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STATUTORY INSTRUMENTS

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**1993 No. 1409**

**CIVIL AVIATION**

**The Aeroplane Noise (Limitation on  
Operation of Aeroplanes) Regulations 1993**

<i>Made</i>	- - - -	<i>7th June 1993</i>
<i>Laid before Parliament</i>		<i>9th June 1993</i>
<i>Coming into force</i>	- -	<i>1st July 1993</i>

The Secretary of State for Transport, being a Minister designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to the limitation of aircraft noise, in exercise of the powers conferred by that section, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Aeroplane Noise (Limitation on Operation of Aeroplanes) Regulations 1993 and shall come into force on 1st July 1993.

**Interpretation**

2.—(1) In these Regulations—

“Annex 16” means Annex 16(3) to the Convention;

“authorised person” means any constable or any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

“the CAA” means the Civil Aviation Authority;

“the Council Directive” means Council Directive 92/14/EEC of 2nd March 1992(4) on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16;

“the Convention” means the Convention on International Civil Aviation signed on behalf of the United Kingdom at Chicago on 7th December 1944(5); and

“Government airport” has the same meaning as “Government aerodrome” in the Air Navigation Order 1989(6).

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(1) S.I.1993/595.

(2) 1972 c. 68.

(3) 2nd edition published in 1988 by the International Civil Aviation Organisation.

(4) O.J. No. L76/21 of 23rd March 1992, page 21 as corrected in O.J. No. L168/30 of 23rd June 1992, Page 30.

(5) 6th edition published in 1980 by the International Civil Aviation Organisation, reference doc. 73006.

(6) S.I. 1989/2004, to which there are amendments not relevant to these Regulations.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meaning as in the Council Directive.

### **Application of these Regulations**

3. These Regulations shall apply in relation to any civil subsonic jet aeroplane with a maximum take-off mass of 34,000 kilograms or more or with a certified maximum internal accommodation for the aeroplane type in question consisting of more than nineteen passenger seats, excluding any seats for crew only.

### **Operation of aeroplanes**

4.—(1) Subject to paragraph (2) of this regulation and regulations 9 and 10 to 16 below, on and after 1st April 1995 no person shall operate an aeroplane fitted with engines having a by-pass ratio of less than 2 at any airport situated in the United Kingdom unless there is in force in respect of that aeroplane a noise certificate which it is required to carry under the law of the country in which it is registered and which is issued either—

- (a) to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16, or
- (b) to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16, provided that that aeroplane was first issued an individual certificate of airworthiness less than 25 years previously,

and that certificate is either carried on board the aeroplane or, if a flight is intended to begin and end at the same airport, is kept at that airport during that flight.

(2) Subject to regulations 9, 13 and 16 below, on and after 1st April 2002 no person shall operate an aeroplane at any airport situated in the United Kingdom unless there is in force in respect of that aeroplane a noise certificate which it is required to carry under the law of the country in which it is registered and which is issued to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16, and that certificate is either carried on board the aeroplane or, if a flight is intended to begin and end at the same airport, is kept at that airport during that flight.

(3) Any person who contravenes the provisions of paragraph (1) or (2) of this regulation shall be guilty of an offence.

### **Production of noise certificate**

5. Any person who operates an aeroplane and who, without reasonable excuse, fails to produce to the CAA or to an authorised person the noise certificate required to be in force in respect of that aeroplane under regulation 4 above within a reasonable time after being requested to do so by the CAA or that person, shall be guilty of an offence.

### **Power to prevent aeroplanes flying**

6. Where the CAA or an authorised person has reason to believe that an aeroplane is intended to be operated by any person without the noise certificate required to be in force in respect of that aeroplane by regulation 4 above, the CAA or the authorised person may—

- (a) give to the person appearing to the CAA or the authorised person to be in command of the aeroplane a direction that he shall not permit the aeroplane to take off until the CAA or the authorised person has informed him that the direction is cancelled,
- (b) whether or not the CAA or the authorised person has given such a direction, detain the aeroplane until the CAA or the authorised person is satisfied that the aeroplane will not be so operated,

and a person, who, without reasonable excuse, fails to comply with a direction given to him in pursuance of this regulation shall be guilty of an offence.

#### **Right of access to airports and other places**

7.—(1) Subject to paragraph (2) of this regulation, for the purposes of ascertaining whether the provisions of these Regulations are being complied with, the CAA, and any authorised person upon production (if required) of his credentials, shall have the right of access at all reasonable times to any airport or any other place in the United Kingdom where an aeroplane has landed for the purpose of inspecting that aeroplane or any noise certificate required to be in force in respect of that aeroplane under regulation 4 above, or for the purpose of detaining that aeroplane under regulation 6 above.

(2) In relation to any Government airport, the CAA or the authorised person (as the case may be) shall obtain the permission of the person in charge of that airport before exercising the right of access referred to in paragraph (1) of this regulation.

#### **Obstruction of persons**

8. Any person who intentionally obstructs or impedes any person acting in the exercise of his powers or the performance of his duties under these Regulations shall be guilty of an offence.

