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STATUTORY INSTRUMENTS

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**1996 No. 1301**

**CIVIL AVIATION**

**The Air Navigation (Amendment) Order 1996**

*Made* - - - - *15th May 1996*  
*Laid before Parliament* *29th May 1996*  
*Coming into force* - - *19th June 1996*

At the Court at Buckingham Palace, the 15th day of May 1996

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 and Schedule 13 to the Civil Aviation Act 1982<sup>(1)</sup> 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 (Amendment) Order 1996 and shall come into force on 19th June 1996.

**Amendment of the Air Navigation (No. 2) Order 1995**

2. The Air Navigation (No. 2) Order 1995<sup>(2)</sup> shall be amended as follows:

(1) In article 4(1) for "keep the register on its premises" there shall be substituted "be responsible for maintaining the register".

(2) In article 20(3)(b)(i) for "Subject to sub-paragraph (ii)" there shall be substituted "Subject to sub-paragraphs (ii) and (iii)".

(3) In article 20(3)(b) after sub-paragraph (ii) there shall be inserted:

"(iii) An aeroplane described in sub-paragraphs (i)(cc), (dd) or (ee) which is flying under and in accordance with the terms of a police air operator's certificate shall not be required to carry two pilots."

(4) In article 21(4)(b) "notified for the purposes of this sub-paragraph" shall be omitted.

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(1) 1982 c. 16.  
(2) S.I.1995/1970.

- (5) In article 54(8)(b)(i) for “is” there shall be substituted “shall be”.
- (6) In article 54(8)(b)(ii) for “is” in both places where it occurs and for “are” there shall be substituted “shall be”.
- (7) In article 59 “registered in the United Kingdom” shall be omitted.
- (8) In article 68(3)(b) for “article 21(1)(b)(ii)” there shall be substituted “article 21(2)(b)(ii)”.
- (9) After article 76 there shall be inserted:

**“Regulation of small aircraft**

**76A.**—(1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

(2) The person in charge of a small aircraft which weighs more than 7kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight shall not fly such an aircraft:

- (a) unless the person in charge of the aircraft has reasonably satisfied himself that the flight can safely be made;
- (b) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (c) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;
- (d) at a height exceeding 400ft above the surface unless it is flying in airspace described in sub-paragraphs (b) or (c) and in accordance with the requirements thereof; or
- (e) for aerial work purposes other than in accordance with a permission issued by the Authority which may be issued subject to such conditions as the Authority thinks fit.”.

(10) In article 84(2) for “upon the elapse of such period of injury or illness as is” there shall be substituted “on the expiry of the period of injury or illness”.

(11) For article 106(1)(a) there shall be substituted:

- “(a) is the operator or commander of:
  - (i) a public transport aircraft registered in the United Kingdom;
  - (ii) a public transport aircraft not registered in the United Kingdom but operated by the holder of an air operator’s certificate granted by the Authority; or
  - (iii) an aircraft registered in the United Kingdom in respect of which there is in force a certificate of airworthiness in any category and which is powered by one or more turbine engines;”.

(12) In article 111(1) after “commander thereof” there shall be inserted “and, in the case of a contravention of article 102 of this Order, the charterer of that aircraft,”.

(13) In article 113(1) for “article 74(1)(a), (b) and (e)” there shall be substituted “article 74(1)(a), (b) and (d)”.

(14) In article 118(1):

- (a) for the definition of “Offshore installation” there shall be substituted:

- ““Offshore installation” has the same meaning as in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(3);”;
- (b) in the definition of “Runway visual range” for “or where this is not reasonably practicable in the vicinity of and mid-point of the runway” there shall be substituted “or where this is not reasonably practicable in the vicinity of the mid-point of the runway”;
- (c) after the definition of “Sector” there shall be inserted:
- ““Small aircraft” means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;” and
- (d) the definition of “Specified minimum weather provisions” shall be omitted.
- (15) Article 118(4) shall be omitted.
- (16) In article 119(6)(b) for “paragraph (4)(a)(ii)(dd)” there shall be substituted “paragraph (6)(a)(ii)(dd)”.
- (17) For article 121 there shall be substituted:
- “**121.** The provisions of this Order other than articles 50, 56, 75(1), 76, 76A, 107(1)(b), 118(1), (2) and (5) shall not apply to or in relation to:
- (a) any small balloon;
- (b) any kite weighing not more than 2kg;
- (c) any small aircraft; or
- (d) any parachute, including a parascending parachute.”.
- (18) In Schedule 4, paragraph 4:
- (a) in sub-paragraph (2)(a)(ii)(aa) in the column headed “Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted;
- (b) for sub-paragraph (2)(a)(ii)(bb) in the column headed “Circumstances of Flight” there shall be substituted:
- “(bb) within Class A, B or C airspace”;
- (c) after sub-paragraph (2)(a)(ii)(bb) in the column headed “Circumstances of Flight” there shall be inserted:
- “(cc) within Class D and E airspace”
- and adjacent thereto in the column headed “Scale of Equipment Required” there shall be inserted “E and F”;
- (d) in sub-paragraph (2)(b)(i) in the column headed “Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted;
- (e) in sub-paragraph (13)(a)(ii)(aa) in the column headed “Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted;
- (f) in sub-paragraph (13)(a)(ii)(bb) in the column headed “Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted;
- (g) in sub-paragraph (13)(a)(iii)(bb)(aaa) in the column headed “Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted; and
- (h) in sub-paragraph (13)(a)(iii)(bb)(bbb) in the column headed “Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted.

(19) In Schedule 5, paragraph 2:

- (a) in sub-paragraph (1)(a) in the column headed “Aircraft and Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted;
- (b) in sub-paragraph (1)(a) in the column headed “Scale of Equipment Required” for “F\*” there shall be substituted “F\*#”;
- (c) in sub-paragraph (1)(b) in the column headed “Aircraft and Circumstances of Flight” “notified for the purposes of this sub-paragraph” shall be omitted;
- (d) in sub-paragraph (3)(d) in the column headed “Aircraft and Circumstances of Flight” for “article 118(2)(c)” there shall be substituted “article 119(2)(c)”; and
- (e) after the footnote there shall be inserted “#Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.”.

(20) In Schedule 8, Part A, paragraph 1:

- (a) under the heading “Private Pilot’s Licence (Aeroplanes)” for sub-paragraph (2)(c)(i) there shall be substituted:
  - “(i) on a flight outside controlled airspace when the flight visibility is less than 3km;”;
- (b) under the heading “Private Pilot’s Licence (Aeroplanes)” for sub-paragraph (2)(e) there shall be substituted:
  - “(e) He shall not unless his licence includes an instrument rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”;
- (c) under the heading “Basic Commercial Pilot’s Licence (Aeroplanes)” for subparagraph (2)(b)(vii)(aa) there shall be substituted:
  - “(aa) on a flight outside controlled airspace when the flight visibility is less than 3km;”;
- (d) under the heading “Basic Commercial Pilot’s Licence (Aeroplanes)” for subparagraph (2)(viii) there shall be substituted:
  - “(viii) He shall not unless his licence includes an instrument rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”; and
- (e) under the heading “Commercial Pilot’s Licence (Aeroplanes)” for sub-paragraph (2)(b)(vi) there shall be substituted:
  - “(vi) He shall not unless his licence includes an instrument rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”.

