

2003 No. 2905

CIVIL AVIATION

The Air Navigation (Amendment) (No. 2) Order 2003

Made - - - - - *13th November 2003*

Laid before Parliament *20th November 2003*

Coming into force - - *16th December 2003*

At the Court at Buckingham Palace, the 13th day of November 2003

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, 77, 101 and 102 of and Schedule 13 to the Civil Aviation Act 1982(a), 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) (No. 2) Order 2003 and shall come into force on 16th December 2003.

Amendment of Air Navigation Order 2000

2. The Air Navigation Order 2000(b) shall be amended as follows.

Requirement for a flight data monitoring programme

3.—(1) After article 34 there shall be inserted:

“Flight data monitoring, accident prevention and flight safety programme

34A.—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport shall establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the United Kingdom with a maximum total weight authorised of more than 27,000 kg flying for the purpose of public transport shall on and after 1st January 2005 include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of such a programme shall be the prevention of accidents and incidents. It shall not be its purpose to apportion blame or liability. Each programme shall be designed and managed to meet that objective.”

(a) 1982 c. 16. Sections 60 and 61 were amended by Part II of Schedule 6 to the Airports Act 1986 (c. 31), and section 60 was further amended by section 47 of and Schedule 4 to the Aviation and Maritime Security Act 1990 (c. 31).

(b) S.I. 2000/1562, relevant amending instruments are S.I. 2001/397, 2002/264 and 2003/777.

(2) In Part A of Schedule 12 to the Air Navigation Order 2000, in the column headed “Article of order”, after “34” there shall be inserted “34A” and adjacent thereto in the column headed “Subject matter” there shall be inserted “Requirement for flight data monitoring, accident prevention and flight safety programme”.

Air traffic controller licensing

4.—(1) After article 88 there shall be inserted:

“Duty of person in charge to satisfy himself as to competence of controllers

88A. The holder of an approval under article 88 shall not permit any person to act as an air traffic controller or to act as a student air traffic controller in the provision of the service under the approval unless:

- (a) such person holds an appropriate licence; and
- (b) the holder has satisfied himself that such person is competent to perform his duties.”.

(2) For articles 92, 93 and 94 there shall be substituted:

“Grant and renewal of air traffic controller licences and student air traffic controller licences

92.—(1) (a) Subject to sub-paragraphs (b), (c) and (d) the CAA shall grant licences, subject to any conditions it thinks fit, of any of the classes specified in Part A of Schedule 9 to this Order, authorising an applicant to act as an air traffic controller or a student air traffic controller in the United Kingdom.

- (b) Before granting a licence the CAA must be satisfied that the applicant is:
 - (i) a fit person to act as such a controller in the United Kingdom, and
 - (ii) qualified by reason of his knowledge, experience, skill and physical and mental fitness to act in the capacity to which the licence relates, for which purpose he shall furnish such evidence and undergo such examinations, assessments and tests (including in particular medical examinations) and undertake such courses of training as the CAA may require of him.
- (c) Subject to article 81, a licence shall remain in force for the period indicated therein, not exceeding any period specified in Schedule 9 for that licence.
- (d) If no period is indicated in the licence it shall remain in force, subject to article 81, for the lifetime of the holder.
- (e) A licence may be renewed by the CAA from time to time upon its being satisfied that the applicant is a fit person and qualified as specified in sub-paragraph (1) (b).
- (f) A licence shall not be granted to any person who is under the minimum age specified for that licence in Part A of Schedule 9.
- (g) A licence granted under this article shall not be valid unless the holder has signed it in ink with his ordinary signature.

(2) The CAA may include in a licence granted under this article, subject to such conditions as it thinks fit, any of the ratings and endorsements specified in Part B of Schedule 9 to this Order, upon its being satisfied that the applicant is qualified as specified in paragraph (1) (b) (ii) to act in the capacity to which the rating or endorsement relates, and such rating or endorsement shall be deemed to form part of the licence.

(3) The holder of a licence shall, upon such occasions as the CAA may require, submit himself for such examinations, assessments and tests (including in particular medical examinations) and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training, as the CAA may require.

Approval of courses, persons and simulators

93. For the purposes of this Part of this Order the CAA may:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations, assessments or tests as it may specify;
- (c) approve a person to provide any course of training or instruction; and
- (d) approve a simulator.