#### **Exemptions granted by other Member States**

9. Nothing in regulation 4 above shall apply in relation to any aeroplane on the register of a Member State other than the United Kingdom, where that Member State has granted an exemption in relation to that aeroplane in respect of any flight to or from an airport situated in the United Kingdom and the exemption continues to be in force.

#### **Exemption for aeroplanes from developing nations**

10. Nothing in regulation 4(1) above shall apply in relation to any aeroplane listed in the Schedule to these Regulations insofar as—

- (a) that aeroplane, having been granted noise certification to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16, operated into any Community airport in a twelve month reference period between 1986 and 1990 selected in conjunction with the States concerned; and
- (b) that aeroplane was on the register of the developing nation shown for that aeroplane in the Schedule to these Regulations in that twelve month reference period and has continued to be operated by a natural or legal person established in that nation.

#### **Exemption where airline's operations adversely affected to unreasonable extent**

11. After consultation with the Secretary of State the CAA may grant an exemption from the 25 year period specified in regulation 4(1)(b) above, for not more than three years in total, in relation to any aeroplane in respect of which an airline demonstrates that the pursuit of its operations would otherwise be adversely affected to an unreasonable extent.

#### **Exemption for aeroplanes which are to be converted to Chapter 3 standards**

12. The CAA shall grant an exemption from regulation 4(1) above in relation to any aeroplane which does not meet the standards of Chapter 3 of Annex 16 but which can be altered to meet those standards, provided that—

- (a) suitable conversion equipment exists and is actually available for the aeroplane type in question;
- (b) an aeroplane fitted with such equipment would meet the standards of that Chapter, as determined in accordance with the technical standards and procedures accepted by the United Kingdom until such time as common standards and procedures are established at Community level;
- (c) the airline has ordered the equipment by 1st April 1994; and
- (d) the airline has accepted the earliest delivery date for such alterations.

#### **Exemption for aeroplanes of historical interest**

13. After consultation with the Secretary of State the CAA may grant an exemption from regulation 4 above in relation to any aeroplane of historical interest.

#### **Exemption for aeroplanes which are to be replaced**

14. After consultation with the Secretary of State the CAA may grant, on the basis of the principle of one exemption for each aeroplane ordered, an exemption from the provisions of regulation 4(1) above in relation to any aeroplane where an order has been placed before 1st April 1994 for a replacement aeroplane which meets the standards of Chapter 3 of Annex 16, provided that the airline accepted the earliest delivery date.

#### **Phasing of deletions from register**

15. Subject to the approval of the CAA after the CAA has consulted with the Secretary of State, nothing in regulation 4(1) above shall require the deletion from the register of aeroplanes which do not meet the standards of Chapter 3 of Annex 16 at an annual rate equivalent to more than 10% of an airline's total civil subsonic jet fleet.

#### **Temporary exemption**

16.—(1) Subject to paragraph (2) of this regulation, after consultation with the Secretary of State the CAA may grant an exemption from regulation 4 above to permit the temporary use at any airport situated in the United Kingdom of any aeroplane which could not otherwise lawfully be operated on the basis of the other provisions of these Regulations.

(2) The CAA shall not grant such an exemption under paragraph (1) above unless—

- (a) the operations of the aeroplane are of such an exceptional nature that it would be unreasonable to withhold such an exemption; or
- (b) the aeroplane is being operated on a non-revenue flight for the purposes of alterations, repair or maintenance.

#### **CAA's duty in relation to exemptions**

17. If the CAA grants an exemption under any provision in regulations 10 to 15 above, it shall inform the Secretary of State, the competent authorities of the other Member States and the Commission of that fact and of the grounds for its decision.

#### **Penalties**

18.—(1) A person guilty of an offence under regulation 5 above shall be liable upon summary conviction in Great Britain to a fine not exceeding level 3 on the standard scale, or in Northern Ireland to a fine not exceeding #1,000.

(2) A person guilty of an offence under regulation 4, 6, or 8 above shall be liable upon summary conviction in Great Britain to a fine not exceeding level 4 on the standard scale, or in Northern Ireland to a fine not exceeding #2,000.

**Liability of persons other than principal offender**

19.—(1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where a Scottish partnership is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Signed by authority of the Secretary of State for Transport

7th June 1993

*Caithness*  
Minister of State,  
Department of Transport

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## SCHEDULE

Regulation 10

**LIST OF AEROPLANES EXEMPTED IN ACCORDANCE WITH REGULATION 10**

## ALGERIA

Aeroplane Type	Registration	Operator
B-727-2D6	7T-VEH	AIR ALGERIE
B-727-2D6	7T-VEI	AIR ALGERIE
B-727-2D6	7T-VEM	AIR ALGERIE
B-727-2D6	7T-VEP	AIR ALGERIE
B-737-2D6	7T-VEE	AIR ALGERIE
B-737-2D6	7T-VEG	AIR ALGERIE
B-737-2D6	7T-VEJ	AIR ALGERIE
B-737-2D6	7T-VEK	AIR ALGERIE
B-737-2D6	7T-VEL	AIR ALGERIE
B-737-2D6	7T-VEN	AIR ALGERIE
B-737-2D6	7T-VED	AIR ALGERIE
B-737-2D6	7T-VEQ	AIR ALGERIE

