
STATUTORY INSTRUMENTS

1993 No. 231

CIVIL AVIATION

The Air Navigation (Third Amendment) Order 1993

Made - - - - *9th February 1993*
Laid before Parliament *19th February 1993*
Coming into force - - *12th March 1993*

At the Court at Buckingham Palace, the 9th Day of February 1993

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than subsection (3) (r)), 61 and 102 of the Civil Aviation Act 1982(1) and 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 (Third Amendment) Order 1993 and shall come into force on 1993.

Amendment of the Air Navigation Order 1989

2. The Air Navigation Order 1989(2) shall be amended as follows:

(1) For article 5(2) there shall be substituted:

“(2) The marks to be borne by aircraft registered in the United Kingdom shall comply with Part B of Schedule 1 to this Order.”.

(2) For article 31(1) there shall be substituted:

“(1) This article shall apply to public transport aircraft registered in the United Kingdom.

(a) (1A) The operator of every aircraft to which this article applies shall establish and include in the operations manual relating to the aircraft the particulars (in this sub-paragraph of this article called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

(1) 1982 c. 16; section 60 was amended by section 47 of the Aviation and Maritime Security Act 1990 (c. 31).
(2) S.I.1989/2004; the relevant amending instruments are S.I. 1990/2154 and S.I. 1991/1726.

Provided that in relation to any flight wherein:

(i) an operations manual is not required pursuant to article 26(2)(a) of this Order, or

(ii) it is not practicable to include the said particulars 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 the said particulars calculated in accordance with the required data and instructions (as defined in sub-paragraph (b)(i) below) 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) (i) The operator of every aircraft to which this article applies for which an operations manual is required pursuant to article 26(2)(a) of this Order, shall include in that operations manual such data and instructions (in this article called “the required data and instructions”) as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.

(ii) The operator of every aircraft to which this article applies for which an operations manual is not required pursuant to article 26(2)(a) of this Order shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions; and the operators shall cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.”.

(3) For article 31(2) there shall be substituted:

“(2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be such as would permit a landing or take-off at that aerodrome by the aircraft in question at a time when the aerodrome operating minima declared in respect of that aerodrome for such aircraft by the competent authority would not permit a take-off or landing (as the case may be), unless that authority otherwise permits in writing.”.

(4) In article 31(4), (5) and (6) for “An aircraft to which article 26 of this Order applies” there shall be substituted “An aircraft to which this article applies”.

(5) In article 31(8) for “the proviso to paragraph (1)(a) of this article” there shall be substituted “the proviso to sub-paragraph (1A)(a) or the provisions of sub-paragraph (1A)(b)(ii) of this article”.

(6) In the proviso to article 49(5) “(5)” shall be omitted.

(7) For article 56(6) there shall be substituted:

“(6) A display authorisation granted in accordance with this article shall, subject to the provisions of article 66 of this Order, remain in force for the period indicated in the display authorisation”.

(8) After article 71 there shall be inserted:

“Fatigue of air traffic controllers – air traffic controller’s responsibilities

71A. A person holding an air traffic controller’s licence shall not perform any of the functions specified in respect of a rating included in that licence if he knows or suspects that he is suffering from, or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.”.

(9) In article 78(1)(a) “and” shall be omitted in the fourth place it appears.

- (10) At the end of article 78(1)(b) there shall be added: “and
(c) the aerodrome manual submitted pursuant to paragraph (7)(a) of this article is adequate.”
- (11) In article 78(4) after “The holder of an aerodrome licence granted under this Order” there shall be inserted “(in this article called an aerodrome licence holder)”.
- (12) In article 78(5) for the words “The holder of an aerodrome licence granted under this Order” there shall be substituted “An aerodrome licence holder”.
- (13) After article 78(5) there shall be inserted:
- “(6) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.
- (a) (7) Upon making application for an aerodrome licence the applicant shall submit to the Authority an aerodrome manual for that aerodrome.
- (b) Unless previously submitted pursuant to sub-paragraph (a) of this paragraph, every aerodrome licence holder shall forthwith submit to the Authority an aerodrome manual for that aerodrome.
- (8) An aerodrome manual required pursuant to this article shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 14 to this Order.
- (9) Every applicant for an aerodrome licence or aerodrome licence holder shall:
- (a) furnish to the Authority any amendments or additions to the aerodromemanual before or immediately after they come into effect;
- (b) without prejudice to the foregoing sub-paragraph, make such amendments or additions to the aerodrome manual as the Authority may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.
- (a) (10) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties; and shall ensure that each such copy is kept up to date.
- (b) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff:
- (i) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and
- (ii) undertakes his duties as such in conformity with the relevant provisions of the manual.
- (11) For the purposes of this article:
- (a) “aerodrome operating staff” means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring areas or apron;

- (b) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.”.

