
STATUTORY INSTRUMENTS

2005 No. 1970

The Air Navigation Order 2005

Citation and Commencement

1. This Order may be cited as the Air Navigation Order 2005 and shall come into force on 20th August 2005.

Revocation

2. The Orders specified in Schedule 1 are hereby revoked.

PART 1

Registration and Marking of Aircraft

Aircraft to be registered

3.—(1) Subject to paragraphs (2), (3) and (4) an aircraft shall not fly in or over the United Kingdom unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.

(2) A non-EASA glider may fly unregistered, and shall be deemed to be registered in the United Kingdom for the purposes of articles 19, 20, 26 and 52, on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country; and
- (b) is not for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(3) Any non-EASA aircraft may fly unregistered on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country, and
- (b) is in accordance with the B Conditions.

(4) Paragraph (1) shall not apply to any non-EASA kite or non-EASA captive balloon.

(5) If an aircraft flies over the United Kingdom in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the United Kingdom

4.—(1) The CAA shall be the authority for the registration of aircraft in the United Kingdom and shall be responsible for maintaining the register and may record therein the particulars specified in paragraph (7) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the United Kingdom if it appears to the CAA that—

- (a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law upon the aircraft being registered in the United Kingdom;
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) it would not be in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share therein—

- (a) the Crown in right of Her Majesty's Government in the United Kingdom;
- (b) Commonwealth citizens;
- (c) nationals of any EEA State;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
- (f) undertakings formed in accordance with the law of an EEA State and having their registered office, central administration or principal place of business within the European Economic Area; or
- (g) firms carrying on business in Scotland and in this sub-paragraph 'firm' has the same meaning as in the Partnership Act 1890(1).

(4) If an unqualified person—

- (a) residing or having a place of business in the United Kingdom holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the CAA, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the United Kingdom;
- (b) has registered an aircraft in pursuance of this paragraph he shall not cause or permit the aircraft, while it is so registered, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the CAA may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the United Kingdom in the name of the charterer by demise upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the United Kingdom shall be made in writing to the CAA, and shall—

- (a) include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as it may require to enable it to determine whether

(1) 1890 c. 39.

the aircraft may properly be registered in the United Kingdom and to issue the certificate referred to in paragraph (8); and

- (b) in particular, include the proper description of the aircraft according to column 4 of the “Classification of aircraft” in Part A of Schedule 2.

(7) Upon receiving an application for the registration of an aircraft in the United Kingdom and being satisfied that the aircraft may properly be so registered, the CAA shall register the aircraft, wherever it may be, and shall include in the register the following particulars—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the CAA;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
- (f) in the case of an aircraft registered in pursuance of paragraphs (4) or (5), an indication that it is so registered.

(8) The CAA—

- (a) shall, subject to sub-paragraph (b) furnish to the person in whose name the aircraft is registered (hereinafter in this article referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued;
- (b) shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under this Order who has made to the CAA and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions in an aircraft dealer’s certificate in Part C of Schedule 2, and in that case the aircraft shall fly only in accordance with those conditions.

(9) The CAA may grant to any person qualified as aforesaid an aircraft dealer’s certificate if it is satisfied that he has a place of business in the United Kingdom for buying and selling aircraft.

(10) Subject to paragraphs (4), (5) and (17), if at any time after an aircraft has been registered in the United Kingdom an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the CAA.

(11) Any person who is the registered owner of an aircraft registered in the United Kingdom shall forthwith inform the CAA in writing of—

- (a) any change in the particulars which were furnished to the CAA upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered in pursuance of paragraph (5), the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in the United Kingdom shall within 28 days inform the CAA in writing to that effect.

(13) The CAA may, whenever it appears to it necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if it thinks fit, may cancel the registration of the aircraft, and shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.

(14) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(15) In this article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) to the registered owner of an aircraft includes, in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(16) Nothing in this article shall require the CAA to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the CAA under an Order in Council made under section 86 of the Civil Aviation Act 1982(2) shall not become void by virtue of paragraph (10), nor shall the CAA cancel the registration of such an aircraft under this article, unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

Nationality and registration marks

5.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom shall comply with Part B of Schedule 2.

(3) Subject to paragraph (4), an aircraft shall not bear any marks which purport to indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the CAA for the purposes of flight in accordance with the B Conditions shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.

PART 2

Air Operators' Certificates

Grant of air operators' certificates

6.—(1) Subject to article 7, an aircraft registered in the United Kingdom shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The CAA shall grant an air operator's certificate if it is satisfied that the applicant is competent, having regard in particular to—

- (a) his previous conduct and experience; and

(2) 1982 c. 16; to which there are amendments not relevant to this provision.

- (b) his equipment, organisation, staffing, maintenance and other arrangements; to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified.

Grant of police air operators' certificates

7.—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority shall, for the purposes of this Order, be deemed to be a flight for the purpose of public transport.

(2) If any passenger is carried on such a flight it shall be deemed to be for the purpose of public transport of passengers, and save as otherwise expressly provided, the provisions of this Order and of any regulations made thereunder shall be complied with in relation to a flight in the service of a police authority as if that flight was for the purpose of public transport or public transport of passengers as the case may be.

(3) An aircraft registered in the United Kingdom shall not fly on any flight in the service of a police authority otherwise than under and in accordance with either the terms of an air operator's certificate granted to the operator of the aircraft under article 6(2) or the terms of a police air operator's certificate granted to the operator of the aircraft under paragraph (4).

(4) The CAA shall grant a police air operator's certificate if it is satisfied that the applicant is competent, having regard in particular to—

- (a) his previous conduct and experience; and
- (b) his equipment, organisation, staffing, maintenance and other arrangements;

to secure that the operation of aircraft of the types specified in the certificate shall be as safe as is appropriate when flying on flights of the description and for the purposes so specified.

PART 3

Airworthiness and Equipment of Aircraft

Certificate of airworthiness to be in force

8.—(1) Subject to paragraph (2), an aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The foregoing prohibition shall not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of—

- (a) a non-EASA glider, if it is not being used for the public transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
 - (b) a non-EASA balloon flying on a private flight;
 - (c) a non-EASA kite;
 - (d) a non-EASA aircraft flying in accordance with the A Conditions or the B Conditions; or
 - (e) an aircraft flying in accordance with a national permit to fly, an EASA permit to fly issued by the CAA or a certificate of validation issued by the CAA under article 13.
- (3) In the case of—

- (a) a non-EASA aircraft registered in the United Kingdom the certificate of airworthiness referred to in paragraph (1) shall be a national certificate of airworthiness;
 - (b) an EASA aircraft registered in the United Kingdom the certificate of airworthiness referred to in paragraph (1) shall be an EASA certificate of airworthiness issued by the CAA.
- (4) For the purposes of paragraph (1) a certificate of airworthiness—
- (a) shall include an EASA restricted certificate of airworthiness issued by the CAA; and
 - (b) shall include an EASA restricted certificate of airworthiness issued by the competent authority of a State other than the United Kingdom which does not contain a condition restricting the aircraft to flight within the airspace of the issuing State; but
 - (c) shall not include an EASA restricted certificate of airworthiness issued by the competent authority of a State other than the United Kingdom which contains a condition restricting the aircraft to flight within the airspace of the issuing State.
- (5) An aircraft registered in the United Kingdom with an EASA certificate of airworthiness shall not fly otherwise than in accordance with any conditions or limitations contained in its flight manual unless otherwise permitted by the CAA.

Issue, renewal, etc., of national certificates of airworthiness

9.—(1) Subject to paragraph (2), the CAA shall issue in respect of any non-EASA aircraft a national certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to—

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as it may require.

(2) If the CAA has issued a certificate of airworthiness in respect of an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is satisfied that it conforms to such prototype or modification.

(3) Every national certificate of airworthiness shall specify the category which is, in the opinion of the CAA, appropriate to the aircraft in accordance with Part B of Schedule 3 and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in that Part in relation to that category.

(4) Any certificate of airworthiness issued by the CAA prior to the date on which this Order comes into force which is specified as being in the Transport Category (Passenger), Transport Category (Cargo), Aerial Work or Private Category shall be deemed to be—

- (a) in the case of a non-EASA aircraft a national certificate of airworthiness in the standard category referred to in Part B of Schedule 3; and
- (b) in the case of an EASA aircraft an EASA certificate of airworthiness.

(5) The CAA may issue a national certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.

(6) The CAA may issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft registered elsewhere than in the United Kingdom under the law of any country other than the United Kingdom.

(7) Nothing in this Order shall oblige the CAA to accept an application for the issue of a national certificate of airworthiness or certificate of validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such persons approved under article 165 as the CAA may specify (either generally or in a particular case or class of cases).

Validity of certificate of airworthiness

10. A certificate of airworthiness or a certificate of validation issued in respect of an aircraft registered in the United Kingdom shall cease to be in force—

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by EASA in the case of an EASA aircraft or the CAA in the case of a non-EASA aircraft either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy or maintenance of the aircraft or of any equipment described in sub-paragraph (a) which inspection or maintenance has—
 - (i) been made mandatory by EASA or the CAA; or
 - (ii) become required by a maintenance schedule approved by the CAA in relation to that aircraft; or
- (c) until the completion to the satisfaction of EASA or the CAA as the case may be of any modification of the aircraft or of any equipment necessary for the airworthiness of the aircraft, being a modification required by EASA or the CAA for the purpose of ensuring that the aircraft remains airworthy.

Issue, validity etc., of national permits to fly

11.—(1) The CAA shall—

- (a) subject to sub-paragraph (b) issue in respect of any non-EASA aircraft registered in the United Kingdom a national permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit;
 - (b) refuse to issue a national permit to fly in respect of a non-EASA aircraft registered in the United Kingdom if it appears to the CAA that the aircraft is eligible for and ought to fly under and in accordance with a national certificate of airworthiness.
- (2) Subject to paragraph (4), an aircraft flying in accordance with a national permit to fly shall not fly for the purpose of public transport or aerial work other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.
- (3) No person shall be carried during flights for the purpose of flying displays or demonstration flying except the minimum flight crew, unless the prior permission of the CAA has been obtained.
- (4) With the permission of the CAA, an aircraft flying in accordance with a national permit to fly may fly for the purpose of aerial work which consists of the giving of instruction in flying or the conduct of flying tests, subject to the aircraft being owned or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (5) The CAA may issue a national permit to fly subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.
- (6) A national permit to fly issued in respect of an aircraft shall cease to be in force—
- (a) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy, modification or maintenance of the aircraft or any of its equipment which inspection, modification or maintenance has:
 - (i) been made mandatory by the CAA; or
 - (ii) become required as a condition of the permit to fly;

- (b) if any other conditions of the permit are not complied with;
- (c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair, or modification has been approved by the CAA or by a person approved by the CAA for the purpose;
- (d) unless the permit includes a current certificate of validity issued by the CAA or by a person approved by the CAA for the purpose.