## BURKINA FASO

Aeroplane Type	Registration	Operator
B-707-336C	XT-ABX	NAGANGANNI

## CHILE

Aeroplane Type	Registration	Operator
B-707-336C	CC-CUE	FAST AIR CARRIER SF

## DOMINICAN REPUBLIC

Aeroplane Type	Registration	Operator
B-707-399C	HI-422CT	DOMINICANA DE AVIACION

## EGYPT

Aeroplane Type	Registration	Operator
B-707-328C	SU-DAA	ZAS AIRLINE
B-707-336C	SU-DAC	ZAS AIRLINE
B-737-266	SU-BBX	EGYPT AIR
B-737-266	SU-AYL	EGYPT AIR
B-737-266	SU-AYK	EGYPT AIR
B-737-266	SU-AYI	EGYPT AIR
B-737-266	SU-BBW	EGYPT AIR
B-737-266	SU-AYO	EGYPT AIR

## GHANA

Aeroplane Type	Registration	Operator
F-28-2000	9G-ABZ	GHANA AIRWAYS CORPORATION

## KENYA

Aeroplane Type	Registration	Operator
DC-8-63	5Y-ZEB	AFRICAN SAFARI AIRWAYS Ltd

## LIBYA

Aeroplane Type	Registration	Operator
B 727-2L5	5A-DIC	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DIB	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DIA	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DID	LYBYAN ARAB AIRLINES
B 727-2L5	5A-DIE	LYBYAN ARAB AIRLINES

## MAURITANIA

Aeroplane Type	Registration	Operator
F 28-4000	ST-CLF	AIR MAURITANIE
F 28-4000	ST-CLG	AIR MAURITANIE

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## MOROCCO

Aeroplane Type	Registration	Operator
B 727-2B6	CN-RMO	ROYAL AIR MAROC
B 727-2B6	CN-CCF	ROYAL AIR MAROC
B 727-2B6	CN-CCG	ROYAL AIR MAROC
B 727-2B6	CN-CCH	ROYAL AIR MAROC
B 727-2B6	CN-CCW	ROYAL AIR MAROC
B 737-2B6	CN-RMI	ROYAL AIR MAROC
B 737-2B6	CN-RMJ	ROYAL AIR MAROC
B 737-2B6	CN-CCW	ROYAL AIR MAROC
B 707-351C	CN-RMB	ROYAL AIR MAROC
B 707-351C	CN-RMC	ROYAL AIR MAROC

## NIGERIA

Aeroplane Type	Registration	Operator
B 707-351C	5N-ASY	EAS CARGO AIRLINES
B 707-338C	5N-ARQ	DAS AIR CARGO
B 707-3F9C	5N-ABK	NIGERIA AIRWAYS Ltd

## RWANDA

Aeroplane Type	Registration	Operator
B 707-328C	9XR-JA	AIR RWANDA

## SUDAN

Aeroplane Type	Registration	Operator
B 707-338C	ST-ALP	TRANS ARABIAN AIR TRANSPORT

## PARAGUAY

Aeroplane Type	Registration	Operator
DC-8-63	ZP-CCH	LINEAS AEREAS PARAGUAYAS (AIR PARAGUAY)

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URUGUAY

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Aeroplane Type	Registration	Operator
B-707-387B	CX-BNU	PRIMERAS LINEAS URUGUAYAS DE NAVEGACION AEREA (PLUNA)

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SWAZILAND

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Aeroplane Type	Registration	Operator
DC-8F-54	3D-ADV AFRICAN INTERNATIONAL AIRWAYS (PTY) Ltd	

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TUNISIA

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Aeroplane Type	Registration	Operator
B-727-2H3	TS-JHT	TUNIS AIR

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ZAIRE

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Aeroplane Type	Registration	Operator
B-707-329C	90-CBS	SCIBE AIRLIFT

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ZIMBABWE

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Aeroplane Type	Registration	Operator
B-707-330B	Z-WKU	AIR ZIMBABWE
B-707-330B	Z-WKV	AFRICAN AIRLINES INTERNATIONAL

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for implementing the Community obligations of the United Kingdom provided for in Council Directive 92/14/EEC of 2nd March 1992 on the limitation of the

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operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation and matters related thereto. (Copies of the Convention and of Annex 16 may be obtained from the Civil Aviation Authority, Greville House, 37 Gratton Road, Cheltenham, Glos GL50 2BN.) These are aeroplanes with a maximum certificated take-off mass of 34,000 kilograms or more or with a certified internal accommodation for the aeroplane type in question consisting of more than nineteen passenger seats, excluding any seats for crew only (regulation 3).

The operation of such aeroplanes will gradually be phased out between 1st April 1995 and 31st March 2002 (regulation 4), although various exemptions may be granted by the CAA after consultation with the Secretary of State (regulations 10 to 16).

These Regulations create offences of operating a relevant aeroplane without carrying an appropriate noise certificate (regulation 4), of failing to produce the noise certificate (regulation 5), of failing to comply with a direction not to take off (regulation 6) and of obstructing a person acting in the exercise of his powers of the performance or his duties (regulation 8).