

1989 No. 30

CIVIL AVIATION

The Rules of the Air and Air Traffic
Control (Fifth Amendment) Regulations 1989

Made - - - - - *10th January 1989*
Coming into force *31st January 1989*

The Secretary of State for Transport, in exercise of his powers under article 64(1) of the Air Navigation Order 1985(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations—

1. These Regulations may be cited as the Rules of the Air and Air Traffic Control (Fifth Amendment) Regulations 1989 and shall come into force on 31st January 1989.

2. The Schedule to the Rules of the Air and Air Traffic Control Regulations 1985(b) shall be amended as follows:—

(1) In rule 1(1) the paragraph commencing “Microlight aircraft” and ending “or any part thereof.” shall be deleted.

(2) For rule 5(2)(c) there shall be substituted the following—

“(c) Paragraphs (1)(d)(i) and (1)(e) of this rule shall not apply to the flight of an aircraft over or within 3000ft of an assembly of persons gathered for the purposes of witnessing or participating in an event which consists—

(i) wholly or partly of an aircraft race or contest if the aircraft is taking part in such race or contest or is engaged on a flight arranged by, or made with the consent in writing of, the organisers of the event;

(ii) wholly or partly of an exhibition of flying for which a permission under article 52A of the Order is required, if the aircraft is taking part in such exhibition or is engaged on a flight arranged by or made with the consent of the organisers of the event and the flight is made—

(aa) in accordance with the terms of a permission granted to the organiser of the exhibition of flying under article 52A of the Order; and

(bb) in accordance with the conditions of a display authorisation granted to the pilot under article 52A of the Order; or

(iii) wholly or principally of an exhibition of flying for which a permission under article 52A of the Order is not required, if the aircraft is taking part in such exhibition or is engaged on a flight arranged by or made with the consent of the organisers of the event.”.

(3) In Column 1 of the Table to rule 36(1) immediately below “Belfast/Aldergrove” there shall be inserted “Belfast/Harbour” and in Column 2 adjacent thereto there shall be inserted “3(a) and (b)”.

(4) In Column 1 of the Table to rule 36(1) for “Bournemouth/Hurn” there shall be substituted “Bournemouth”, for “Leeds and Bradford” there shall be substituted “Leeds/Bradford” and for “Tees-side” there shall be substituted “Teesside”.

(a) S.I. 1985/1643; relevant amending instrument is S.I. 1988/2250.
(b) S.I. 1985/1714, amended by S.I. 1986/544, 2121 and 1987/1145, 1812.

(5) For rule 38(1) there shall be substituted the following—

“38.—(1) Notwithstanding the provisions of rule 22, during the notified hours of watch of the air traffic control unit for the time being notified for the purposes of this rule, the following special rules shall apply to the airspace notified for the purposes of this rule as the Cross-Channel Special Rules Airspace.”

(6) Rule 38(5) shall be deleted.

(7) In rule 38(6) the words “except within the Cross-Channel VFR Corridor and in conformity with an air traffic control clearance issued for the flight by the appropriate air traffic control unit” shall be deleted.

(8) For rule 38(7) there shall be substituted the following—

“(7) These special rules shall not apply to any glider which remains at least 1 nautical mile horizontally and 1,000 feet vertically away from cloud, in a flight visibility of at least 5 nautical miles and outside that part of the Cross-Channel Special Rules Airspace between the surface and 4,500 feet above mean sea level which falls within the airspace notified for the purposes of this paragraph of this rule.”

(9) In rule 49(3)(a) for the word “PAN” there shall be substituted the words “PAN PAN”.

Signed by authority of
the Secretary of State

10th January 1989

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rules of the Air and Air Traffic Control Regulations 1985.

The principal changes are:

- (1) The definition of microlight aircraft is deleted. A revised definition has been inserted in the Air Navigation Order 1985 (regulation 2(1)).
- (2) An aircraft may fly closer than 500ft to any person, vessel, vehicle or structure and over, or within 3000ft of an assembly of more than 1000 persons if those persons are witnessing or participating in an event consisting wholly or partly of an exhibition of flying, the flight is made with the consent of the organiser, is in accordance with the terms of a permission granted to the organiser by the Authority and is in accordance with the conditions of a display authorisation granted to the pilot by the Authority (regulation 2(2)).
- (3) Rule 36 is amended to establish Special Rules Airspace at Belfast/Harbour Airport (regulation 2(3)).
- (4) There is no longer airspace notified as the Cross-Channel VFR Corridor (regulation 2(5), (6), (7) and (8)).

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