(7) A placard shall be affixed to any aircraft flying in accordance with a permit to fly in full view of the occupants which shall be worded as follows—

“Occupant Warning

This aircraft has not been certificated to an International Requirement”.

(8) An aircraft flying in accordance with a permit to fly shall only be flown by day and in accordance with the Visual Flight Rules unless the prior permission of the CAA has been obtained.

(9) Nothing in this Order shall oblige the CAA to accept an application for the issue, variation or renewal of a national permit to fly when the application is not supported by such reports from such approved persons as the CAA may specify (either generally or in a particular case or class of cases).

(10) In paragraph (8) “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.

Issue of EASA permits to fly

12. Where the CAA is authorised so to do under Commission Regulation No 1702/2003⁽³⁾ it shall in respect of an EASA aircraft registered in the United Kingdom issue an EASA permit to fly in the same circumstances as it would issue a national permit to fly to a non-EASA aircraft.

Issue etc. of certificates of validation of permits to fly or equivalent documents

13.—(1) The CAA shall issue in respect of any aircraft registered elsewhere than in the United Kingdom a certificate of validation if it is satisfied that there is in respect of the aircraft a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered which applies standards which are substantially equivalent to those required for the issue of a permit to fly by the CAA.

(2) An aircraft flying in accordance with a certificate of validation shall not fly for the purpose of public transport or aerial work other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(3) The CAA may issue a certificate of validation subject to such other conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

Certificate of maintenance review

14.—(1) An aircraft registered in the United Kingdom—

- (a) in respect of which a certificate of airworthiness is in force shall not fly unless the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the CAA in relation to that aircraft;

(3) O.J. No. L243, 27.09.2003, p. 6 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, to which there are amendments not relevant to this Order.

- (b) which is a public transport or an aerial work aircraft shall not fly unless there is in force a certificate (in this Order referred to as a “certificate of maintenance review”) issued in respect of the aircraft in accordance with the provisions of this article and the certificate certifies the date on which the maintenance review was carried out and the date when the next review is due.
- (2) A maintenance schedule approved under paragraph (1)(a) in relation to a public transport or aerial work aircraft shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.
- (3) A certificate of maintenance review may be issued for the purposes of this article only by—
- (a) the holder of an aircraft maintenance engineer’s licence—
 - (i) granted under this Order, being a licence which entitles him to issue that certificate;
 - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order in accordance with the privileges endorsed on the licence; or
 - (iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
 - (b) a person whom the CAA has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority;
 - (c) a person approved by the CAA as being competent to issue such a certificate, and in accordance with that approval; or
 - (d) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence.
- (4) In approving a maintenance schedule, the CAA may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.
- (5) A person referred to in paragraph (3) shall not issue a certificate of maintenance review unless he has first verified that—
- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft;
 - (b) inspections and modifications required by the CAA as provided in article 10 have been completed as certified in the relevant certificate of release to service issued under this Order or under Part 145;
 - (c) defects entered in the technical log or approved record of the aircraft in accordance with article 15 have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the CAA; and
 - (d) certificates of release to service have been issued:
 - (i) under this Order or in accordance with paragraph 21A. 163(d) of Part 21 in respect of an aircraft falling within article 16(1); or
 - (ii) under Part 145 in respect of an aircraft required to be maintained in accordance with Part 145;
- and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.
- (6) A certificate of maintenance review shall be issued in duplicate.
- (7) One copy of the most recently issued certificate of maintenance review shall be carried in the aircraft when article 86 so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(8) Subject to article 91, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of at least 2 years after it has been issued.

Technical Log

15.—(1) This article applies to public transport and aerial work aircraft registered in the United Kingdom.

(2) Subject to paragraph (3), a technical log shall be kept in respect of every aircraft to which this article applies.

(3) In the case of an aircraft of which the maximum total weight authorised is 2,730 kg or less and which is not operated by the holder of an air operator's certificate granted by the CAA under article 6(2) a record approved by the CAA (in this article, article 14(5)(c) and in Schedule 6 called "an approved record") may be kept instead of a technical log.

(4) Subject to paragraph (5), at the end of every flight by an aircraft to which this article applies the commander shall enter in the technical log or the approved record as the case may be—

- (a) the times when the aircraft took off and landed;
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the CAA may require;

and he shall sign and date the entries.

(5) In the case of two or more consecutive flights each of which begins and ends—

- (a) within the same period of 24 hours;
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as commander of the aircraft;

the commander may, except where he becomes aware of a defect during an earlier flight, make the entries specified in paragraph (4) at the end of the last of such consecutive flights.

(6) Upon the rectification of any defect which has been entered in a technical log or approved record in accordance with paragraphs (4) and (5) a person issuing a certificate of release to service issued under this Order or under Part 145 in respect of that defect shall enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(7) Subject to paragraph (8) the technical log or approved record shall be carried in the aircraft when article 86 so requires and copies of the entries required by this article shall be kept on the ground.

(8) In the case of an aeroplane of which the maximum total weight authorised is 2,730 kg or less, or a helicopter, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the CAA for that purpose.

(9) Subject to article 91, a technical log or approved record required by this article shall be preserved by the operator of the aircraft to which it relates for a period of at least 2 years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the CAA may permit in a particular case.

Requirement for a certificate of release to service

16.—(1) This article shall apply to any aircraft registered in the United Kingdom in respect of which a certificate of airworthiness is in force except any such aircraft which is required to be maintained in accordance with Part 145.

(2) Except as provided in paragraphs (3), (5), (6) and (8) an aircraft to which this article applies shall not fly unless there is in force a certificate of release to service issued under this Order if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 10(b).

(3) If a repair or replacement of a part of a non-EASA aircraft or its equipment is carried out when the aircraft is at a place where it is not reasonably practicable—

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service under this Order can be issued; or
- (b) for such a certificate to be issued while the aircraft is at that place;

it may fly to a place which satisfies the criteria in paragraph (4) and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the CAA within 10 days thereafter.

(4) A place satisfies the criteria in this paragraph if it is—

- (a) the nearest place at which a certificate of release to service under this Order can be issued;
- (b) a place to which the aircraft can, in the reasonable opinion of the commander, safely fly by a route for which it is properly equipped; and
- (c) a place to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board.

(5) A certificate of release to service shall not be required to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2,730 kg if it is an aircraft in respect of which a certificate of airworthiness in the special category referred to in Part B of Schedule 3 is in force, unless the CAA gives a direction to the contrary in a particular case.

(6) A certificate of release to service shall not be required to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2,730 kg and which is a private aircraft if it flies in the circumstances specified in paragraph (7).

(7) The circumstances referred to in paragraph (6) are—

- (a) the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as may be prescribed;
- (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence granted or rendered valid under this Order who is the owner or operator of the aircraft;
- (c) the person carrying out the repairs or replacements shall keep in the aircraft log book kept in respect of the aircraft under article 22 a record which identifies the repairs or replacement and shall sign and date the entries; and
- (d) any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or one particular aircraft.

(8) A certificate of release to service issued under this Order shall not be required to be in force in respect of an aircraft to which this article applies if there is in force a certificate of release to service issued in accordance with paragraph 21A.163(d) of Part 21.

(9) Neither—

- (a) equipment provided in compliance with Schedule 4 (except equipment specified in paragraph 4 of the Schedule); nor
- (b) radio communication and radio navigation equipment provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulations made thereunder;

shall be installed or placed on board for use in an aircraft to which this article applies after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued under this Order.

(10) A certificate of release to service issued under this Order shall—

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
- (b) certify in relation to any inspection required by the CAA that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the CAA and that any consequential repair, replacement or modification has been carried out.

(11) A certificate of release to service issued under this Order may be issued only by—

- (a) the holder of an aircraft maintenance engineer's licence—
 - (i) granted under this Order, being a licence which entitles him to issue that certificate; or
 - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence.
- (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than the United Kingdom in which the overhaul, repair, replacement, modification, maintenance or inspection has been carried out, but only in respect of aircraft to which this article applies of which the maximum total weight authorised does not exceed 2,730 kg and in accordance with the privileges endorsed on the licence;
- (c) a person approved by the CAA as being competent to issue such certification, and in accordance with that approval;
- (d) a person whom the CAA has authorised to issue the certificate in a particular case, and in accordance with that authority;
- (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) or a JAR-FCL Airline Transport Pilot Licence (Aeroplane) or a Flight Navigator's Licence granted or rendered valid under this Order;
- (f) a person approved in accordance with Part 145, and in accordance with that approval; or
- (g) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence.

(12) In this article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

Requirement for a certificate of release to service under Part 145

17. An EASA aircraft to which Part 145 applies shall not fly when a certificate of release to service is required by or under Part 145 unless such a certificate is in force.

Licensing of maintenance engineers

18.—(1) The CAA shall grant an aircraft maintenance engineer's licence, subject to such conditions as it thinks fit, upon being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence and skill in aeronautical engineering, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the CAA may require of him.

(2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence, to issue—

- (a) certificates of maintenance review in respect of such aircraft as may be so specified;
- (b) certificates of release to service under this Order in respect of such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified; or
- (c) certificates of fitness for flight issued under paragraph 1(4) of the A Conditions in respect of such aircraft as may be so specified.

(3) A licence shall, subject to article 92, remain in force for the period specified therein, not exceeding 5 years, but may be renewed by the CAA from time to time upon being satisfied that the applicant is a fit person and is qualified as aforesaid.

(4) The CAA may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer granted under the law of any country other than the United Kingdom.

(5) An aircraft maintenance engineer's licence granted under this article shall not be valid unless it bears the ordinary signature of the holder in ink or indelible pencil; provided that if the licence is annexed to an aircraft maintenance licence issued under Part 66 it shall be sufficient if that Part 66 licence bears such a signature.

(6) Without prejudice to any other provision of this Order the CAA may, for the purposes of this article—

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

(7) The holder of an aircraft maintenance engineer's licence granted under paragraph (1) or of an aircraft maintenance licence granted under Part 66 shall not exercise the privileges of such a licence if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

(8) The holder of an aircraft maintenance engineer's licence granted under paragraph (1) or of an aircraft maintenance licence granted under Part 66 shall not, when exercising the privileges of such a licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

Equipment of aircraft

19.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made thereunder.

