
STATUTORY INSTRUMENTS

2005 No. 1110

CIVIL AVIATION

The Rules of the Air (Amendment) Regulations 2005

Made - - - - *1st April 2005*

Coming into force - - *1st April 2005*

The Secretary of State for Transport, in exercise of the powers conferred upon him by article 84(1) of the Air Navigation Order 2000⁽¹⁾ hereby makes the following Regulations:

1. These Regulations may be cited as the Rules of the Air (Amendment) Regulations 2005 and shall come into force on 1st April 2005.
2. The First Schedule to the Rules of the Air Regulations 1996⁽²⁾ shall be amended by substituting for Rule 5—

“Low Flying

5.—(1) The prohibitions to be observed are—

- (a) an aircraft shall comply with the low flying prohibitions set out in paragraph (2) subject to the low flying exemptions set out in paragraph (3).
- (b) where an aircraft is flying in circumstances such that more than one of the low flying prohibitions apply it must fly at the greatest height required by any of the applicable prohibitions.

(2) The low flying prohibitions

(a) Failure of power unit

An aircraft shall not be flown below such height as would enable it, in the event of a power unit failure, to make an emergency landing without causing danger to persons or property on the surface.

(b) The 500 feet rule

Except with the permission in writing of the CAA, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

(c) The 1,000 feet rule

Except with the permission in writing of the CAA, an aircraft flying over a congested area of a city town or settlement shall not fly below a height of 1,000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft.

(1) S.I. 2000/1562, to which there are amendments not relevant to these Regulations.

(2) S.I. 1996/1393, as amended by S.I. 1999/1323 and other amendments not relevant to these Regulations.

(d) The land clear rule

An aircraft flying over a congested area of a city town or settlement shall not fly below such height as will permit, in the event of a power unit failure, the aircraft to land clear of the congested area.

(e) Flying over open air assemblies

Except with the permission in writing of the CAA, an aircraft shall not fly over an organised open-air assembly of more than 1,000 persons below—

- (i) a height of 1,000 feet, or
 - (ii) such height as will permit, in the event of a power unit failure, the aircraft to alight clear of the assembly,
- whichever is the higher.

(f) Landing and taking off near open air assemblies

An aircraft shall not land or take-off within 1,000 metres of an organised open-air assembly of more than 1,000 persons, except—

- (i) at an aerodrome, in accordance with procedures notified by the CAA, or
- (ii) at a landing site other than an aerodrome, in accordance with procedures notified by the CAA and with the written permission of the organiser of the assembly.

(3) Exemptions from the low flying prohibitions

(a) Landing and taking off

- (i) Any aircraft shall be exempt from any low flying prohibition in so far as it is flying in accordance with normal aviation practice for the purpose of taking off from, landing at or practising approaches to landing at or checking navigational aids or procedures at a Government or licensed aerodrome.
- (ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking-off in accordance with normal aviation practice.

(b) Captive balloons and kites

None of the low flying prohibitions shall apply to any captive balloon or kite.

(c) Special VFR flight and notified routes

Any aircraft shall be exempt from the 1,000 feet rule when flying on a special VFR flight, or when operating in accordance with the procedures notified for the route being flown; provided that when flying in accordance with this exemption landings may not be made other than at a licensed or Government aerodrome, unless the permission of the CAA has been obtained.

(d) Balloons and helicopters over congested areas

- (i) A balloon shall be exempt from the 1,000 feet rule when landing because it is becalmed.
- (ii) Any helicopter flying over a congested area shall be exempt from the land clear rule.

(e) Police air operator's certificate

Any aircraft flying in accordance with the terms of a police air operator's certificate shall be exempt from the 500 feet rule, the 1,000 feet rule,

the prohibition on flying over open air assemblies and the prohibition on landing and taking off near open air assemblies.

(f) Flying displays etc

An aircraft taking part in a flying display, air race or contest shall be exempt from the 500 feet rule when within a horizontal distance of 1,000 metres of the gathering of persons assembled to witness the event.

(g) Glider hill soaring

A glider when hill-soaring shall be exempt from the 500 feet rule.

(h) Picking up and dropping at an aerodrome

Any aircraft picking up or dropping tow ropes, banners or similar articles at an aerodrome shall be exempt from the 500 feet rule.

(i) Manoeuvring helicopters

A helicopter shall be exempt from the 500 feet rule when conducting manoeuvres in accordance with normal aviation practice, within the boundaries of a licensed or Government aerodrome, or at other sites with the permission of the CAA: provided that when flying in accordance with this exemption the helicopter must not be operated closer than 60 metres to persons, vessels vehicles or structures located outside the aerodrome or site.

(j) Dropping articles with CAA permission

- (i) Any aircraft shall be exempt from the 500 feet rule when flying in accordance with article 56(3)(f) of the Order, and
- (ii) Any aircraft shall be exempt from the 500 feet rule when flying in accordance with an aerial application certificate issued by the CAA under article 58 of the Order.”

Signed by authority of the Secretary of State for Transport

1st April 2005

Charlotte Atkins
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations further amend the Rules of the Air Regulations 1996. The following changes are made to rule 5—

(1) An aeroplane must fly at such a height as to be able to alight in the event of a power unit failure without danger to persons or property on the surface. (Rule 5(2)(c) and (e)).

(2) The minimum height permitted over the congested areas of cities towns and settlements or in the vicinity of gatherings of more than 1,000 persons is 1,000 ft. (Rule 5(2)(c) and (e)).

(3) An aircraft may not take off or land within 1,000 metres of open air assemblies of more than 1,000 persons except in accordance with procedures notified by the CAA. (Rule 5(2)(f)).

(4) A balloon that is becalmed may land within a congested area. (Rule 5(3)(d)).

(5) A helicopter is exempt from the 500 feet rule when conducting manoeuvres in accordance with normal aviation practice, within the boundaries of a licensed or Government aerodrome, or at other sites with the permission of the CAA. (Rule 5(3)(i)).

(6) There is no exemption contained in Rule 5 permitting departure from the Rule where necessary for the purpose of saving life.

(7) The restrictions on flying by single engine helicopters over central London are omitted from Rule 5 and are now set out in the Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005 S.I.2005/964.(3).