Prohibition of unlicensed air traffic controllers and student air traffic controllers

94.—(1) Subject to paragraphs (3) and (4), a person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the terms of:

- (a) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with the privileges of the licence specified in Part A of Schedule 9 to this Order;
- (b) an appropriate air traffic controller's licence granted under this Order; or
- (c) a valid air traffic controller's licence so granted which is not appropriate but he is supervised as though he were the holder of a student air traffic controller's licence so granted.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence shall not be required by any person who, acting in the course of his employment, passes on instructions or advice when instructed to do so by the holder of an air traffic controller's licence which entitles that holder to give such instructions or advice.

(4) A licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

Privileges of an air traffic controller licence or a student air traffic controller licence

94A. Subject to article 94B, and to any conditions of the licence granted or renewed under article 92, a licence shall entitle the holder to:

- (a) perform the functions specified in Section 1 of Part A of Schedule 9 to this Order under the heading 'Privileges' and
- (b) perform the functions of any rating or endorsement included in the licence as specified in Part B of the said Schedule.

Maintenance of validity of ratings and endorsements

94B.—(1) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating or endorsement contained in such a licence unless the licence includes a unit licence endorsement specifying that the rating or endorsement is valid for the aerodrome or place, and the sector or operational position at which, and the surveillance equipment (if any) with which, he so acts.

(2) A unit licence endorsement may be entered in a licence either by the CAA or by the holder of an air traffic controller licence which includes an examiner licence endorsement.

Obligation to notify rating ceasing to be valid and change of unit

94C.—(1) Subject to paragraph (2), when a rating contained in an air traffic controller licence ceases to be valid for a sector or operational position the holder of the licence shall forthwith notify the person who is approved pursuant to article 88 of this Order to provide an air traffic control service for that sector or operational position.

(2) When a rating contained in an air traffic controller licence ceases to be valid for a sector or operational position and is not valid for any other sector or operational position the holder of the licence shall notify the CAA and forward his licence to the CAA, or a person approved by the CAA for the purpose, who shall endorse the licence accordingly and return it to the holder.

(3) Whenever a person ceases to act as an air traffic controller at a particular unit he shall notify the CAA and forward his licence to the CAA, or a person approved by the CAA for the purpose, who shall endorse the licence accordingly and return it to the holder.

Requirement for medical certificate

94D.—(1)

- (a) On the basis of the medical examination referred to in article 92(1)(b) and (3), the CAA, or any person approved by it as competent to do so, may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the applicant or holder of a licence granted or renewed under article 92 has been assessed as fit to perform the functions to which the licence for which he is applying or which he holds relates.

(b) The certificate shall, subject to article 81 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(2) The holder of an air traffic controller's licence shall not act as an air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (1).

(3) The holder of a student air traffic controller's licence shall not act as a student air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (1).

Appropriate licence

94E.—(1) A licence shall not be an appropriate licence for the purposes of this Part of this Order unless it includes valid ratings, endorsements and certificates which authorise the holder to provide the type of air traffic control service for the sector or operational position for which it is being provided and with the type of surveillance equipment being used (if any).

(2) A rating included in an air traffic controller licence shall not be valid unless the licence contains a unit licence endorsement specifying that the rating is valid for the aerodrome or place and the sector or operational position at which, and the surveillance equipment (if any) with which, the service is to be provided.

Failing exams

94F. A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part of this Order, failed the examination, assessment or test shall not be entitled to act in the capacity for which that examination, assessment or test would have qualified him had he passed.

Use of simulators

94G.—(1) No part of any examination, assessment or test undertaken for the purposes of this Part of this Order or Schedule 9 to this Order or any training which has been approved under article 93 shall be undertaken in a simulator unless that simulator has been approved by the CAA.

(2) Such an approval shall be in writing and may be granted subject to such conditions as the CAA thinks fit.

Acting as an air traffic controller etc

94H.—(1) For the purposes of this Part and Schedule 9 to this Order:

- (a) "to act as an air traffic controller" shall mean the supervision of a student air traffic controller and the unsupervised giving of instructions or advice or both instructions and advice by means of radio signals (whether directly or indirectly via a person acting in accordance with article 94(3) of this Order) to aircraft in the interests of safety; and
- (b) "to act as a student air traffic controller" shall mean acting as an air traffic controller under the supervision of another person."

