
STATUTORY INSTRUMENTS

2000 No. 1562

The Air Navigation Order 2000

PART XI

GENERAL

Interpretation

129.—(1) In this Order:

‘Aerial work’ has the meaning assigned to it by article 129 of this Order;

‘Aerial work aircraft’ means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

‘Aerial work undertaking’ means an undertaking whose business includes the performance of aerial work;

‘Aerobatic manoeuvres’ includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

‘Aerodrome’ means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

‘Aerodrome control service’ means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface;

‘Aerodrome operating minima’ in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

‘Aerodrome traffic zone’ means the airspace specified below, being airspace in the vicinity of an aerodrome which is notified for the purposes of rule 39 of the Rules of the Air Regulations 1996⁽¹⁾:

(a) in relation to such an aerodrome other than one which is on an offshore installation:

(i) at which the length of the longest runway is notified as 1850 metres or less:

(aa) subject to sub-paragraph (bb), the airspace extending from the surface to a height of 2000 ft above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles;

(1) SI 1996/1396.

- (bb) where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this sub-paragraph is notified as being applicable, sub-paragraph (ii) shall apply as though the length of the longest runway is notified as greater than 1850 metres;
 - (ii) at which the length of the longest runway is notified as greater than 1850 metres, the airspace extending from the surface to a height of 2000 ft above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles;
- (b) in relation to such an aerodrome which is on an offshore installation, the airspace extending from mean sea level to 2000 ft above mean sea level and within 1½ nautical miles of the offshore installation;

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;

‘Aeronautical beacon’ means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

‘Aeronautical ground light’ means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

‘Aeronautical radio station’ means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

‘Air traffic control unit’ means a person appointed by the CAA or by any other person maintaining an aerodrome or place to give instructions, advice or information by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to provide a flight information service to aircraft, and ‘air traffic control service’ shall be construed accordingly;

‘Air transport undertaking’ means an undertaking whose business includes the undertaking of flights for the purposes of public transport of passengers or cargo;

‘Annual costs’ in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

‘Annual flying hours’ means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

‘Approach control service’ means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

‘Approach to landing’ means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 ft above the relevant specified decision height or minimum descent height;

‘Appropriate aeronautical radio station’ means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

‘Appropriate air traffic control unit’ means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the case may be;

‘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;

‘Area control centre’ means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

‘Area control service’ means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone except for an aerodrome traffic zone which has been notified as being subject to an area control service;

‘Area navigation equipment’ means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

‘Authorised person’ means:

- (a) any constable;
- (b) in article 118(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and
- (c) in article 118(1) and (2) and in any article other than article 118, 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;

‘Beneficial interest’ includes interests arising under contract and other equitable interests;

‘Cabin attendant’ in relation to an aircraft means a person on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

‘Captive balloon’ means a balloon which when in flight is attached by a restraining device to the surface;

‘Captive flight’ means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

‘Cargo’ includes mail and animals;

‘Certificate of airworthiness’ includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

‘Certificate of maintenance review’ has the meaning assigned to it by article 10(1) of this Order;

‘Certificate of release to service issued under JAR-145’ means a certificate of release to service issued in accordance with JAR-145;

‘Certificate of release to service issued under the Order’ has the meaning assigned to it by article 12(7) of this Order;

‘Certificated for single pilot operation’ means an aircraft which is not required to carry more than one pilot by virtue of any one or more of the following:

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft;

- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft; or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the CAA, that permit to fly;

‘Chief officer of police for any area of the United Kingdom’ means, in relation to Scotland, the Chief Constable for any area and, in relation to Northern Ireland, the Chief Constable of the Royal Ulster Constabulary;

‘Class A airspace’, ‘Class B airspace’, ‘Class C airspace’, ‘Class D airspace’ and ‘Class E airspace’ mean airspace respectively notified as such;

‘Class rating’ in respect of aeroplanes has the meaning specified in paragraph 1.220 of JAR-FCL 1;

‘Cloud ceiling’ in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

‘Commander’ in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

‘the Commonwealth’ means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981⁽²⁾ and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction;