(2) In the case of any aircraft registered in the United Kingdom the equipment required to be provided (in addition to any other equipment required by or under this Order) shall—

- (a) be that specified in such parts of Schedule 4 as are applicable in the circumstances;
- (b) comply with the provisions of that Schedule;
- (c) except that specified in paragraph 4 of the said Schedule, be of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft; and
- (d) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft.

(3) In any particular case the CAA may direct that an aircraft registered in the United Kingdom shall carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.

(6) In every public transport aircraft registered in the United Kingdom there shall be provided individually for each passenger or, if the CAA so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (7).

(7) A notice complies with this paragraph if it—

- (a) is relevant to the aircraft in question;
- (b) contains pictorial instructions on the brace position to be adopted in the event of an emergency landing;
- (c) contains pictorial instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (d) contains pictorial information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (e) contains pictorial information as to where the lifejackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2), are to be found and instructions as to how they are to be used.

(8) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(9) Without prejudice to paragraph (2), all navigational equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it when carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(10) This article shall not apply in relation to radio communication and radio navigation equipment except any specified in Schedule 4.

Radio equipment of aircraft

20.—(1) An aircraft shall not fly unless it is so equipped with radio communication and radio navigation equipment as to comply with the law of the country in which the aircraft is registered or the State of the operator and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made thereunder.

(2) Without prejudice to paragraph (1), the aircraft shall be equipped with radio communication and radio navigation equipment in accordance with Schedule 5.

(3) In any particular case the CAA may direct that an aircraft registered in the United Kingdom shall carry such additional or special radio communication or radio navigation equipment as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed, the radio communication and radio navigation equipment provided in compliance with this article in an aircraft registered in the United Kingdom shall always be maintained in serviceable condition.

(5) All radio communication and radio navigation equipment installed in an aircraft registered in the United Kingdom or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made thereunder) shall—

- (a) be of a type approved by EASA or the CAA in relation to the purpose for which it is to be used; and
- (b) except in the case of a non-EASA glider which is permitted by article 3(2) to fly unregistered, be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft.

(6) Neither the equipment referred to in paragraph (5) nor the manner in which it is installed shall be modified except with the approval of EASA in the case of an EASA aircraft or the CAA in the case of a non-EASA aircraft.

Minimum equipment requirements

21.—(1) The CAA may grant in respect of any aircraft or class of aircraft registered in the United Kingdom a permission permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(2) An aircraft registered in the United Kingdom shall not commence a flight if any of the equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless—

- (a) the aircraft does so under and in accordance with the terms of a permission under this article which has been granted to the operator; and
- (b) in the case of an aircraft to which article 38 or 39 applies, the operations manual or police operations manual respectively contains particulars of that permission.

Aircraft, engine and propeller log books

22.—(1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in the United Kingdom—

- (a) an aircraft log book;
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

(2) The log books shall include the particulars respectively specified in Schedule 6 and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kg shall be of a type approved by the CAA.

(3) Each entry in the log book—

(a) other than such an entry as is referred to in paragraph 2(4)(b) or 3(4)(b) of Schedule 6, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force in respect of the aircraft at the time of the occurrence;

(b) being such an entry as is referred to in paragraph 2(4)(b) or 3(4)(b) of Schedule 6 shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller, as the case may be.

(4) Any document which is incorporated by reference in a log book shall be deemed, for the purposes of this Order, to be part of the log book.

(5) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept to keep them or cause them to be kept in accordance with the foregoing provisions of this article.

(6) Subject to article 91 every log book shall be preserved by the operator of the aircraft for a period of at least 2 years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule

23.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued by the CAA or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the CAA may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed the operator of the aircraft shall prepare a weight schedule showing—

(a) either the basic weight of the aircraft, that is to say, the empty weight of the aircraft established in accordance with the type certification basis of the aircraft or such other weight as may be approved by the CAA or EASA in the case of that aircraft; and

(b) either the position of the centre of gravity of the aircraft at its basic weight or such other position of the centre of gravity as may be approved by the CAA or EASA in the case of that aircraft.

(3) Subject to article 91 the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this article.

Access and inspection for airworthiness purposes

24. The CAA may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part of this Order or for the purposes of Part 21, Part 145 or Part M and any person authorised to do so in writing by the CAA may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART 4

Aircraft Crew and Licensing

Composition of crew of aircraft

25.—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom—

- (a) shall carry a flight crew adequate in number and description to ensure the safety of the aircraft;
- (b) which has a flight manual, shall carry a flight crew of at least the number and description specified in that flight manual;
- (c) which does not now have a flight manual but has done in the past, shall carry a flight crew of at least the number and description specified in that flight manual.

(3) A flying machine registered in the United Kingdom and flying for the purpose of public transport having a maximum total weight authorised exceeding 5,700 kg shall carry at least two pilots as members of the flight crew.

(4) Subject to paragraph (6) an aeroplane registered in the United Kingdom shall carry at least two pilots as members of its flight crew if it—

- (a) has a maximum total weight authorised of 5,700 kg or less;
- (b) is flying for the purpose of public transport;
- (c) is flying in circumstances where the commander is required to comply with the Instrument Flight Rules; and (d) comes within paragraph (5).

(5) For the purposes of paragraph (4)(d) an aeroplane comes within this paragraph if it has—

- (a) one or more turbine jets;
- (b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;
- (c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than nine;
- (d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, and is not provided with a means of pressurising the personnel compartments; unless it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off; or
- (e) two or more piston engines, unless it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off.

(6) An aeroplane—

- (a) described in paragraph (5)(d) or (5)(e) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the CAA;
- (b) described in paragraph (5)(c), (d) or (e) 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.

(7) Subject to paragraph (8), a helicopter registered in the United Kingdom shall carry at least two pilots as members of its flight crew if it—

- (a) has a maximum total weight authorised of 5,700 kg or less;

- (b) has a maximum approved passenger seating configuration of 9 or less;
 - (c) is flying for the purpose of public transport; and
 - (d) is flying in circumstances where the commander is required to comply with the Instrument Flight Rules or is flying by night with visual ground reference.
- (8) A helicopter described in paragraph (7) shall not be required to carry two pilots if it—
- (a) is equipped with an autopilot with, at least, altitude hold and heading mode which is serviceable on take-off;
 - (b) is equipped with such an autopilot notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or
 - (c) is flying under and in accordance with the terms of a police air operator's certificate.
- (9) An aircraft registered in the United Kingdom engaged on a flight for the purpose of public transport shall carry—
- (a) a flight navigator as a member of the flight crew; or
 - (b) navigational equipment suitable for the route to be flown; if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 7.
- (10) flight navigator carried in compliance with paragraph (9) shall be carried in addition to any person who is carried in accordance with this article to perform other duties.
- (11) An aircraft registered in the United Kingdom which is required by article 20 to be equipped with radio communications apparatus shall carry a flight radiotelephony operator as a member of the flight crew.
- (12) Paragraphs (13) and (14) apply to any flight for the purpose of public transport by an aircraft registered in the United Kingdom which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.
- (13) The crew of an aircraft on a flight to which this paragraph applies shall include cabin crew carried for the purposes 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 members of the flight crew.
- (14) On a flight to which this paragraph applies—
- (a) there shall, subject to sub-paragraph (b), be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft;
 - (b) the number of members of the cabin crew calculated in accordance with sub-paragraph (a) need not be carried if the CAA has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.
- (15) The CAA may in the interests of safety direct the operator of any aircraft registered in the United Kingdom that all or any aircraft operated by him when flying in circumstances specified in the direction shall carry, in addition to the crew required to be carried therein by the foregoing provisions of this article, such additional persons as members of the flight crew or the cabin crew as it may specify in the direction.

Members of flight crew—requirement for licence

26.—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order.

(2) A person may within the United Kingdom, the Channel Islands, and the Isle of Man without being the holder of such a licence—

- (a) act as a flight radiotelephony operator if—
 - (i) he does so as the pilot of a glider on a private flight and he does not communicate by radiotelephony with any air traffic control unit; or
 - (ii) he does so as a person being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft and—
 - (aa) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
 - (bb) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
 - (cc) messages are transmitted only on a frequency exceeding 60 MHz assigned by the CAA for the purposes of this sub-paragraph;
 - (dd) the operation of the transmitter requires the use only of external switches; and
 - (ee) the stability of the frequency radiated is maintained automatically by the transmitter.
- (b) act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—
 - (i) he is at least 16 years of age;
 - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act, issued by a person approved by the CAA;
 - (iii) he complies with any conditions subject to which that medical certificate was issued;
 - (iv) no other person is carried in the aircraft;
 - (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
 - (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
- (c) act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—
 - (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight

- instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
- (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) act as pilot in command of a helicopter or gyroplane at night if—
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
- (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of helicopter or gyroplane being flown by night;
- (iii) no person other than that specified in sub-paragraph (ii) is carried; and
- (iv) the helicopter or gyroplane is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (e) act as pilot in command of a balloon if—
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding 13 months carried out as pilot in command at least 5 flights each of not less than 5 minutes duration;
- (ii) he so acts in accordance with instructions given by a person authorised by the CAA to supervise flying in the type of balloon being flown;
- (iii) no person other than that specified in sub-paragraph (ii) is carried; and
- (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.
- (3) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the United Kingdom unless—
- (a) in the case of an aircraft flying for the purpose of public transport or aerial work, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or
- (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the CAA does not give a direction to the contrary.
- (4) For the purposes of this Part of this Order—
- (a) subject to sub-paragraph (b), a licence granted either under the law of a Contracting State other than the United Kingdom but which is not a JAA licence or a licence granted under the law of a relevant overseas territory; purporting in either case to authorise the holder to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the CAA gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder—

- (i) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
 - (ii) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying;
 - (b) a JAA licence shall, unless the CAA gives a direction to the contrary, be deemed to be a licence rendered valid under this Order.
- (5) Notwithstanding paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the conditions specified in paragraph (6) are complied with.
- (6) The conditions referred to in paragraph (5) are—
- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except—
 - (i) a person carried as a member of the flight crew in compliance with this Order;
 - (ii) a person authorised by the CAA to witness the training or tests or to conduct the tests; or
 - (iii) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and
 - (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—
 - (i) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or
 - (ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 27 and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence, and he acts under the supervision of a person who is the holder of an appropriate licence.
- (7) Notwithstanding paragraph (1), a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence, if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.
- (8) Notwithstanding paragraph (1), a person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.
- (9) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.
- (10) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless—

- (a) he acts as a flight radiotelephony operator otherwise than in accordance with paragraph (2)(a)(i); or
 - (b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (11) Notwithstanding anything in this article—
- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention, shall not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom, except in accordance with permission granted by the competent authorities of that State;
 - (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the United Kingdom, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with permission granted by the CAA, whether or not the licence is or is deemed to be rendered valid under this Order.