Consequential amendments to the Air Navigation Order 2000

5.—(1) In article 129(1):

- (a) in the definition of 'Aerodrome control service' there shall be inserted at the end "or any aircraft transferred from approach control in accordance with procedures approved by the CAA;";
- (b) after the definition of 'Aeronautical radio station' there shall be inserted:
"Air control' means an aerodrome control service excluding that part of the aerodrome control service provided by ground movement control;";
- (c) for the definition of 'Area control service' there shall be substituted:
"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;";
- (d) after the definition of 'Granted in accordance with JAR-FCL' there shall be inserted:
"Ground movement control' means that part of an aerodrome control service provided to an aircraft while it is on the manoeuvring area or apron of an aerodrome;";

- (e) in the definition of ‘licence’ before “includes” there shall be inserted “in relation to a flight crew licence;”;
 - (f) after the definition of ‘Obstacle limitation surfaces’ there shall be inserted:
 “‘Offshore service’ means an air traffic control service for any aircraft flying to or from offshore oil and gas installations and for other aircraft operating in the vicinity of these aircraft in airspace specified for this purpose in the manual of air traffic services;
 ‘Operational position’ means a position provided and equipped for the purpose of providing a particular type of air traffic control service;”;
 - (g) after the definition of ‘Small rocket’ there shall be inserted:
 “‘Special tasks service’ means an air traffic control service for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems and which is not flying in accordance with normal aviation practice and for other aircraft in the vicinity of these aircraft and;”;
 - (h) after the definition of ‘Telecommunication system’ there shall be inserted:
 “‘Terminal control service’ means an air traffic control service for any aircraft flying in, departing, or intending to fly within a terminal control area while it is in the terminal control area or any sector adjacent thereto and is specified for this purpose in the manual of air traffic services;”.
- (2) For Schedule 9 there shall be substituted:

“SCHEDULE 9

Article 92

Air Traffic Controllers—Licences, Ratings and Endorsements

PART A: LICENCES

1. Air Traffic Controller Licence

(1) Minimum Age and Period of Validity

- (a) Minimum Age—20 years
- (b) No maximum period of validity

(2) Privileges

Subject to paragraphs (b) and (c), the holder of the licence shall be entitled to

- (a) act as an air traffic controller for any sector or operational position for which a valid rating and unit licence endorsement are included in the licence;
- (b) exercise the privileges of an Examiner Licence Endorsement and On the Job Training Instructor Licence Endorsement included in the licence; and
- (c) exercise the privileges of a Student Air Traffic Controller licence.

2. Student Air Traffic Controller Licence

(1) Minimum Age and Period of Validity

- (a) Minimum Age—18 years
- (b) Period of Validity—2 years

(2) Privileges

The holder of the licence shall be entitled to act as a student air traffic controller under the supervision of another person who is present at the time and who:

- (i) is the holder of an air traffic controller’s licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller and
- (ii) holds an On the Job Training Instructor Licence Endorsement.

PART B: RATINGS, RATING ENDORSEMENTS AND LICENCE ENDORSEMENTS

1. Inclusion of ratings, rating endorsements and licence endorsements

Ratings, rating endorsements and licence endorsements of the classes contained in paragraphs 3 and 4 below may be included in an air traffic controller licence (other than a student air traffic controller licence) granted under article 92 of this Order and, subject to the provisions of this Order and of the licence, the inclusion of a rating, rating endorsement or licence endorsement shall have the consequences respectively specified.

2. Exercise of more than one function

- (a) Subject to sub-paragraph (b), the holder of an air traffic controller licence which includes ratings of two or more of the types specified in paragraph 3 of this Part of this Schedule shall not at any one time perform the functions specified in respect of more than one of those ratings.
- (b) The functions of the following ratings may be exercised at the same time:
 - (i) an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating; and
 - (ii) an Aerodrome Control Instrument rating and an Approach Control Surveillance Rating, provided that the holder shall not exercise the functions of any Radar Rating Endorsement, Surveillance Radar Approach Rating Endorsement or Precision Approach Radar Rating Endorsement included in the Approach Control Surveillance Rating.
- (c) When a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway is being provided under an Approach Control Surveillance Rating, no other function under the Approach Control Surveillance Rating shall be exercised at the same time.