(21) In Schedule 8, Part A, paragraph 2:

- (a) under the heading “Private Pilot’s Licence (Helicopters and Gyroplanes)” for sub-paragraph (2)(e) there shall be substituted:
  - “(e) He shall not unless his licence includes an instrument rating (helicopters) fly as pilot in command or co-pilot of such a helicopter flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”;

- (b) under the heading “Commercial Pilot’s Licence (Helicopters and Gyroplanes)” in sub-paragraph (2)(b)(i) for “in conditions such that the helicopter cannot comply with the specified minimum weather provisions” there shall be substituted “other than in visual meteorological conditions”; and
  - (c) under the heading “Commercial Pilot’s Licence (Helicopters and Gyroplanes)” for sub-paragraph (2)(b)(vi) there shall be substituted:
    - “(vi) He shall not unless his licence includes an instrument rating (helicopters) fly as pilot in command or co-pilot of such a helicopter flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”.
- (22) In Schedule 8, Part B, paragraph 1:
- (a) for the sub-paragraph commencing “Instrument Rating (Aeroplanes)” there shall be substituted:
    - “Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”; and
  - (b) for the sub-paragraph commencing “Instrument Rating (Helicopters)” there shall be substituted:
    - “Instrument Rating (Helicopters) shall entitle the holder of the licence to act as pilot in command or co-pilot of a helicopter flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.”.
- (23) In Schedule 12, Part A:
- (a) in the column headed “Article of Order” for “22” there shall be substituted “21” and for “23” on each occasion it occurs there shall be substituted “22”; and
  - (b) in the column headed “Article of Order” after “76” there shall be inserted “76A” and adjacent thereto in the column headed “Subject Matter” there shall be inserted “Flight by small aircraft”.

*N. H. Nicholls*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

This Order amends the Air Navigation (No. 2) Order 1995 (the “Principal Order”).

In addition to minor and drafting amendments, the principal changes have the effect that:

(1) The United Kingdom register of civil aircraft need not be kept on the premises of the Civil Aviation Authority (article 2(1)).

(2) An aeroplane flying in specified circumstances need not carry two pilots if it is flying in accordance with a police air operator’s certificate (article 2(2) and (3)).

(a) (3) (a) A licence granted under the law of a Contracting State other than the United Kingdom is no longer deemed to be rendered valid under the Principal Order for the purposes of entitling the holder to act as pilot of an aircraft flying in any controlled airspace in circumstances requiring compliance with the Instrument Flight Rules (article 2(4)).

(b) The specified minimum weather provisions no longer apply (article 2(14)(d), (15) and (21)(b)).

(c) Controlled airspace is no longer sub-divided for the purposes of Schedules 4 and 5 (carriage of aircraft equipment and radio navigation equipment). Equipment requirements now apply equally in respect of all controlled airspace. A non-public transport aircraft flying in Class D or Class E airspace is not required to carry distance measuring equipment (article 2(18) and (19)).

(d) The holder of a Private Pilot’s Licence or Basic Commercial Pilot’s Licence who has neither an instrument rating nor an Instrument Meteorological Conditions rating may not fly on a flight outside controlled airspace when the flight visibility is less than 3km (article 2(20)(a) and (c)).

(e) Class D airspace is no longer sub-divided into airspace that is notified for the purposes of Schedule 8 to the Principal Order and airspace which is not so notified (article 2(20)(b), (d) and (e), 21(a) and (c) and (22)).

(4) Every person in an aircraft which is not registered in the United Kingdom must obey all lawful commands of the commander while that aircraft is in the United Kingdom (article 2(7)).

(5) The charterer of an aircraft is added to the list of persons referred to in article 111(1) of the Principal Order (Penalties) insofar as that article concerns article 102 of that Order (Restrictions with respect to carriage for valuable consideration in aircraft registered outside the United Kingdom) (article 2(12)).

(6) A person flying a small aircraft (for which a definition has been introduced) which weighs more than 7kg must do so in accordance with specified conditions (article 2(9), (14)(c), (17) and (23)(b)).

(7) The requirement for mandatory reporting of occurrences applies to the operator or commander of any public transport aircraft registered in the United Kingdom, any public transport aircraft wherever registered operated by the holder of an air operator’s certificate granted by the Civil Aviation Authority and any aircraft registered in the United Kingdom which is powered by one or more turbine engines (article 2(11)).