‘Competent authority’ means in relation to the United Kingdom, the CAA, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

‘Conditional sale agreement’ has the same meaning as in section 189 of the Consumer Credit Act 1974⁽³⁾;

‘Congested area’ in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

‘Contracting State’ means any State (including the United Kingdom) which is party to the Chicago Convention;

‘Controllable balloon’ means a balloon, not being a small balloon, which is capable of free controlled flight;

‘Controlled airspace’ means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

‘Control area’ means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

‘Control zone’ means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

‘Co-pilot’ in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

‘Country’ includes a territory;

(2) 1981 c. 61; as amended by S.I. 1983/892; S.I. 1983/1699; the Brunei and Maldives Act 1985, section 1 and Schedule para 8; S.I. 1989/1331; S.I. 1990/1502 and S.I. 1998/3161.

(3) 1974 c. 39.

‘Crew’ means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew under article 34(3) of this Order or a cabin attendant;

‘Danger area’ means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

‘Day’ means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

‘Decision height’ in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

‘Declared distances’ has the meaning which has been notified;

‘Direct costs’ means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

‘Director’ has the same meaning as in section 53(1) of the Companies Act 1989(4);

‘EEA Agreement’ means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

‘EEA State’ means a State which is a contracting party to the EEA Agreement;

‘Flight’ and ‘to fly’ have the meanings respectively assigned to them by paragraph (2) ;

‘Flight crew’ in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

‘Flight information service unit’ means a person appointed by the CAA or by any other person maintaining an aerodrome or area control centre:

- (a) in the case of such a unit appointed in respect of an aerodrome to:
 - (i) give information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
 - (ii) grant or refuse permission, pursuant to Rule 35 or 36(2) of the Rules of the Air;
- (b) in the case of such a unit appointed in respect of an area control centre, to give information by means of radio signals to aircraft;

and ‘flight information service’, ‘aerodrome flight information service’ and ‘aerodrome flight information service unit’ shall be construed accordingly;

‘Flight level’ means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

‘Flight plan’ means such information as may be notified in respect of an air traffic control service unit being information provided or to be provided to that unit, relative to an intended flight or portion of a flight of an aircraft;

‘Flight recording system’ means a system comprising either a flight data recorder or a cockpit voice recorder or both;

‘Flight simulator’ means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

‘Flight visibility’ means the visibility forward from the flight deck of an aircraft in flight;

‘Flying display’ means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

‘Free balloon’ means a balloon which when in flight is not attached by any form of restraining device to the surface;

‘Free controlled flight’ means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

‘General lighthouse authority’ has the same meaning as in section 193 of the Merchant Shipping Act 1995⁽⁵⁾;

‘Government aerodrome’ means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

‘Granted in accordance with JAR-FCL’⁽⁶⁾ means granted by an authority which is a Full Member of the JAA pursuant to requirements and in accordance with a procedure which has been assessed as satisfactory following an inspection by a licensing and a medical standardisation team of the JAA;

‘Hire-purchase agreement’ has the same meaning as in section 189 of the Consumer Credit Act 1974⁽⁷⁾;

‘Instructor’s rating’ means a flying instructor’s rating, an assistant flying instructor’s rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

‘Instrument Flight Rules’ means Instrument Flight Rules prescribed by the Rules of the Air;

‘Instrument Meteorological Conditions’ means weather precluding flight in compliance with the Visual Flight Rules;

‘International headquarters’ means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964⁽⁸⁾;

‘JAA’ means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

‘JAA Full Member State’ means a State which is full member of the JAA;

‘JAA licence’ means a licence granted in accordance with JAR-FCL;

‘JAR’ means a Joint Aviation Requirement of the JAA bearing that number or letters and reference to a numbered or lettered JAR is a reference to such a requirement in the form in which it has been adopted by the JAA or, in the case of such a JAR which has been annexed to the Technical Harmonisation Regulation, in the form in which it has been thus annexed and has effect under that Regulation;

‘JAR-FCL licence’ means a licence included in Section 2 of Part A of Schedule 8 to this Order;

‘To land’ in relation to aircraft includes alighting on the water;

(5) 1995 c. 21.