3. Ratings and rating endorsements

(1) *Aerodrome Control*

- (a) An **Aerodrome Control Visual Rating** shall entitle the holder to act as an air traffic controller in the course of the provision of an aerodrome control service at an aerodrome with no instrument approach or departure procedures.
- (b) An **Aerodrome Control Instrument Rating** shall entitle the holder to act as an air traffic controller in the course of the provision of an aerodrome control service in accordance with the provisions of one or more of the following Rating Endorsements:
 - (i) A **Tower Control Rating Endorsement** shall entitle the holder to provide an aerodrome control service at an aerodrome where the aerodrome control service is not divided into air control and ground movement control.
 - (ii) A **Ground Movement Control Rating Endorsement** shall entitle the holder to provide a ground movement control service at an aerodrome where the aerodrome control service is divided into ground movement control and air control.
 - (iii) A **Ground Movement Surveillance Control Rating Endorsement** shall entitle the holder of a Tower Control Rating Endorsement or a Ground Movement Control Rating Endorsement to use aerodrome surface movement and guidance systems in the provision of an aerodrome control service.
 - (iv) An **Air Control Rating Endorsement** shall entitle the holder to provide an air control service at an aerodrome where the aerodrome control service is divided into ground movement control and air control.
 - (v) An **Aerodrome Radar Control Rating Endorsement** shall entitle the holder of an Air Control Rating Endorsement or a Tower Control Rating Endorsement to use radar in the provision of an aerodrome control service to aircraft flying in the vicinity of the aerodrome.

Nothing in this Order shall prevent the holder of an Air Control Rating Endorsement or a Tower Control Rating Endorsement from using an aerodrome traffic monitor in the provision of an aerodrome control service, or prevent the holder of an Air Control Rating Endorsement from using aerodrome surface movement and guidance systems in the provision of an air control service.

(2) *Approach Control*

- (a) An **Approach Control Procedural Rating** shall entitle the holder to act as an air traffic controller in the course of the provision of an approach control service, without the use of any surveillance equipment.
- (b) An **Approach Control Surveillance Rating** shall entitle the holder to act as an air traffic controller in the course of the provision of an approach control service with the use of surveillance equipment in accordance with the provisions of one or more of the following Rating Endorsements:
 - (i) A **Radar Rating Endorsement** shall entitle the holder to use radar in the provision of an approach control service except for anything authorised by a specific rating endorsement below.
 - (ii) A **Surveillance Radar Approach Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide ground controlled non-precision radar approaches with the use of surveillance radar equipment.
 - (iii) A **Precision Approach Radar Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide ground controlled precision approaches using precision radar approach equipment.
 - (iv) A **Terminal Control Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide a terminal control service.
 - (v) An **Offshore Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide an offshore service.
 - (vi) A **Special Tasks Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide a special tasks service.

(3) *Area Control*

- (a) An **Area Control Procedural Rating** shall entitle the holder to act as an air traffic controller in the course of the provision of an area control service without the use of any surveillance equipment except for anything authorised by a specific rating endorsement below.
- (b) An **Oceanic Control Rating Endorsement** shall entitle the holder to provide an area control service in the Shanwick Oceanic Control Area.
- (c) An **Area Control Surveillance Rating** shall entitle the holder to act as an air traffic controller in the course of the provision of an area control service with the use of surveillance equipment in accordance with the provisions of one or more of the following Rating Endorsements.
 - (i) A **Radar Rating Endorsement** shall entitle the holder to use radar in the provision of an area control service.
 - (ii) A **Terminal Control Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide a terminal control service.
 - (iii) An **Offshore Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide an offshore service.
 - (iv) A **Special Tasks Rating Endorsement** shall entitle the holder of a Radar Rating Endorsement to provide a special tasks service.

(4) *Licence Endorsements*

- (a) An **Examiner Licence Endorsement** shall entitle the holder to sign a unit licence endorsement in respect of:
 - (i) the air traffic control services that his air traffic controller licence entitles him to provide; or
 - (ii) such other air traffic control services as the CAA may authorise for that holder.
- (b) An **On the Job Training Instructor Licence Endorsement** shall entitle the holder to supervise and give operational air traffic control instruction to the holder of a student air traffic controller or air traffic controller licence in relation to an air traffic control service which his air traffic controller licence entitles him to provide.

