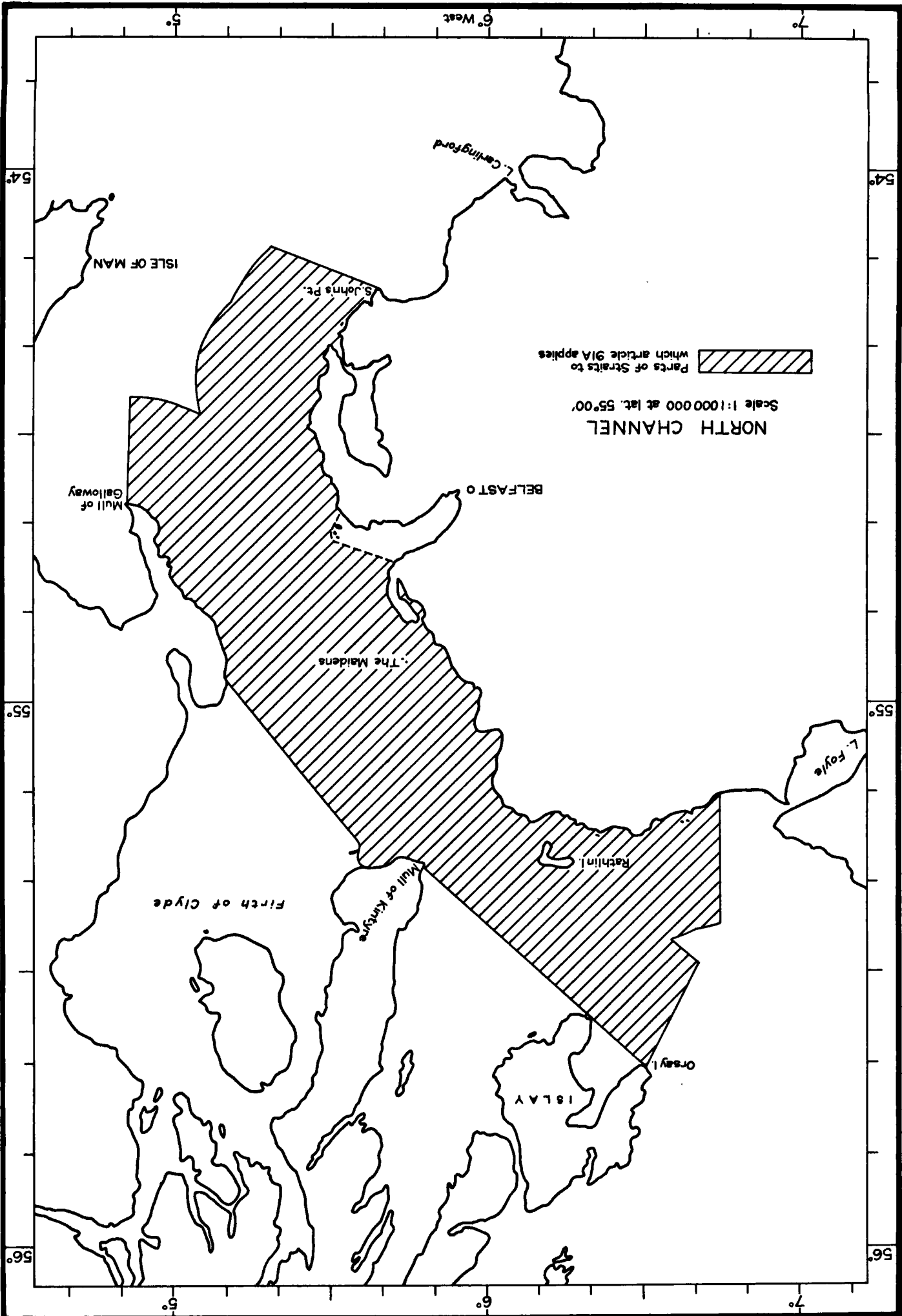
50°

51°

52°

1°

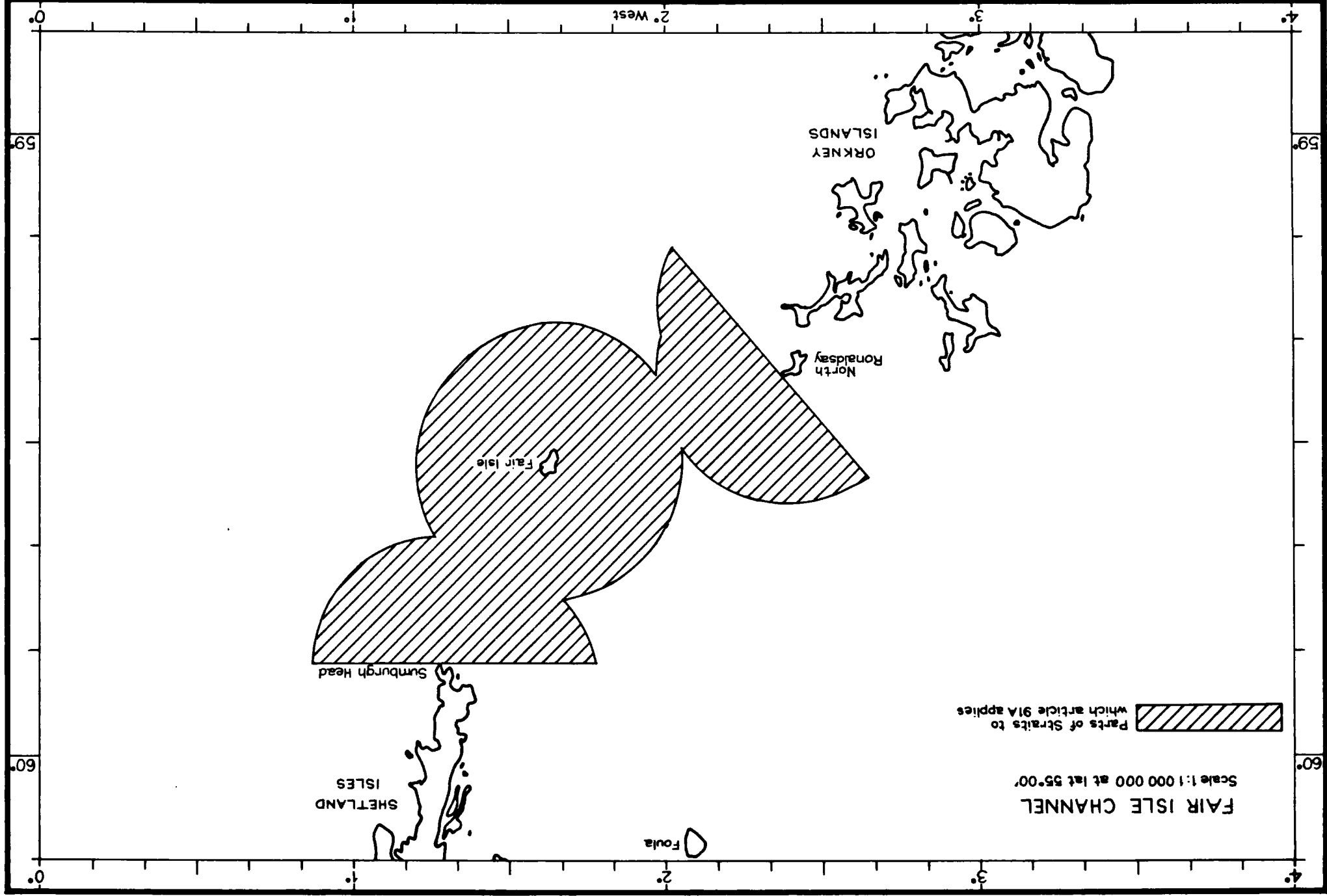
2°



Parts of Straits to which article 91A applies

NORTH CHANNEL
Scale 1:1000000 at lat. 55°00'

Chart B



EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 1985.

The principal changes are:

(1) From 1st January 1990 aeroplanes of 5700 kg or less flying for the purpose of public transport under Instrument Flight Rules must carry two qualified pilots if they are multi-engined or powered by turbine jet or powered by one or more turbine propeller engines and pressurised. Unpressurised turbo prop aircraft which may only carry less than ten passengers and piston engined aircraft may carry only one pilot provided that the aircraft is fitted with an approved auto-pilot (article 2(1)).