Grant, renewal and effect of flight crew licences

27.—(1) Subject to paragraph (2), the CAA shall grant licences, subject to such conditions as it thinks fit, of any of the classes specified in Part A of Schedule 8 authorising the holder to act as a member of the flight crew of an aircraft registered in the United Kingdom, upon being satisfied that the applicant is—

- (a) a fit person to hold the licence; and
- (b) is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates;

and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the CAA may require of him.

- (2) The CAA shall not grant—
- (a) a United Kingdom Private Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2000 the holder of such a licence;
 - (b) a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2000 the holder of such a licence;
 - (c) a United Kingdom Private Pilot's Licence (Helicopters) to any person who was not on 31st December 2000 the holder of such a licence;
 - (d) a United Kingdom Commercial Pilot's Licence (Aeroplanes) or a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2002 respectively the holder of such a licence;
 - (e) a United Kingdom Commercial Pilot's Licence (Helicopters) or a United Kingdom Airline Transport Pilot's Licence (Helicopters) to any person who was not on 31st December 2002 respectively the holder of such a licence.
- (3) A licence granted under this article—
- (a) shall not be valid unless it bears thereon the ordinary signature of the holder in ink or indelible pencil;
 - (b) subject to article 92 shall—

- (i) remain in force for the period indicated in the licence, not exceeding the period specified in respect of a licence of that class in Part A of Schedule 8, and may be renewed by the CAA from time to time upon being satisfied that the applicant is a fit person and qualified as aforesaid;
 - (ii) if no period is indicated in the licence, remain in force, subject as aforesaid for the lifetime of the holder;
- (c) shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of Schedule 8.
- (4) Subject to paragraph (5), the CAA may include in a licence a rating or qualification, subject to such conditions as it thinks fit, of any of the classes specified in Part B of Schedule 8, upon being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating or qualification relates, and such rating or qualification shall be deemed to form part of the licence.
- (5) The CAA shall not—
- (a) grant a flying instructor’s rating (aeroplanes), an assistant flying instructor’s rating (aeroplanes), a flying instructor’s rating (helicopters) or an assistant flying instructor’s rating (helicopters);
 - (b) include in a United Kingdom Private Pilot’s Licence (Aeroplanes) containing only a microlight class rating (in this part of this Order and in Schedule 8 called “a microlight licence”) or only an SLMG class rating (in this Part and in Schedule 8 called “an SLMG licence”) granted on or after 1st July 2000 any additional class or type rating;
 - (c) include in a National Private Pilot’s Licence (Aeroplanes) any rating or qualification other than an aircraft rating which includes only one or more of a simple single engine aeroplane (NPPL) class rating, a Microlight class rating or an SLMG class rating;
 - (d) include a simple single engine aeroplane (NPPL) class rating, a Microlight class rating or an SLMG class rating in an aircraft rating included in any United Kingdom licence.
- (6) Nothing in this Order shall oblige the CAA to accept an application for the issue of a National Private Pilot’s Licence (Aeroplanes) when the application is not supported by such reports from such persons as the CAA may approve (either generally or in a particular case or class of cases).
- (7) Subject to any conditions of the licence including those specified in Part A of Schedule 8 and to any other provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Section 1 of Part A of the said Schedule under the heading “Privileges” or Section 2 or Section 3 of Part A of the said Schedule under the heading “Privileges and conditions”, and a rating or qualification of any class shall entitle the holder of the licence in which such a rating or qualification is included to perform the functions specified in respect of that rating or qualification in Part B of the said Schedule.

Maintenance of privileges of aircraft ratings in United Kingdom licences for which there are no JAR-FCL equivalents except for Basic Commercial Pilot’s Licences and Flight Engineer’s Licences

28.—(1) This article applies to any United Kingdom licence for which there is no JAR-FCL equivalent other than a United Kingdom Basic Commercial Pilot’s Licence and a United Kingdom Flight Engineer’s Licence.

(2) Subject to paragraphs (3) and (4), the holder of a pilot’s licence to which this article applies shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of Schedule 8 and shall otherwise comply with that Section.

(3) The holder of a Private Pilot's Licence (Balloons and Airships) to which this article applies shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear a certificate referred to in paragraph (2).

(4) The holder of a Microlight Licence, an SLMG Licence or a United Kingdom Private Pilot's Licence (Gyroplanes) shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by paragraph (2) is included in the personal flying log book required to be kept by him under article 35.

(5) The holder of a flight navigator's licence to which this article applies shall not be entitled to perform functions on a flight to which article 25(9) applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of the said Schedule and shall otherwise comply with that Part.

Maintenance of privileges of aircraft ratings in JAR-FCL licences, United Kingdom licences for which there are JAR-FCL equivalents, United Kingdom Basic Commercial Pilot's Licences and United Kingdom Flight Engineer's Licences

29.—(1) This article applies to—

- (a) JAR-FCL licences;
- (b) United Kingdom licences for which there are JAR-FCL equivalents;
- (c) United Kingdom Basic Commercial Pilot's Licences; and
- (d) United Kingdom Flight Engineer's Licences.

(2) The holder of a pilot's licence to which this article applies shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless—

- (a) the licence bears a valid certificate of revalidation in respect of the rating; and
- (b) the holder has undertaken differences training in accordance with paragraph 1.235 of Section 1 of JAR-FCL 1 in the case of an aeroplane and paragraph 2.235 of Section 1 of JAR-FCL 2 in the case of a helicopter and has had particulars thereof entered in his personal flying log book in accordance with the relevant paragraph.

(3) The holder of a United Kingdom Flight Engineer's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of revalidation in respect of the rating.

Maintenance of privileges of aircraft ratings in National Private Pilot's Licences

30.—(1) The holder of a National Private Pilot's Licence (Aeroplanes) shall not be entitled to exercise the privileges of a simple single engine aeroplane (NPPL) class rating contained in the licence on a flight unless the rating is valid in accordance with Section 3 of Part C of Schedule 8.

(2) The holder of a National Private Pilot's Licence (Aeroplanes) shall not be entitled to exercise the privileges of an SLMG class rating or a Microlight class rating contained in the licence on a flight unless the licence includes a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of Schedule 8 and shall otherwise comply with that Section.

Maintenance of privileges of other ratings

31.—(1) A person shall not be entitled to perform the functions to which a flying instructor's rating (gyroplanes), an assistant flying instructor's rating (gyroplanes) or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of

test, which certificate shall be appropriate to the functions to which the rating relates in accordance with Section 1 of Part C of Schedule 8 and shall otherwise comply with that Part.

(2) A person shall not be entitled to perform the functions to which an instrument rating or an instructor's rating (other than a flying instructor's rating (gyroplanes) or an assistant flying instructor's rating (gyroplanes)) relates unless his licence bears a valid certificate of revalidation in respect of the rating.

Medical requirements

32.—(1) The holder of a licence granted under article 27, other than a Flight Radiotelephony Operator's Licence, shall not be entitled to perform any of the functions to which his licence relates unless it includes an appropriate valid medical certificate issued under paragraph (3).

(2) Every applicant for or holder of a licence granted under article 27 shall upon such occasions as the CAA may require submit himself to medical examination by a person approved by the CAA, either generally or in a particular case or class of cases, who shall make a report to the CAA in such form as the CAA may require.

(3) On the basis of such medical examination, 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 it or he has assessed the holder of the licence as meeting the requirements specified in respect of the certificate and the certificate shall, without prejudice to paragraph (6), be valid for such period as is therein specified and shall be deemed to form part of the licence.

(4) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the United Kingdom if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(5) Every holder of a medical certificate issued under this article who—

- (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of 21 days or more; or
- (c) in the case of a woman, has reason to believe that she is pregnant;

shall inform the CAA in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(6) The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy; and—

- (a) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions as a member of the flight crew or upon the CAA exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination; and
- (b) in the case of pregnancy, the suspension may be lifted by the CAA for such period and subject to such conditions as it thinks fit and shall cease upon the holder being medically examined under arrangements made by the CAA after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

Miscellaneous licensing provisions

33.—(1) A person who, on the last occasion when he took a test for the purposes of article 28, 29, 30 or 31 failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(2) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the CAA, he is testing any person for the purposes of articles 27(1), 27(4), 28(2), 29(2) or 31, notwithstanding that—

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in his licence; or
- (b) the licence or personal flying log book, as the case may be, does not include a valid certificate of test, experience or revalidation in respect of the type of aircraft.

(3) Without prejudice to any other provision of this Order the CAA may, for the purpose of this Part of this Order—

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

Validation of licences

34.—(1) Subject to paragraphs (2) and (6), the CAA may issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than the United Kingdom.

(2) In accordance with Council Directive 91/670 EEC(4) on mutual acceptance of personnel licences for the exercise of functions in civil aviation as it has effect in accordance with the EEA Agreement(5) as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994(6), the CAA shall, subject to paragraphs (4) and (5), issue a certificate of validation rendering valid a relevant licence granted under the law of an EEA State.

(3) For the purposes of this article, a relevant licence is one based on requirements equivalent to those for the equivalent licence granted by the CAA under article 27.

(4) The CAA—

- (a) may ask the Commission for an opinion on the equivalence of a licence submitted for validation under paragraph (2) of this article within three weeks of receipt by the CAA of all necessary information in respect of an application for validation;
- (b) shall, if it does not ask the Commission for such an opinion, within three months of receipt of all necessary information in respect of the application either issue the certificate of validation or inform the applicant of any additional requirements or tests which are necessary to enable the CAA to grant the certificate of validation.

(5) If after the examination of a licence the CAA has reasonable doubts as to the equivalence of that licence—

- (a) the CAA may stipulate additional requirements or tests (or both) as necessary to enable the certificate of validation to be issued;
- (b) the CAA shall notify any such additional requirements or tests (or both) as soon as reasonably practicable to the licence holder, the authority which issued the licence and to the Commission.

(6) In accordance with the said Council Directive, the CAA shall issue a certificate of validation rendering valid any licence issued in accordance with the requirements of Annex 1 to the Chicago Convention if the bearer satisfies the special validation requirements laid down in the annex to the said Council Directive.