(c)

- (i) A **Unit Licence Endorsement** specifies the aerodrome or place at which the holder is entitled to exercise the privileges of his licence and the validity of any ratings or rating endorsements or unit licence endorsements included in the licence.
- (ii) A **Unit Licence Endorsement** is valid for the period of 12 months from the date of issue or date of renewal.”

(3) In Schedule 12, Part A, in the column headed “Article of order”, after “87”, there shall be inserted “88A” and adjacent thereto in the column headed “Subject matter” there shall be inserted “Requirement for an approved provider of air traffic services to be satisfied as to competence of air traffic controllers”.

Deletion of references to aerodromes owned or managed by the CAA

6. The following shall be omitted:

- (a) In article 101(1)(b) “or an aerodrome owned or managed by the CAA,”;
- (b) In article 102 “(a) any aerodrome owned or managed by it; and”, “(b)” and “;” after the words “Government aerodrome”; and
- (c) In article 119(2) “or aerodrome owned or managed by the CAA”.

Mandatory reporting of bird strikes

7. After article 117 there shall be inserted:

“Mandatory reporting of birdstrikes

117A.—(1) Subject to the provisions of this article, the commander of an aircraft shall make a report to the CAA of any birdstrike occurrence which occurs whilst the aircraft is in flight within the United Kingdom.

(2) 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 CAA may in a particular case approve.

(3) Nothing in this article shall require a person to report any occurrence which he has reported under article 117 of this Order or which he has reason to believe has been or will be reported by another person to the CAA in accordance with that article.

(4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.

(5) In this article “birdstrike occurrence” means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.”.

Power to direct aircraft

8. In article 118(1)(a) for “or 60” there shall be substituted “60 or 65(2)”.

Penalty for endangering

9.—(1) In article 122, after paragraph (6), there shall be inserted:

“(7) If any person contravenes any provision specified in Part C of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine or imprisonment for a term not exceeding five years or both.”.

(2) In Schedule 12, Part B, the entries for articles 63 and 64 shall be omitted.

(3) In Schedule 12, after Part B, there shall be inserted:

“PART C—PROVISIONS REFERRED TO IN ARTICLE 122(7)

Article of Order	Subject Matter
63	Endangering safety of aircraft
64	Endangering safety of persons or property”

Carriage of Class B Terrain Awareness and Warning Systems

10.—(1) In Schedule 4, paragraph 4:

- (a) in sub-paragraph (11)(a), in the column headed “Circumstances of Flight”, for “on or after 1st October 2001” there shall be substituted “on or after 1st January 2005” and adjacent thereto in the column headed “Scale of Equipment required” for “X(ii)” there shall be substituted “X(ii) or (iii)”.
- (b) in sub-paragraph (11)(b), in the column headed “Circumstances of Flight”, for “on or after 1st January 2005” there shall be substituted “on or after 1st January 2007” and adjacent thereto in the column headed “Scale of Equipment required” for “X(ii)” there shall be substituted “X(ii) or (iii)”.

(2) In Schedule 4, paragraph 5, for Scale X there shall be substituted:

“Scale X

- (i) Subject to paragraph (iv), a Ground Proximity Warning System being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water.
- (ii) Subject to paragraph (iv), a Terrain Awareness and Warning System known as Class A, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including excessive closure rate to terrain, flight into terrain when not in landing configuration, excessive downward deviation from an instrument landing system glideslope, a predictive terrain hazard warning function and a visual display.
- (iii) Subject to paragraph (iv), a Terrain Awareness and Warning System known as Class B, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including a predictive terrain hazard warning function.
- (iv) If the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.”.

Minor Changes

11.—(1) In article 4(5) after “chartered” and after “charterer” there shall be inserted “by demise”.

(2) In articles 84(3)(c) and 126(4) for “Joint Service Publication 318” there shall be substituted “Joint Service Publication 550”.

(3) In article 104(8)(a) for “any public telecommunication system” there shall be substituted “any public electronic communications network”.