(2) Cabin attendants must be carried by any aircraft flying for the purpose of public transport on which at least twenty passengers are actually carried or which is capable of carrying at least thirty six passengers and actually carries at least one passenger. The number of cabin attendants required varies with the number of passenger seats installed in the aircraft although a lesser number of attendants may be carried with the permission of the Authority (article 2(2)).

(3) Commanders of aircraft flying for the purpose of public transport are now required to confirm that they have the appropriate runway visual range at the time at which they descend below 1,000 feet above the height of the aerodrome at which they intend to land and to establish and maintain the appropriate visual reference once they are below the appropriate decision height or minimum descent height. Decision height is now defined in terms of a precision approach, which is itself now defined. Minimum descent height is defined in terms of a non-precision approach which is also now defined. A revised definition of runway visual range allows for it to be calculated by either human observation or instruments and from the touchdown zone or the midpoint of the runway (article 2(4), (5), (6), (7), (8), (9), (10), (11), (18), (19), (20), (22), (23), (24) and (25)).

(4) The crew of helicopters flying over water in connection with the offshore exploitation or exploration of mineral resources in specified circumstances are required to wear a survival suit (article 2(12), (28) and (31)).

(5) All passengers aged two years or more must have their own seat. All passengers aged less than two years must be provided with a child restraint device (article 2(13) and (30)).

(6) New requirements are introduced for the carriage of oxygen aboard aircraft on public transport flights. The main points of the new requirements are that all pressurised aircraft operating above flight level 250 must carry a minimum of two hours supply of oxygen for flight crew and ten minutes for each passenger cabin occupant. In addition, dedicated first aid oxygen is to be carried together with portable breathing equipment for cabin attendants. Except for changes to altitude bands, the requirements for pressurised aircraft operating below flight level 250 and for unpressurised aircraft are similar to the previous requirements. The new requirements apply only to new aircraft, as specified in the Order, although older aircraft may elect to comply with either the existing or the new requirements. The one change which affects all public transport aircraft is that from 1st January 1989 all flight crew are required to use supplemental oxygen when flying above 10,000 feet for any period whatsoever (article 2(14), (26), (29), (32) and 33)).

(7) A passenger may be carried in a helicopter which is carrying a suspended load provided that the passenger is a person who has been raised from the surface or who it is intended shall be lowered to the surface (article 2(15)).

(8) Additional smoke protection equipment is required for the crew of aircraft flying for the purpose of public transport. Additional oxygen must be provided for all portable breathing equipment carried on board, such equipment must be carried for all required cabin attendants and additional equipment must be carried in certain circumstances (article 2(27), (34) and (35)).

(9) Associated with the introduction of the Basic Commercial Pilot's Licence (Aeroplanes), the privileges of the private pilot's licence (aeroplanes) no longer permit receipt of any remuneration whatsoever for services as a pilot. They do however include the conduct of aerial work flights which consist of flying training and testing, glider towing and parachute dropping where these activities are carried out under the auspices of a club (article 2(36)).

(10) A new professional pilot's licence is introduced with restricted privileges to be known as the Basic Commercial Pilot's Licence (Aeroplanes) (BCPL). In order to receive remuneration for carrying out aerial work flights, a pilot will be required to hold a professional licence—ie at least a BCPL. The privileges of the new licence will also permit the holder to undertake limited public transport flying subject to certain conditions (article 2(37)).

(11) In order to fly as pilot in command at night, with or without passengers, the holder of a Private Pilot's Licence (Aeroplanes), a Basic Commercial Pilot's Licence (Aeroplanes) or a Private Pilot's Licence (Helicopters and Gyroplanes) must have a Night Rating included in the licence and the holder of a Commercial Pilot's Licence (Aeroplanes) or a Commercial Pilot's Licence (Helicopters and Gyroplanes) requires to have an Instrument Rating included in the licence or to have had specified experience within the previous 13 months (article 2(38), (39), (40), (41), (42), (44), (45)).

(12) The Territorial Sea Act 1987 (c. 49), which came into force on 1st October 1987, has extended the breadth of the territorial sea adjacent to the United Kingdom from 3 to 12 miles. Where aircraft flying in transit to or from airspace over the high seas overfly certain areas within straits now forming part of the territorial waters of the United Kingdom which were formerly part of the high seas, the articles of the Order which will apply to such aircraft are limited to specific provisions required for aircraft safety (article 2(17) and (50)).