(14) For article 94(1) there shall be substituted:

“94.—(1) Subject to the provisions of this article, every person who:

- (a) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2300kg.;
- (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof;
- (c) signs a certificate of maintenance review, or of release to service in respect of such an aircraft, part or equipment;
- (d) performs a function for which he requires an air traffic controller’s licence;
- (e) is the licensee or manager of a licensed aerodrome; or
- (f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of equipment on the ground which is used or intended to be used for the purpose of or in connection with the provision of an air traffic control service or navigational aid to an aircraft,

shall:

- (i) make a report to the Authority of any reportable occurrence of which he knows and which is of such a description as may be prescribed; the report shall be made within such time, by such means, and shall contain such information as may be prescribed and it shall be presented in such form as the Authority may in any particular case approve; and
- (ii) make a report to the Authority, within such time, by such means, and containing such information as the Authority may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this article.”.

(15) In article 106(1) after the definition of “Appropriate air traffic control unit” there shall be inserted:

““Apron” means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;”.

(16) In article 106(1) after the definition of “Decision height” there shall be inserted:

““Declared distances” has the meaning which has been notified;”.

(17) In article 106(1) after the definition of “Log book” there shall be inserted:

““Manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;”.

(18) In article 106(1) after the definition of “Notified” there shall be inserted:

““Obstacle limitation surfaces” has the same meaning as in “CAP 168 Licensing of aerodromes”(3);”

(19) In article 106(1) after the definition of “Passenger” there shall be inserted:

““Period of duty” means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;”.

(20) For Schedule 1 Part B there shall be substituted:

“PART B

NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN THE UNITED KINGDOM

General

1.—(1) The nationality mark of the aircraft shall be the capital letter “G” in Roman character and the registration mark shall be a group of four capital letters in Roman character assigned by the Authority on the registration of the aircraft. The letter shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(2) The nationality and registration marks shall be displayed to the best advantage, taking into consideration the construction features of the aircraft and shall always be kept clean and visible.

(3) The letters constituting each group of marks shall be of equal height and they, and the hyphen, shall all be of the same single colour which shall clearly contrast with the background on which they appear.

(4) The nationality and registration marks shall also be inscribed on a fire-proof metal plate affixed in a prominent position:

- (a) in the case of a microlight aeroplane, either in accordance with sub-paragraph (c) of this paragraph or on the wing;
- (b) in the case of a balloon, on the basket or envelope; or
- (c) in the case of any other aircraft on the fuselage or car as the case may be.

(5) The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the manner specified in paragraphs 2 and 3 of this Part.

Position and Size of Marks

2.—(1) The position and size of marks on heavier than air aircraft (excluding kites) shall be as follows:

- (a) on the horizontal surfaces of the wings:
 - (i) on aircraft having a fixed wing surface, the marks shall appear on the lower surface of the wing structure and shall be on the port wing unless they extend across the whole surface of both wings. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing;
 - (ii) the height of the letters shall be at least 50 centimetres:

Provided that if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed;

- (b) on the fuselage (or equivalent structure) and vertical tail surfaces:
 - (i) the marks shall also appear either:
 - (aa) on each side of the fuselage (or equivalent structure), and shall, in the case of fixed wing aircraft be located between the wings and the horizontal tail surface; or
 - (bb) on the vertical tail surfaces.
 - (ii) when located on a single vertical tail surface, the marks shall appear on both sides. When located on multi-vertical tail surfaces the marks shall appear on the outboard sides of the outer surfaces. Subject to sub-paragraphs (iv) and (v) below, the height of the letters constituting each group of marks shall be at least 30 centimetres;
 - (iii) if one of the surfaces authorised for displaying the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with sub-paragraph (v) below) and the other is not, marks of 30 centimetres in height shall be placed on the largest authorised surface;
 - (iv) if neither authorised surface is large enough for marks of 30 centimetres in height (whilst complying with sub-paragraph (v) below), marks of the greatest height practicable in the circumstances shall be displayed on the larger of the two authorised surfaces;
 - (v) the marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface;
 - (vi) on rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the side of the fuselage (or equivalent structure) is less than 30 centimetres, the marks shall also appear on the lower surface of the fuselage as close to the line of symmetry as is practicable and shall be placed with the tops of the letters towards the nose. The height of the letters constituting each group of marks shall be at least 50 centimetres:

Provided that if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed;

- (c) wherever in this paragraph marks of the greatest height practicable in the circumstances are required, that height shall be such as is consistent with compliance with paragraph 3 of this Part.
- (2) The position and size of marks on airships and free balloons shall be as follows:
- (a) in the case of airships the marks shall be placed on each side of the airship. They shall be placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser;
 - (b) in the case of free balloons, the marks shall be in two places on diametrically opposite sides of the balloon;
 - (c) in the case of both airships and free balloons the side marks shall be so placed as to be visible from the sides and from the ground. The height of the letters shall be at least 50 centimetres.

