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STATUTORY INSTRUMENTS

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**1997 No. 287**

**CIVIL AVIATION**

**The Air Navigation (Second Amendment) Order 1997**

<i>Made</i>	- - - -	<i>12th February 1997</i>
<i>Laid before Parliament</i>		<i>24th February 1997</i>
<i>Coming into force</i>	- -	<i>27th March 1997</i>

At the Court at Buckingham Palace, the 12th day of February 1997

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 (Second Amendment) Order 1997 and shall come into force on 27th March 1997.

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

(1) For article 34 there shall be substituted:

**“Public transport aircraft not registered in the United Kingdom—aerodrome operating minima**

**34.—**(1) This article shall apply to public transport aircraft registered in a country other than the United Kingdom.

(2) An aircraft to which this article applies shall not fly in or over the United Kingdom unless the operator thereof has made available to the flight crew aerodrome operating minima which comply with paragraph (3) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

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(1) 1982 c. 16.

(2) S.I.1995/1970, amended by S.I. 1996/1301.

(3) The aerodrome operating minima provided in accordance with paragraph (2) shall be no less restrictive than either:—

(a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or

(b) minima which comply with the law of the country in which the aircraft is registered, whichever are the more restrictive.

(4) An aircraft to which this article applies shall not:

(a) conduct a Category II, Category IIIA or Category IIIB approach and landing or

(b) take off when the relevant runway visual range is less than 150 metres,

otherwise than under and in accordance with the terms of an approval granted by the Authority. Such an approval shall be in writing and may be granted subject to such conditions as the Authority thinks fit.

(5) An aircraft to which this article applies shall not take off or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to the provisions of paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, shall not descend from a height of 1000 feet or more above the aerodrome to a height of less than 1000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to the provisions of paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, shall not:

(a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(8) In this article:

(a) “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew pursuant to paragraph (2);

(b) “a Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with:

(i) a decision height below 200 feet but not less than 100 feet; and

(ii) a runway visual range of not less than 300 metres;

(c) “a Category IIIA approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with:

(i) a decision height lower than 100 feet; and

(ii) a runway visual range of not less than 200 metres; and

(d) “a Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with:

(i) a decision height lower than 50 feet or no decision height; and

(ii) a runway visual range less than 200 metres but not less than 75 metres.”.

(2) For article 42 there shall be substituted:

**“Minimum navigation and height keeping performance**

**42.**—(1) An aircraft registered in the United Kingdom shall not fly in airspace prescribed for the purposes of this article unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) An aircraft registered in the United Kingdom shall not fly in such of the airspace prescribed for the purposes of this article as has been notified for the purposes of this paragraph unless it is equipped with height keeping systems which enable the aircraft to maintain the prescribed height keeping performance capability.

(3) The equipment required by paragraphs (1) and (2) shall be approved by the Authority, installed and maintained in a manner approved by the Authority and shall, while the aircraft is flying in the notified airspace, be operated in accordance with procedures approved by the Authority.

(4) An approval granted by the Authority for the purposes of this article shall be in writing and may be subject to such conditions as the Authority thinks fit.”.

(3) In article 51(2)(a), (3)(a) and (4), for “weapon” on each occasion it appears there shall be substituted “sporting weapon”.

(4) For article 51(5) there shall be substituted:

“(5) For the purposes of this article:

(a) ‘munition of war’ means

(i) any weapon or ammunition;

(ii) any article containing an explosive, noxious liquid or gas; or

(iii) any other thing,

which is designed or made for use in warfare or against persons including parts, whether components or accessories, for such weapon, ammunition or article;

(b) ‘sporting weapon’ means

(i) any weapon or ammunition;

(ii) any article containing an explosive, noxious liquid or gas; or

(iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article:

which is not a munition of war.”.

(5) In article 118(1), in the definition of “Air traffic control centre” for the words ““Air traffic control centre”” there shall be substituted ““Area control centre””.

(6) In article 118(1), for the definition of “Air transport undertaking” there shall be substituted ““Air transport undertaking” means an undertaking whose business includes the undertaking of flights for the purposes of public transport of passengers or cargo;”.

(7) In Schedule 7, in the heading, for “Approved Navigational Equipment” there shall be substituted “Suitable Navigational Equipment”.

(8) In Schedule 9, paragraph 2:

(a) in sub-paragraph (4) for “air traffic control centre” there shall be substituted “area control centre”;

(b) in sub-paragraph (5) for “an Air Traffic Control Centre Rating” there shall be substituted “an Area Control Centre Rating” and for “air traffic control centre” there shall be substituted “area control centre”.

(9) In Schedule 10, Part B:

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- (a) in paragraph 1(6)(b)(i), for “(2)(c)(ii)” there shall be substituted “(2)(d)”;
- (b) in paragraph 1(6)(b)(ii) and 1(6)(c)(i), for “(2)(c)(i)” there shall be substituted “(2)(c)”;
- (c) in paragraph 2(1), for “article 30(2)” there shall be substituted “article 30(3)”.

(10) In Schedule 11, for “article 10” there shall be substituted “article 11” and for “article 15” there shall be substituted “article 16”.

(11) In Schedule 12, Part A in the column headed “Subject Matter” adjacent to the reference to article 42 for “Requirement for minimum navigation performance system” there shall be substituted “Requirement for minimum navigation and height keeping performance capability”.

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

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## EXPLANATORY NOTE

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

This Order further amends the Air Navigation (No. 2) Order 1995. In addition to minor and drafting amendments, the following changes are made:

(1) A public transport aircraft which is not registered in the United Kingdom is no longer required to furnish the Authority with particulars of its aerodrome operating minima. The operator of any such aircraft requires approval from the Authority to conduct aircraft operations to Category II or III minima (article 2(1)).

(2) Airspace which is prescribed for the purposes of minimum navigation performance, may now be notified for the purposes of reduced vertical separation. An aircraft registered in the United Kingdom may not fly within such notified airspace unless it carries appropriate equipment and operates in accordance with approved procedures (article 2(2), (7) and (11)).

(3) A definition of sporting weapon is now provided (article 2(3) and (4)).

(4) What was formerly called an area traffic control centre is now called an area control centre (article 2(5) and (8)).

(5) An air transport undertaking is now defined as an undertaking whose business includes flying for the purposes of public transport (article 2(6)).