(4) O.J. No. L 373, 31.12.91, p. 21.

(5) Cm 2073 and 2183.

(6) Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: O.J. No. L 160, 28.6.94, p. 1.

Personal flying log book

35.—(1) Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded—

- (a) the name and address of the holder of the log book;
- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
- (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including—

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this article, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including—

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

Instruction in flying

36.—(1) A person shall not give any instruction in flying to which this article applies unless—

- (a) he holds a licence, granted or rendered valid under this Order or a JAA licence, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes an instructor's rating entitling the holder to give the instruction.

(2) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

- (a) the grant of a pilot's licence; and
- (b) the inclusion or variation of any rating or qualification in his licence.

Glider pilot—minimum age

37. A person under the age of 16 years shall not act as pilot in command of a glider.

PART 5

Operation of Aircraft

Operations manual

- 38.**—(1) This article—
- (a) shall, subject to sub-paragraph (b), apply to public transport aircraft registered in the United Kingdom except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—
 - (i) flights solely for training persons to perform duties in an aircraft; or
 - (ii) flights intended to begin and end at the same aerodrome; and
 - (b) shall not apply to an aircraft flying, or intended by the operator of the aircraft to fly solely under and in accordance with the terms of a police air operator’s certificate.
- (2) The operator of every aircraft to which this article applies shall—
- (a) make available to each member of his operating staff an operations manual;
 - (b) ensure that each copy of the operations manual is kept up to date; and
 - (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.
- (3) An operations manual—
- (a) shall, subject to sub-paragraph (b), contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Schedule 9; but
 - (b) shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.
- (4) An aircraft to which this article applies shall not fly unless, at least 30 days prior to such flight, the operator of the aircraft has furnished to the CAA a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.
- (5) Subject to paragraph (6), any amendments or additions to the operations manual shall be furnished to the CAA by the operator before or immediately after they come into effect.
- (6) Where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the CAA.
- (7) Without prejudice to paragraphs (4) and (5), the operator shall make such amendments or additions to the operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.
- (8) If in the course of a flight on which the equipment specified in Scale O in paragraph 6 of Schedule 4 is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

Police operations manual

- 39.**—(1) This article shall apply to aircraft flying, or intended by the operator of the aircraft to fly solely under and in accordance with the terms of a police air operator’s certificate.

(2) An aircraft to which this article applies shall not fly except under and in accordance with the terms of Part I and Part II of a police operations manual, Part I of which shall have been approved in respect of the aircraft by the CAA.

(3) The operator of every aircraft to which this article applies shall—

- (a) make available to each member of its operating staff a police operations manual;
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(4) Each police operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the CAA a copy of Part II of the police operations manual for the time being in effect in respect of the aircraft.

(6) Subject to paragraph (7), any amendments or additions to Part II of the police operations manual shall be furnished to the CAA by the operator before or immediately after they come into effect.

(7) Where an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously relate, that aircraft shall not fly in the service of a police authority under and in accordance with the terms of a police operator's certificate until the amendment or addition has been furnished to the CAA.

(8) Without prejudice to paragraph (5), the operator shall make such amendments or additions to the police operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Training manual

40.—(1) Subject to paragraph (2), the operator of every aircraft registered in the United Kingdom and flying for the purpose of public transport shall—

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 42(3); and
- (b) ensure that each copy of that training manual is kept up to date.

(2) This article shall not apply to aircraft flying, or intended by the operator of the aircraft to fly solely under and in accordance with the terms of a police air operator's certificate.

(3) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 42(3) to perform his duties as such including in particular information and instructions relating to the matters specified in Part B of Schedule 9.

(4) An aircraft to which this article applies shall not fly unless not less than 30 days prior to such flight the operator of the aircraft has furnished to the CAA a copy of the whole of his training manual relating to the crew of that aircraft.

(5) Subject to paragraph (6), any amendments or additions to the training manual shall be furnished to the CAA by the operator before or immediately after they come into effect.

(6) Where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the CAA.

(7) Without prejudice to paragraphs (4) and (5), the operator shall make such amendments or additions to the training manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Flight data monitoring, accident prevention and flight safety programme

41.—(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 include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme shall be the prevention of accidents and incidents and each programme shall be designed and managed to meet that objective.

(4) It shall not be the purpose of an accident prevention and flight safety programme to apportion blame or liability.

Public transport—operator's responsibilities

42.—(1) The operator of an aircraft registered in the United Kingdom shall not permit the aircraft to fly for the purpose of public transport without first—

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft; and
- (c) subject to paragraph (2), satisfying himself by every reasonable means that—
 - (i) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and
 - (ii) in particular that they will be adequately manned and equipped at the time at which it is reasonably estimated such a take-off or landing will be made (including that those places will have such manning and equipment as may be prescribed) to ensure so far as practicable the safety of the aircraft and its passengers.

(2) Without prejudice to any conditions imposed under article 6, the operator of an aircraft shall not be required for the purposes of this article to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(3) The operator of an aircraft registered in the United Kingdom shall not permit any person to be a member of the crew during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

- (a) such person has had the training, experience, practice and periodical tests specified in Part C of Schedule 9 in respect of the duties which he is to perform; and
- (b) the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose.

(4) The operator shall maintain, preserve, produce and furnish information respecting records relating to the matters specified in paragraph (3) in accordance with Part C of Schedule 9.

(5) The operator of an aircraft registered in the United Kingdom shall not permit any member of the flight crew, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading—public transport aircraft and suspended loads

43.—(1) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that—

- (a) the load may safely be carried on the flight; and
- (b) any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(2) Subject to paragraph (3), the instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in article 23) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight.

(3) Paragraph (2) shall not apply in relation to a flight if—

- (a) the aircraft's maximum total weight authorised does not exceed 1,150 kg;
- (b) the aircraft's maximum total weight authorised does not exceed 2,730 kg and the flight is intended not to exceed 60 minutes in duration and is either—
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same aerodrome; or
- (c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3,000 kg, and the total seating capacity of which does not exceed 5 persons.

(4) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport in contravention of the instructions referred to in paragraph (1).

(5) Subject to paragraphs (6) and (7), the person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon.

(6) The requirements of paragraph (5) shall not apply if—

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight; and
- (b) the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating—
 - (i) the date of the endorsement;
 - (ii) the place of departure upon the next intended flight; and
 - (iii) the next intended place of destination.

(7) The requirements of paragraph (5) shall not apply if paragraph (2) does not apply in relation to the flight.

(8) Subject to paragraph (9), one copy of the load sheet shall be carried in the aircraft when article 86 so requires until the flights to which it relates have been completed and one copy of that load

sheet and of the instructions referred to in this article shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

(9) In the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg, or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the CAA for that purpose.

(10) The operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) such baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, such baggage (other than baggage carried in accordance with a permission issued under article 54(6)(b)) shall not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

Public transport—aeroplanes—operating conditions and performance requirements

44.—(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom and flying for the purpose of public transport shall comply with subpart F of Section 1 of JAR-OPS 1.

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) shall be based on the information as to its performance approved by the state of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment shall be based on additional data acceptable to the CAA.

(4) An aeroplane need not comply with paragraph (1) if it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(5) The CAA may grant in respect of any aeroplane a permission authorising it to comply with the applicable provisions of Schedule 2 to the Air Navigation (General) Regulations 2005(7).

(6) The applicable provisions for an aeroplane in respect of which such a permission has been granted shall be those provisions of the said Schedule applicable to an aeroplane of the performance group specified in the permission.

(7) An aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aeroplane—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane;

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(8) Without prejudice to paragraph (7), an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) in respect of which either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than 2 power units.

(7) [S.I. 2005/1980](#).

(9) For the purposes of paragraph (8), flying time shall be calculated at normal cruising speed with one power unit inoperative.

Public transport—helicopters—operating conditions and performance requirements

45.—(1) A helicopter registered in the United Kingdom shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in a helicopter unless such requirements as may be prescribed in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(2) The assessment of the ability of a helicopter to comply with paragraph (1) shall be based on the information as to its performance approved by the state of design and contained in the flight manual for the helicopter.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment shall be based on additional data acceptable to the CAA.

(4) A helicopter registered in the United Kingdom when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the helicopter—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter;

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(5) Without prejudice to paragraph (4), a helicopter carrying out Performance Class 3 operations—

- (a) shall not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus;
- (b) which is equipped with the required apparatus and which is flying under and in accordance with the terms of an air operator's certificate granted by the CAA under article 6(2), shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA;
- (c) which is equipped with the required apparatus and which is flying under and in accordance with the terms of a police air operator's certificate—
 - (i) on which is carried any passenger who is not a permitted passenger, shall not fly in the specified circumstances on any flight for more than 20 minutes;
 - (ii) on which no passenger is carried other than a permitted passenger, shall not fly over water on any flight for more than 10 minutes so as to be more than 5 minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing;
- (d) shall not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points—
 - (i) Hammersmith Bridge (512918N) (0001351W); and
 - (ii) Greenwich Reach (512906N) (0000043W)between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

(6) For the purposes of paragraph (5) flying time shall be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

- (7) Without prejudice to paragraph (4), a helicopter carrying out Performance Class 1 or Performance Class 2 operations—
- (a) which is flying under and in accordance with the terms of an air operator’s certificate granted by the CAA under article 6(2), shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;
 - (b) which is not equipped with the required apparatus and which is flying under and in accordance with the terms of a police air operator’s certificate on which any passenger is carried who is not a permitted passenger, shall not fly over any water on any flight for more than 15 minutes.
- (8) Notwithstanding paragraph (1), a helicopter specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out—
- (a) Performance Class 2 operations if—
 - (i) the maximum total weight authorised of the helicopter is less than 5,700 kg; and
 - (ii) the total number of passengers carried on the helicopter does not exceed 15; or
 - (b) Performance Class 3 operations if—
 - (i) the maximum total weight authorised of the helicopter is less than 3,175 kg; and
 - (ii) the total number of passengers carried does not exceed 9.
- (9) For the purposes of this article—
- (a) “permitted passenger” means—
 - (i) a police officer;
 - (ii) an employee of a police authority in the course of his duty;
 - (iii) a medical attendant;
 - (iv) the holder of a valid pilot’s licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator’s certificate and who is being carried for the purpose of training or familiarisation;
 - (v) a CAA Flight Operations Inspector;
 - (vi) a Home Office police aviation adviser;
 - (vii) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004⁽⁸⁾;
 - (viii) an officer of revenue and customs;
 - (ix) an employee of the Ministry of Defence in the course of his duty; or
 - (x) such other person being carried for purposes connected with police operations as may be permitted in writing by the CAA;
 - (b) “required apparatus” means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and
 - (c) “specified circumstances” means circumstances in which a helicopter is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

(8) 2004 c. 21.