(4) In article 129(1) “ ‘Telecommunication system’ and ‘public telecommunication system’ have the same meaning as in section 4 and 9(1) of the Telecommunications Act 1984” shall be omitted and after the definition of “Proficiency check” there shall be inserted “‘Public electronic communications network’ has the same meaning as in section 151 of the Communications Act 2003(a);”

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation Order 2000 (“the ANO”). In addition to minor and drafting amendments (article 11(2), (3) and (4)) the following changes are made.

Requirement for a flight date monitoring program—article 3

With effect from 1st January 2005 the operator of an aircraft registered in the United Kingdom with a maximum total weight authorised of more than 27,000 kg flying for the purpose of public transport must have a flight data monitoring programme as part of its accident prevention and flight safety programme.

Air traffic controller licensing—articles 4 and 5

EUROCONTROL’s Safety Regulatory Requirement No. 5 requires member states, including the UK, to adopt harmonised licensing and processing procedures for air traffic controllers. This requires the issue of new air traffic controller licences and the revision of the associated regulatory requirements.

The person in charge of the provision of an air traffic control service in the United Kingdom must satisfy himself that any person acting as an ‘air traffic controller’ or a ‘student air traffic controller’ holds an appropriate licence and is competent to perform his duties.

The privileges of an air traffic controller licence and a student air traffic controller licence are specified. Ratings that may be included in an air traffic controller licence, and associated rating endorsements, and the privileges of those ratings and rating endorsements are specified.

The validity of any rating or endorsement included in an air traffic controller’s licence is maintained by including a unit licence endorsement.

When a rating ceases to be valid for a particular sector or operational position, the air traffic controller must inform the person in charge of the provision of the air traffic control service. When a rating ceases to be valid for any sector or operational position, or when a person ceases to act as an air traffic controller at a particular unit, he must notify the Civil Aviation Authority and forward his licence for endorsement.

An air traffic controller is required to hold a medical certificate.

A person who has failed an examination, assessment or test in connection with air traffic controller licensing is not entitled to act in the capacity for which that examination, assessment or test would have qualified him.

Only a simulator that has been approved by the Civil Aviation Authority may be used for any examination, assessment, and test or approved training for air traffic controller licensing.

Definitions are included for ‘special tasks service’, ‘offshore service’, ‘terminal control service’, ‘air control’ and ‘ground movement control’.

References to aerodromes owned or managed by the CAA—article 6

References to aerodromes owned or managed by the CAA are omitted. There are no longer any such aerodromes.

Mandatory reporting of bird strikes—article 7

The commander of an aircraft must report to the Civil Aviation Authority any birdstrike occurrence which occurs whilst the aircraft is in flight within the United Kingdom.

Power to direct aircraft where pilot believed to be under the influence of alcohol or a drug—article 8

Article 118 of the ANO provides that if it appears to the CAA or an authorised person that an aircraft is intended or likely to be flown where any one of a number of specified provisions would be contravened, the aircraft may be detained. By virtue of paragraph 8, there is now included in the list of specified provisions article 65(2). Article 65(2) of the ANO prohibits a member of the crew of an aircraft being on board whilst under the influence of alcohol or a drug.

Penalty for endangering—article 9

By virtue of section 2 of the Aviation Offences Act 2003 contravention of the endangering provisions at articles 63 and 64 of the ANO is now subject to a maximum penalty of five years. The ANO is amended accordingly.

Carriage of Class B Terrain Awareness and Warning Systems—article 10

Terrain Awareness and Warning Systems (TAWS) are categorised as Class A or Class B. United Kingdom registered turbine jet and turbine propeller aeroplanes, with:

- (a) a maximum total weight authorised exceeding 5,700kg, or
- (b) certified to carry more than nine passengers

which are not flying for the purposes of public transport, may be equipped with the simplified TAWS Class B equipment instead of TAWS Class A.

The compliance date for aeroplanes without Ground Proximity Warning Systems (GPWS) will be 1 January 2005. Aircraft with GPWS installed before 1 April 2000 will be required to have TAWS equipment fitted by 1 January 2007.

Minor changes—References to a “charter by demise”—article 11(1)

In article 4 of the ANO there are some references to a “charter” and other references to a “charter by demise”. These are intended to refer to the same thing. For consistency “charter by demise” is now used throughout.

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