(6) Adopted version issued by the JAA on 1st January 1997, as amended by Notices of proposed amendment numbers 1 to 5.

(7) 1974 c. 39.

(8) 1964 c. 5.

‘Legal personal representative’ means the person so constituted executor, administrator, or other representative, of a deceased person;

‘Licence’ includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

‘Licence for public use’ has the meaning assigned to it by article 103(3) of this Order;

‘Licensed aerodrome’ means an aerodrome licensed under this Order;

‘Lifejacket’ includes any device designed to support a person individually in or on the water;

‘Log book’ in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the CAA in the particular case;

‘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;

‘Maximum total weight authorised’ in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

‘Medical attendant’ means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

‘Microlight aeroplane’ means an aeroplane having a maximum total weight authorised not exceeding 390 kg, a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre, a maximum fuel capacity not exceeding 50 litres and which has been designed to carry not more than 2 persons;

‘Military aircraft’ means the naval, military or air force aircraft of any country and:

- (a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

‘Minimum descent height’ in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

‘Multi-crew co-operation’ means the functioning of the flight crew as a team of co-operating members led by the pilot in command;

‘Nautical mile’ means the International Nautical Mile, that is to say, a distance of 1852 metres;

‘Night’ means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

‘Non-precision approach’ means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

‘Non-revenue flight’ means:

- (a) in the case of a flight by an aeroplane, any flight which the holder of a United Kingdom Private Pilot’s Licence (Aeroplanes) may undertake pursuant to paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8 to this Order;
- (b) in the case of a flight by a helicopter, any flight which the holder of a United Kingdom Private Pilot’s Licence (Helicopters) may undertake pursuant to paragraph (2)(a) and (b)

of the privileges of that licence set out in Section 1 of Part A of Schedule 8 to this Order;
and

- (c) in the case of a flight by a gyroplane, any flight which the holder of a United Kingdom Private Pilot's Licence (Gyroplanes) may undertake pursuant to paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8 to this Order;

'North Atlantic Minimum Navigation Performance Specification airspace' means the airspace prescribed as such;

'Notified' means set forth in a document published by the CAA and entitled 'United Kingdom Notam' or 'United Kingdom Air Pilot' and for the time being in force;

'Obstacle limitation surfaces' has the same meaning as in 'CAP 168 Licensing of aerodromes'⁽⁹⁾

'Operator' has the meaning assigned to it by paragraph (3);

'Parascending parachute' means a parachute which is towed by cable in such a manner as to cause it to ascend;

'Passenger' means a person other than a member of the crew;

'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;

'Pilot in command' in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

'Police officer' means any person who is a member of a police force or of the Royal Ulster Constabulary (including, for the avoidance of doubt, the Royal Ulster Constabulary Reserve), and any special constable;

'Precision approach' means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

'Prescribed' means prescribed by regulations made by the Secretary of State under this Order, and the expression 'prescribe' shall be construed accordingly;

'Pressurised aircraft' means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

'Private flight' means a flight which is neither for the purpose of aerial work nor public transport;

'Proficiency check' has the meaning specified in paragraph 1.001 of JAR-FCL 1 in respect of aeroplanes and paragraph 2.001 in JAR-FCL 2 in respect of helicopters;

'Public transport' has the meaning assigned to it by article 130 of this Order;

'Public transport aircraft' means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

'Record' has the same meaning as in section 73 of the Civil Aviation Act 1982⁽¹⁰⁾;

'Reduced vertical separation minimum airspace' means any airspace between flight level 290 and flight level 410 inclusive designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1000 feet or 300 metres shall be applied.

'Released flight' means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

⁽⁹⁾ Fourth edition published in October 1990 by the Civil Aviation Authority.

⁽¹⁰⁾ 1982 c. 16.