Public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom

46. An aeroplane which is registered elsewhere than in the United Kingdom and is powered by one power unit only shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.

Public transport aircraft registered in the United Kingdom—aerodrome operating minima

47.—(1) This article shall apply to public transport aircraft registered in the United Kingdom.

(2) Subject to paragraph (3), the operator of every aircraft to which this article applies shall establish and include in the operations manual or the police operations manual relating to the aircraft the particulars (in this sub-article called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required by this Order; or
- (b) it is not practicable to include the said particulars in the operations manual or the police operations manual;

the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the said particulars calculated in accordance with the required data and instructions provided in accordance with paragraph (4) or (5) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for at least three months after the flight.

(4) The operator of every aircraft to which this article applies for which an operations manual or a police operations manual is required by this Order, shall include in that operations manual such data and instructions (in this article called “the required data and instructions”) as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.

(5) The operator of every aircraft to which this article applies for which neither an operations manual nor a police operations manual is required by this Order shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions; and the operator shall cause a copy of the required data and instructions to be retained outside the aircraft for at least three months after the flight.

(6) The specified aerodrome operating minima shall not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(7) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft shall take into account the following matters—

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;
- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use, the nature of any such aids that are in use, and the procedures

for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

- (8) An aircraft to which this article applies shall not commence a flight at a time when—
- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
 - (b) according to the information available to the commander of the aircraft it would not be able without contravening paragraph (9) or (10), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(9) An aircraft to which article 38 applies, when making a descent to an aerodrome, shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

- (10) 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.

(11) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air Regulations 1996⁽⁹⁾ to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(12) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator in accordance with paragraph (3).

Public transport aircraft registered elsewhere than in the United Kingdom—aerodrome operating minima

48.—(1) This article shall apply to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies shall not fly in or over the United Kingdom unless the operator 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.

(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.

(9) [S.I. 1996/1393](#).

- (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 so to do granted in accordance with the law of the country in which it is registered.

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

(6) Without prejudice to 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 1,000 feet or more above the aerodrome to a height of less than 1,000 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 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 under 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 of less than 200 metres but not less than 75 metres.

Non-public transport aircraft— aerodrome operating minima

49.—(1) This article shall apply to any aircraft which is not a public transport aircraft.

(2) 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 so to do granted in accordance with the law of the country in which it is registered.

(3) In the case of an aircraft registered in the United Kingdom, the approval referred to in paragraph (2) shall be issued by the CAA.

(4) Without prejudice to paragraph (2), an aircraft to which this article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(5) Without prejudice to paragraph (2), an aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not—

- (a) continue an approach to landing on such a runway 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.

(6) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air Regulations 1996(10) to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

(8) In this article Category II, Category IIIA and Category IIIB approach and landing have the same meaning as in article 48(8).

Pilots to remain at controls

50.—(1) The commander of a flying machine or glider registered in the United Kingdom shall cause one pilot to remain at the controls at all times while it is in flight.

(2) If the flying machine or glider is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.

(3) If the flying machine or glider carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers, the commander shall remain at the controls during take-off and landing.

(4) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 19 and Schedule 4 to be provided.

Wearing of survival suits by crew

51.—(1) Subject to paragraph (2), each member of the crew of an aircraft registered in the United Kingdom shall wear a survival suit if such a suit is required by article 19 and Schedule 4 to be carried.

(2) This article shall not apply to any member of the crew of such an aircraft flying under and in accordance with the terms of a police air operator’s certificate.

Pre-flight action by commander of aircraft

52. The commander of an aircraft registered in the United Kingdom shall take all reasonable steps to satisfy himself before the aircraft takes off—

(10) S.I. 1996/1393.

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) either that—
 - (i) the equipment required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
 - (ii) the flight may commence under and in accordance with the terms of a permission granted to the operator under article 21;
- (c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 14(1) to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination;
- (h) that any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft; and
- (i) in the case of a balloon, that the balloon will be able to land clear of any congested area.

Passenger briefing by commander

53.—(1) Subject to paragraph (2), the commander of an aircraft registered in the United Kingdom shall take all reasonable steps to ensure—

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(2) This article shall not apply to the commander of an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate.

Public transport of passengers—additional duties of commander

54.—(1) This article applies to flights for the purpose of the public transport of passengers by aircraft registered in the United Kingdom other than flights under and in accordance with the terms of a police air operator's certificate.

(2) In the case of an aircraft which is not a seaplane, on a flight to which this article applies on which it is intended to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water) from the nearest land, the commander shall, subject to paragraph (9), take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(3) In the case of an aircraft which is not a seaplane but is required by article 25(13) to carry cabin crew, the commander shall, subject to paragraph (9), take all reasonable steps to ensure that, before the aircraft takes off on a flight to which this article applies on which—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water;

all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) In the case of an aircraft which is a seaplane, the commander shall take all reasonable steps to ensure that before the aircraft takes off on a flight to which this article applies all passengers are given a demonstration of the method of use of the the lifejackets required by or under this Order for the use of passengers.

(5) Before the aircraft takes off on a flight to which this article applies, and before it lands, the commander shall take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 25(13) and (14) are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers.

(6) From the moment when, after the embarkation of its passengers for the purpose of taking off on a flight to which this article applies, it first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary the commander shall take all reasonable steps to ensure that—

- (a) all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device; and
- (b) those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(7) In the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, the commander shall take all reasonable steps to ensure that on a flight to which this article applies—

- (a) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 19 and Schedule 4 is demonstrated to all passengers;
- (b) when flying above flight level 120 all passengers and cabin crew are recommended to use oxygen; and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(8) In the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) prior to 1st January 1989, except in the case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, the commander shall take all reasonable steps to ensure that on a flight to which this article applies—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 19 and Schedule 4 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers and cabin crew are recommended to use oxygen; and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;

provided that he may comply instead with paragraph (7).

(9) Where the only requirement to give a demonstration required by paragraph (2) or (3) arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

Operation of radio in aircraft

55.—(1) A radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to paragraph (3), whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

(3) The radio watch—

- (a) may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits;
- (b) may be kept by a device installed in the aircraft if—
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (ii) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.

(4) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication or radio navigation equipment a member of the flight crew

shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(5) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

(6) In any flying machine registered in the United Kingdom which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

Minimum navigation performance

56.—(1) An aircraft registered in the United Kingdom shall not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance—aircraft registered in the United Kingdom

57.—(1) Unless otherwise authorised by the appropriate air traffic control unit, an aircraft registered in the United Kingdom shall not fly in reduced vertical separation minimum airspace notified for the purpose of this article, unless it is equipped with height keeping systems which enable the aircraft to maintain the prescribed height keeping performance capability.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance—aircraft registered elsewhere than in the United Kingdom

58. Unless otherwise authorised by the appropriate air traffic control unit an aircraft registered elsewhere than in the United Kingdom shall not fly in United Kingdom reduced vertical separation minimum airspace unless—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

Area navigation and required navigation performance capabilities—aircraft registered in the United Kingdom

59.—(1) Subject to paragraph (3) an aircraft registered in the United Kingdom shall not fly in designated required navigation performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability specified in respect of that airspace.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the CAA.

(3) An aircraft need not comply with the requirements of paragraph (1) and (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Area navigation and required navigation performance capabilities—aircraft registered elsewhere than in the United Kingdom

60.—(1) An aircraft registered elsewhere than in the United Kingdom shall not fly in designated required navigation performance airspace in the United Kingdom unless it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace.

(2) Subject to paragraph (3), the said navigation equipment shall be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified in respect of the airspace in which the aircraft is flying, and shall be so operated.

(3) An aircraft need not comply with the requirements of paragraph (2) where the flight has been authorised by the appropriate United Kingdom air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Use of airborne collision avoidance system

61. On any flight on which an airborne collision avoidance system is required by article 20 and Schedule 5 to be carried in an aeroplane, the system shall be operated—

- (a) in the case of an aircraft to which article 38 applies, in accordance with procedures contained in the operations manual for the aircraft;
- (b) in the case of an aircraft registered in the United Kingdom to which article 38 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment; or
- (c) in the case of an aircraft which is registered elsewhere than in the United Kingdom, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Use of flight recording systems and preservation of records

62.—(1) On any flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 5(4), (5), (6) or (7) of Schedule 4 to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

- (2) The operator of the aeroplane shall at all times, subject to article 91, preserve—
 - (a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
 - (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the CAA may in a particular case direct.

(3) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 5(16) of Schedule 4 to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

- (4) The operator of the helicopter shall at all times, subject to article 91, preserve—
 - (a) the last 8 hours of recording made by any flight data recorder specified in paragraph (1) or (2) of Scale SS of paragraph 6 of Schedule 4 and required by or under this Order to be carried in the helicopter;
 - (b) in the case of a combined cockpit voice recorder/flight data recorder specified in paragraph (3) of the said Scale SS and required by or under this Order to be carried in a helicopter either—
 - (i) the last 8 hours of recording; or
 - (ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either—
 - (aa) the period immediately preceding the last five hours of recording or the duration of the last flight, whichever is the greater; or
 - (bb) such period or periods as the CAA may permit in any particular case or class of cases or generally.

(5) The additional recording retained under sub-paragraphs (b)(ii)(aa) and (bb) of paragraph (4) shall, together with the recording required to be retained under sub-paragraph (b)(ii) of paragraph (4), total a period of 8 hours and shall be retained in accordance with arrangements approved by the CAA.

Towing of gliders

63.—(1) An aircraft in flight shall not tow a glider unless the flight manual for the towing aircraft includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Operation of self-sustaining gliders

64. A self-sustaining glider shall not take off under its own power.

Towing, picking up and raising of persons and articles

65.—(1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this article shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or

article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;

- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the B Conditions; or
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 63.

Dropping of articles and animals

66.—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial application certificate granted under article 68, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances—

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the CAA; or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the CAA.

(4) For the purposes of this article “dropping” includes projecting and lowering.

(5) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

Dropping of persons and grant of parachuting permissions

67.—(1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator’s certificate or a parachuting permission granted by the CAA under this article.

(2) For the purposes of this article “dropping” includes projecting and lowering.