Width, Spacing and Thickness of Marks

3.—(1) For the purposes of this paragraph:

- (a) “a standard letter” shall mean any letter other than the letters I, M and W.
- (b) the width of each standard letter and the length of the hyphen between the nationality mark and the registration mark shall be two thirds of the height of a letter.
- (c) the width of the letters M and W shall be neither less than two thirds of their height nor more than their height.
- (d) the width of the letter I shall be one sixth of the height of the letter.

(2) The thickness of the lines composing each letter and hyphen shall be one sixth of the height of the letters forming the marks.

(3) Each letter and hyphen shall be separated from the letter or hyphen which it immediately precedes or follows, by a space equal to either one quarter or one half of the width of a standard letter. Each such space shall be equal to every other such space within the marks.”

(21) In Schedule 10 Part B paragraph 1(2) for sub-paragraph (c) there shall be substituted:

“(c) Every pilot included in the flight crew who is seated at the flying controls during the take-off or landing and who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome 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 Authority or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority.

(d) Every pilot included in the flight crew and who is seated at the flying controls during take-off or landing shall within the relevant period have carried out, when seated at the flying controls not less than three take-offs and three landings in aircraft of the type to be used on the flight.”.

(22) In Schedule 10 Part B paragraph 1(6) for “(2)(c)(i)” in both places where it appears there shall be substituted “(2)(c)” and for “(2)(c)(ii)” there shall be substituted “(2)(d)”.

(23) In Schedule 11 for the proviso after ““B” means the certificate of airworthiness in force in respect of the aircraft;” there shall be substituted:

“Provided that, with the permission in writing of the Authority, which may be granted subject to such conditions as it thinks fit, an aircraft to which article 26 of this Order applies needs not carry the flight manual as part of this document;”.

(24) In Schedule 12 Part B in the column headed “Article of Order” immediately below “69A(1)” there shall be inserted “71A” and adjacent thereto in the column headed “Subject Matter” there shall be inserted “Controller’s obligation not to act in dangerous state of fatigue”.

(25) After Schedule 13 there shall be inserted:

“SCHEDULE 14

Article 78

AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in article 78 of this Order:

- (i) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge;

- (ii) the system of aeronautical information service available;
- (iii) procedures for promulgating information concerning the aerodrome's state;
- (iv) procedures for the control of access, vehicles and work in relation to the aerodromes manoeuvring area and apron;
- (v) procedures for complying with article 94 of this Order and for the removal of disabled aircraft;
- (vi) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 87 of this Order;
- (vii) plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip:
 - Provided that in the case of copies of the manual or extracts thereof provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of article 78(10) of this Order;
- (viii) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome;
- (ix) description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit;
- (x) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance;
- (xi) method of calculating reduced declared distances and the procedure for their promulgation;
- (xii) details of surfaces and bearing strengths of runways, taxiways and aprons;
- (xiii) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the coordination of traffic with adjacent aerodromes, except any such information or procedures already published in any manual of air traffic services;
- (xiv) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons;
- (xv) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods;
- (xvi) procedures for the safe integration of all aviation activities undertaken at the aerodrome;
- (xvii) procedures for the control of bird hazards;
- (xviii) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided; and
- (xix) the scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.”.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 1989.

The principal changes are:

(1) The requirements for the nationality and registration marks to be borne by aircraft registered in the United Kingdom have been redrafted but without making any substantive changes (article 2(1) and (20)).

(2) The requirement to establish and comply with aerodrome operating minima now applies to all public transport aircraft registered in the United Kingdom whether or not an operations manual is required for such aircraft. A means of calculating and recording appropriate aerodrome operating minima is provided for public transport aircraft which are not required to have an operations manual (article 2(2), (3), (4) and (5)).

(3) A display authorisation granted pursuant to article 56(6) of the Order shall remain in force for the period indicated in the authorisation (article 2(7)).

(4) A person holding an air traffic controller's licence shall not perform any of the functions specified in respect of a rating included in his licence when suffering from fatigue (article 2(8), (19) and (24)).

(5) Every holder of or applicant for an aerodrome licence must submit an aerodrome manual which contains specified information. He must make available relevant parts of the manual to aerodrome operating staff and take reasonable steps to ensure that the provisions of the manual are complied with. He must continue to take all reasonable steps to secure that the aerodrome and its airspace are safe for use by aircraft. He must keep the aerodrome manual up to date, must furnish any amendment to the Authority and must make any amendments required by the Authority (article 2(9), (10), (11), (12), (13), (16), (18) and (25)).

(6) Air traffic engineers are required to submit reports of reportable occurrences (article 2(14)).

(7) Pilots of aircraft flying for the purposes of public transport are required to undergo tests of proficiency in using instrument approach-to-land systems only if intended by the operator to fly as pilot in circumstances requiring compliance with Instrument Flight Rules (article 2(21) and (22)).

(8) A permission granted by the Authority permitting an aircraft not to carry the flight manual referred to in its certificate of airworthiness may be granted subject to such conditions as the Authority thinks fit (article 2(23)).