‘Relevant overseas territory’ means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

‘Replacement’ in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

‘Rules of the Air’ has the meaning assigned to it by article 84(1) of this Order;

‘Runway visual range’ in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the mid-point of the runway, and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

‘Scheduled journey’ means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

‘Seaplane’ has the same meaning as for the purpose of section 97 of the Civil Aviation Act 1982;

‘Sector’ means part of the airspace controlled from an area control centre or other place;

‘Skill test’ has the meaning specified in paragraph 1.001 of JAR-FCL 1 in respect of aeroplanes and paragraph 2.001 in JAR-FCL 2 in respect of helicopters;

‘Small aircraft’ means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

‘Small balloon’ means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

‘Special VFR flight’ means a flight which is a special VFR flight for the purposes of the Rules of the Air;

‘State of the operator’ means the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where:

- (a) that aircraft is registered in another Contracting State;
- (b) the operator is operating that aircraft pursuant to an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which the aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of article 8(1), airworthiness, in the case of article 15(1), aircraft radio equipment, in the case of article 21(3), flight crew licensing or in the case of article 46(1), radio licensing; and
- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA.

‘Technical Harmonisation Regulation’ means Council Regulation (EEC) No 3922/ 91⁽¹¹⁾, on the harmonisation of technical requirements and administrative procedures in the field of civil aviation;

‘Tethered flight’ means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

‘Touring motor glider’ has the meaning specified in paragraph 1.001 of JAR-FCL 1;

‘Type rating’ in respect of aeroplanes has the meaning specified in paragraph 1.215 of JAR-FCL 1;

‘Type rating’ in respect of helicopters has the meaning specified in paragraph 2.215 of JAR-FCL 2;

‘Uncontrollable balloon’ means a balloon, not being a small balloon, which is not capable of free controlled flight;

‘United Kingdom licence’ means a licence included in Section 1 of Part A of Schedule 8 to this Order;

‘United Kingdom licence for which there is a JAR-FCL equivalent’ means the following licences included in Section 1 of Part A of Schedule 8 to this Order;

Private Pilot’s Licence (Aeroplanes);

Commercial Pilot’s Licence (Aeroplanes);

Airline Transport Pilot’s Licence (Aeroplanes);

Private Pilot’s Licence (Helicopters);

Commercial Pilot’s Licence (Helicopters and Gyroplanes);

Airline Transport Pilot’s Licence (Helicopters and Gyroplanes);

‘United Kingdom licence for which there is no JAR-FCL equivalent’ means any licence included in Section 1 of Part A of Schedule 8 to this Order other than any such licence which is a United Kingdom licence in respect of which there is a JAR-FCL equivalent;

‘United Kingdom reduced vertical separation minimum airspace’ means United Kingdom airspace which has been notified as reduced vertical separation minimum airspace for the purposes of article 48;

‘Valuable consideration’ means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken pursuant to an agreement, which is of more than a nominal nature;

‘Visiting force’ means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the Visiting Forces Act 1952⁽¹²⁾:

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) which from time to time apply to that country by virtue of paragraph (b) of the said section 1(1) and of any Order in Council made or hereafter to be made under the said section 1 designating that country for the purposes of all the provisions of that Act following section 1(2) of that Act;

‘Visual Flight Rules’ means Visual Flight Rules prescribed by the Rules of the Air;

‘Visual Meteorological Conditions’ means weather permitting flight in accordance with the Visual Flight Rules.

(11) OJNo. L 373, 31.12.91, p.4. Council Regulation 3922/91 applies throughout the area of the EEA by virtue of the amendment of the EEA Agreement (Cm 2073 and 2183) by the Decision of the EEA Joint Committee No 7/94 of 21.3.94 (OJ No. L160, 28.6.94, p.1).

(12) 1952 c. 67.

(2) An aircraft shall be deemed to be in flight:

- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expressions ‘a flight’ and ‘to fly’ shall be construed accordingly.

- (a) (3) (a) Subject to sub-paragraph (b), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly.
- (b) For the purposes of the application of any provision in Part III of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.

(4) The expressions appearing in the ‘General classification of aircraft’ set forth in Part A of Schedule 2 to this Order shall have the meanings thereby assigned to them.

(5) A power to make regulations under this Order shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of the Order.