(3) Notwithstanding the grant of a police air operator’s certificate or a parachuting permission, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless—

- (a) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the

flight manual for the aircraft includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the CAA under this article; or

(b) the aircraft is operated under and in accordance with the terms of a police air operator's certificate.

(5) Every applicant for and every holder of a parachuting permission shall make available to the CAA if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the CAA may require.

(6) The holder of a parachuting permission shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.

(7) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(8) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

Grant of aerial application certificates

68.—(1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The CAA—

(a) shall grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1);

(b) may grant such a certificate subject to such conditions as it thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(3) Every applicant for and holder of an aerial application certificate shall make available to the CAA upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual.

(4) The manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The holder of an aerial application certificate shall make such amendments or additions to the manual as the CAA may require.

Carriage of weapons and of munitions of war

69.—(1) Subject to paragraph (6), an aircraft shall not carry any munition of war unless—

(a) such munition of war is carried with the permission of the CAA; and

(b) subject to paragraph (2), the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(2) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the commander of the aircraft shall be informed of the matters referred to in sub-paragraph (1)(b) but he need not be so informed in writing.

(3) Subject to paragraph (5), it shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(4) Subject to paragraph (5), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless—

(a) the sporting weapon or munition of war—

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;

(ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and

(iii) in the case of a firearm, is unloaded;

(b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and

(c) without prejudice to paragraph (1), the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

(5) Paragraphs (3) and (4) shall not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(6) Nothing in this article shall apply to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(7) 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.

Carriage of dangerous goods

70.—(1) Without prejudice to any other provisions of this Order, the Secretary of State may make regulations prescribing—

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents which must be produced to the CAA or an authorised person on request; and
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) The provisions of this article and of any regulations made thereunder shall be additional to and not in derogation from article 69.

Method of carriage of persons

71.—(1) A person shall not—

- (a) subject to paragraphs (2) and (3), be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft;
- (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to—

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

(3) This article shall not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

Exits and break-in markings

72.—(1) This article shall apply to every public transport aeroplane or helicopter registered in the United Kingdom.

(2) Whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit therefrom and every internal door in the aeroplane or helicopter shall be in working order, and, subject to paragraph (3), during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

- (3) In the case of—
- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
 - (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the commander of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
 - (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (2) shall not apply.
- (4) Every exit from the aeroplane or helicopter shall be marked with the words “Exit” or “Emergency Exit” in capital letters, which shall be red in colour and if necessary shall be outlined in white to contrast with the background.
- (5) Every exit from the aeroplane or helicopter shall be marked with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be red in colour and located on a background which provides adequate contrast.
- (6) The markings required by paragraph (5) shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aeroplane or helicopter, on or near the exterior surface.
- (7) An operator of an aeroplane or helicopter shall ensure that if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on aeroplanes and helicopters, such areas shall be marked upon the exterior surface of the fuselage with markings to show the areas which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aeroplane or helicopter.
- (8) The markings required by paragraph (7) shall—
- (a) be red or yellow, and if necessary shall be outlined in white to contrast with the background;
 - (b) if the corner markings are more than 2 metres apart, have intermediate lines 9 centimetres x 3 centimetres inserted so that there is no more than 2 metres between adjacent marks.
- (9) The markings required by this article shall—
- (a) be painted, or affixed by other equally permanent means; and
 - (b) be kept at all times clean and unobscured.
- (10) Subject to compliance with paragraph (11), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article shall prevent that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.
- (11) On any flight on which this paragraph must be complied with—
- (a) the number of passengers carried and the position of the seats which they occupy shall be in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
 - (b) in accordance with arrangements so approved, the exit shall be fastened by locking or otherwise, the words “Exit” or “Emergency Exit” shall be covered, and the exit shall be marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

Endangering safety of an aircraft

73. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Endangering safety of any person or property

74. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

75.—(1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft

76.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of an aircraft

77. Every person in an aircraft shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner

78. No person shall while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

Stowaways

79. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to his being carried in the aircraft.

Flying displays

80.—(1) No person shall act as the organiser of a flying display (in this article referred to as “the flying display director”) unless he has obtained the permission of the CAA under paragraph (5) for that flying display.

- (2) The commander of an aircraft who is—
- (a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that—
 - (i) the flying display director has been granted an appropriate permission under paragraph (5);
 - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (iii) the pilot has been granted an appropriate pilot display authorisation; or
 - (b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.
- (3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.
- (4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.
- (5) The CAA—
- (a) shall grant a permission required by virtue of paragraph (1) if it is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display;
 - (b) may grant such a permission subject to such conditions, which may include conditions in respect of military aircraft, as the CAA thinks fit.
- (6) The CAA shall, for the purposes of this article—
- (a) grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon it being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the CAA may require; and
 - (b) authorise a person to conduct such examinations or tests as it may specify.
- (7) A pilot display authorisation granted in accordance with this article shall, subject to article 92, remain in force for the period indicated in the pilot display authorisation.
- (8) Subject to paragraph (9), for the purposes of this article, an appropriate pilot display authorisation shall mean an authorisation which is valid and appropriate to the intended flight and which has been either—
- (a) granted by the CAA under paragraph (6)(a); or
 - (b) granted by the competent authority of a JAA Full Member State.
- (9) A pilot display authorisation granted by the competent authority of a JAA Full Member State shall not be an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.
- (10) A direction may be issued under paragraph (9) either in respect of a particular authorisation, a specified category of authorisations or generally.
- (11) Paragraph (1) shall not apply to either—
- (a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or

(b) a flying display at which the only participating aircraft are military aircraft.

(12) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(13) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot whether or not such race or contest is held in association with a flying display.

PART 6

Fatigue of Crew and Protection of Crew from Cosmic Radiation

Application and interpretation of Part 6

81.—(1) Subject to paragraph (2), articles 82 and 83 shall apply to any aircraft registered in the United Kingdom which is either—

- (a) engaged on a flight for the purpose of public transport; or
- (b) operated by an air transport undertaking.

(2) Articles 82 and 83 shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(3) For the purposes of this Part—

- (a) “flight time”, in relation to any person, means all time spent by that person in—
 - (i) a civil aircraft whether or not registered in the United Kingdom (other than such an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purpose of public transport or aerial work); or
 - (ii) a military aircraft (other than such an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is flying on a military air experience flight);

while it is in flight and he is carried as a member of the crew;

- (b) “day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time;
- (c) a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped; and
- (d) a military air experience flight is a flight by a military aircraft operated under the auspices of the Royal Air Force Air Cadet Organisation for the purpose of providing air experience to its cadets.

Fatigue of crew—operator’s responsibilities

82.—(1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless—

- (a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the CAA;
- (c) either—

- (i) the scheme is incorporated in the operations manual required by article 38; or
 - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and
- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing—

- (a) all his flight times; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) shall, subject to article 91, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew—responsibilities of crew

83.—(1) A person shall not act as a member of the crew of an aircraft to which this article applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times—responsibilities of flight crew

84.—(1) Subject to paragraph (2), a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom if at the beginning of the flight the aggregate of all his previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article shall not apply to a flight which is—

- (a) a private flight in an aircraft of which the maximum total weight does not exceed 1,600 kg; or
- (b) a flight which is not for the purpose of public transport and is not operated by an air transport undertaking where, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since he was last medically examined and found fit by a person approved by the CAA for the purpose of article 32(2) does not exceed 25 hours.

Protection of air crew from cosmic radiation

85.—(1) A relevant undertaking shall take appropriate measures to—

- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed air crew; and
- (c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking shall ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in paragraph (2) shall require the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.

(4) The definition in article 155 of “crew” shall not apply for the purposes of this article.

(5) In this article and in article 87—

- (a) “air crew” has the same meaning as in article 42 of Council Directive 96/29/ Euratom of 13th May 1996⁽¹¹⁾; and
- (b) “undertaking” includes a natural or legal person and “relevant undertaking” means an undertaking established in the United Kingdom which operates aircraft.

(6) In this article—

- (a) “highly exposed air crew” and “milliSievert” have the same respective meanings as in article 42 of Council Directive 96/29/Euratom of 13th May 1996; and
- (b) “year” means any period of twelve months.

PART 7

Documents and Records

Documents to be carried

86.—(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) Subject to paragraph (3), an aircraft registered in the United Kingdom shall, when in flight, carry documents in accordance with Schedule 10.

(3) If the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Keeping and production of records of exposure to cosmic radiation

87.—(1) A relevant undertaking shall keep a record for the period and in the manner prescribed of the exposure to cosmic radiation of air crew assessed under article 85 and the names of the air crew concerned.

⁽¹¹⁾ O.J. No. L159, 29.6.96, p. 1—Council Directive 96/29/EURATOM of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

Production of documents and records

88.—(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as the aircraft is required by article 86 to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available—

- (a) the documents referred to in Schedule 10 as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 23(3);
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 10 as Documents D, E, F and H;
- (e) any records of flight times, duty periods and rest periods which he is required by article 82(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under article 38(2)(a);
- (g) the record made by any flight data recorder required to be carried by or under this Order.

(3) The holder of a licence granted or rendered valid under this Order or of a medical certificate required under article 26(2)(b)(ii) shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) Every person required by article 35 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within a period of 2 years beginning with the date of the last entry.

Production of air traffic service equipment documents and records

89. The holder of an approval under article 124 or 125 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records

90. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under this Order or any regulations made thereunder to require to be produced to him.

Preservation of documents, etc.

91.—(1) Subject to paragraphs (2), (3), (4) and (5), a person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 62(2) and (4) which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the first-mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.

(4) If any person in respect of whom a record has been kept by the first-mentioned operator in accordance with article 82(4) becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.

(5) It shall be the duty of the other person referred to in paragraphs (2), (3) and (4) to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

92.—(1) Subject to paragraphs (5) and (6), the CAA may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the CAA within a reasonable time after being required to do so by the CAA.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) The provisions of article 93 shall have effect, in place of the provisions of this article, in relation to permits to which that article applies.

(6) Notwithstanding paragraph (1), a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

Revocation, suspension and variation of permissions, etc. granted under article 138 or article 140

93.—(1) Subject to the provisions of this article, the Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the Secretary of State may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if it appears to him that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or a Government of another country which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, have—
 - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid; or
 - (ii) have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982 or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned; and
- (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of an agreement referred to in sub-paragraph (b), is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.

(7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.

(8) The permits to which this article applies are permissions granted by the Secretary of State under article 138 or article 140 and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(9) References in this article to the “permit-holder” are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

Offences in relation to documents and records

94.—(1) A person shall not with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order or by or under Part 21, 66, 145, 147 or M which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order or by or under Part 21, 66, 145, 147 or M to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order or by or under Part 21, 66, 145, 147 or M to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order, of any regulations made thereunder or of Part 21, 66, 145, 147 or M unless he is authorised to do so under this Order or Part 21, 66, 145, 147 or M as the case may be.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART 8

Movement of Aircraft

Rules of the Air

95.—(1) Without prejudice to any other provision of this Order, the Secretary of State may make regulations (in this article called the “Rules of the Air”) prescribing—

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes; and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty’s naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.

(5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

96.—(1) Where the Secretary of State deems it necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest;

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances referred to in paragraph (1) are—

- (a) aircraft, whether or not registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and

(b) aircraft registered in the United Kingdom, in any other airspace, being airspace in respect of which Her Majesty's Government in the United Kingdom has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(c) he shall, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(6) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(c) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes

97.—(1) The provisions of this article shall apply only to or in relation to aircraft within the United Kingdom.

(2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Without the permission of the CAA—

- (a) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (e) a kite shall not be flown at a height of more than 60 metres above ground level; and
- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

(4) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission of the CAA.

(5) A controllable balloon shall not be flown in free controlled flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

except during the day and in visual meteorological conditions.

(6) A controllable balloon shall not be flown in tethered flight—

- (a) within airspace notified for the purposes of this paragraph; or

- (b) within the aerodrome traffic zone of a notified aerodrome;
except with the permission of the appropriate air traffic control unit.
- (7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.
- (8) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than on a notified aerodrome except with the permission of the CAA.
- (9) An airship with a capacity not exceeding 3,000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored—
- (a) within 2 km of a congested area; or
 - (b) within the aerodrome traffic zone of a notified aerodrome;
- except with the permission of the CAA.
- (10) An airship when moored in the open shall be securely moored and shall not be left unattended.
- (11) A person shall not cause or permit—
- (a) a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA not less than 28 days previous notice in writing of the release;
 - (b) a group of small balloons exceeding 2,000 but not exceeding 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
 without the permission of the CAA;
 - (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.
- (12) For the purposes of this article—
- (a) in paragraph (5) “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;
 - (b) the “notified operating hours” means the times notified in respect of an aerodrome during which rule 39 of the Rules of the Air Regulations 1996(a) applies;
 - (c) “simultaneously released at a single site” means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

Regulation of small aircraft

98.—(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 7 kg 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 400 feet above the surface unless it is flying in airspace described in sub-paragraph (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 CAA.

Regulation of rockets

99.—(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article shall not apply to—

- (a) an activity to which the Outer Space Act 1986(12) applies; or
- (b) a military rocket.

(3) No person shall launch a small rocket to which this article applies unless the condition in paragraph (4), and any of the conditions in paragraph (5) which are applicable, are satisfied.

(4) The condition first mentioned in paragraph (3) is that he has reasonably satisfied himself that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight, remain clear of any obstructions including any aircraft in flight.

(5) The conditions mentioned secondly in paragraph (3) are that—

- (a) for a flight within controlled airspace, he has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace;
- (b) for a flight within an aerodrome traffic zone at any of the times specified in Column 2 of the Table in rule 39(1) of the Rules of the Air Regulations 1996(13)—
 - (i) he has obtained the permission of the air traffic control unit at the aerodrome; or
 - (ii) where there is no air traffic control unit, he has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or
 - (iii) where there is no air traffic control unit and no aerodrome flight information service unit, he has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely;
- (c) for a flight for aerial work purposes the flight is carried out under and in accordance with a permission granted by the CAA.

(6) No person shall launch a large rocket unless he does so under and in accordance with a permission granted by the CAA.

(12) 1986 c. 38.

(13) S.I. 1996/1393.

PART 9

Air Traffic Services

Requirement for an air traffic control approval

100.—(1) No person in charge of the provision of an air traffic control service shall provide such a service in respect of United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, in pursuance of international arrangements, undertaken to provide air navigation services otherwise than under and in accordance with the terms of an air traffic control approval granted to him by the CAA.

(2) The CAA shall grant an air traffic control approval if it is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

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

101. The holder of an approval under article 100 shall not permit any person to act as an air traffic controller or 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.

Manual of air traffic services

102. A person shall not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions have been made to the manual as the CAA may from time to time require.

Provision of air traffic services

103. In the case of an aerodrome (other than a Government aerodrome) in respect of which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome shall—

- (a) inform the CAA in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

Making of an air traffic direction in the interests of safety

104.—(1) The CAA may, in the interests of safety, direct the person in charge of an aerodrome that there shall be provided in respect of any aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(2) The CAA may, in the interests of safety, direct the holder of a licence to provide air traffic services granted under Part I of the Transport Act 2000⁽¹⁴⁾ that there shall be provided, in respect of United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has in pursuance of international arrangements undertaken to provide air navigation services, otherwise than in respect of an aerodrome, such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(3) The CAA may specify in a direction made under this article the periods during which, the times at which, the manner in which and the airspace within which such service or such means shall be provided.

(4) The person who has been directed shall cause such a service or means to be provided in accordance with the direction.

(5) A provisional air traffic direction—

- (a) may, if it thinks fit, be made by the CAA in accordance with paragraph (1) or (2) pending inquiry into or consideration of the case;
- (b) shall have effect as though it were an air traffic direction made in accordance with paragraph (1) or (2) as the case may be.

Making of a direction for airspace policy purposes

105.—(1) After consultation with the Secretary of State the CAA may direct in accordance with paragraphs (2) and (3) any person in charge of the provision of air traffic services to provide air traffic services in respect of United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has undertaken in pursuance of international arrangements to provide air traffic services.

(2) A direction under paragraph (1) may be made—

- (a) in the interests of ensuring the efficient use of airspace; or
- (b) to require that air traffic services are provided to a standard considered appropriate by the CAA for the airspace classification.

(3) The CAA may specify in a direction under paragraph (1) the air traffic services and the standard to which they are to be provided and the periods during which, the times at which, the manner in which, and the airspace within which such services shall be provided.

(4) The person who has been directed shall cause such a service to be provided in accordance with the direction.

Use of radio call signs at aerodromes

106. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

(14) 2000 c. 38.

PART 10

Licensing of Air Traffic Controllers

Prohibition of unlicensed air traffic controllers and student air traffic controllers

107.—(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 privileges and conditions of—

- (a) a valid student air traffic controller's licence granted under 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 was the holder of a student air traffic controller's licence.

(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 such instructions or advice as he has been instructed so to do 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.

Grant and renewal of air traffic controller's and student air traffic controller's licences

108.—(1) Subject to the provisions of this article the CAA shall grant licences, subject to any conditions it thinks fit, of either of the classes specified in Part A of Schedule 11, authorising the holder to act as an air traffic controller or a student air traffic controller in the United Kingdom.

(2) Before granting such a licence the CAA must be satisfied that the applicant is—

- (a) a fit person to act in the capacity to which the licence relates; and
- (b) is 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.

(3) Such a licence—

- (a) shall, subject to article 92, remain in force for the period indicated therein, not exceeding the period specified in Schedule 11 for that licence;
- (b) shall, if no period is indicated remain in force, subject to article 92, for the lifetime of the holder;
- (c) 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 paragraph (2);
- (d) shall not be granted to any person who is under the minimum age specified for that licence in Part A of Schedule 11;
- (e) shall not be valid unless the holder has signed it in ink or indelible pencil with his ordinary signature.

(4) The CAA may include in an air traffic controller's licence, subject to such conditions as it thinks fit, any of the ratings and endorsements specified in Part B of Schedule 11, upon its being satisfied that the applicant is qualified as specified in paragraph (2)(b) 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.

(5) The holder of an air traffic controller's or a student air traffic controller's licence shall, upon such occasions as the CAA may require, submit himself for such examinations, assessments and tests (including 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.

Privileges of an air traffic controller's licence and a student air traffic controller's licence

109.—(1) Subject to article 110 and to any conditions of the licence granted under article 108 an air traffic controller's licence shall entitle the holder to—

- (a) exercise the privileges specified in paragraph 1(3) of Part A of Schedule 11; and
- (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of the said Schedule.

(2) Subject to article 110 and to any conditions of the licence granted under article 108 a student air traffic controller's licence shall entitle the holder to exercise the privileges specified in paragraph 2(3) of Part A of Schedule 11.

Maintenance of validity of ratings and endorsements

110.—(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 the licence unless the licence includes a current unit licence endorsement specifying that the rating or endorsement is valid for—

- (a) the aerodrome or place at which he so acts;
- (b) the sector on which or the operational position at which he so acts; and
- (c) 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's licence which includes an examiner licence endorsement.

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

111.—(1) Subject to paragraph (2), when a rating ceases to be valid for a sector or operational position the holder of the licence shall forthwith inform the person who is approved under article 100 to provide an air traffic control service for that sector or operational position to that effect.

(2) When a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position the holder shall notify the CAA and forward the 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 the 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

112.—(1) On the basis of a medical examination referred to in article 108(2)(b) and (5), 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 holder of the licence has been assessed as fit to perform the functions to which the licence relates.

(2) The certificate shall be deemed to form part of the licence.

(3) 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).

(4) 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

113. An air traffic controller's licence shall not be an appropriate licence for the purposes of this Part of the Order unless it includes valid ratings, endorsements and certificates which authorise the holder to provide, at the aerodrome or place, the type of air traffic control service for the sector on which or the operational position at which it is being provided and with the type of surveillance equipment being used (if any).

Incapacity of air traffic controllers

114.—(1) Every holder of an air traffic controller's licence granted under article 108 who—

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant;

shall inform the CAA in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's medical certificate shall cease to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and shall come into force again (provided it has not expired)—

- (a) upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions under the licence; or
- (b) upon the CAA exempting the holder from the requirement of a medical examination subject to such conditions as the CAA may think fit.

Fatigue of air traffic controllers—air traffic controllers' responsibilities

115. A person shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Prohibition of acting under the influence of drink or a drug

116. A person shall not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

Failing exams

117. A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part, failed that 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 it.

Use of simulators

118. No part of any examination, assessment or test undertaken for the purposes of this Part or Schedule 11 or any training which has been approved under article 119 shall be undertaken in a simulator unless that simulator has been approved by the CAA.

Approval of courses, persons and simulators

119. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part—

- (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.

Acting as an air traffic controller and a student air traffic controller

120. For the purposes of this Part and Schedule 11—

- (a) “acting as an air traffic controller” shall mean either—
 - (i) giving an air traffic control service; or
 - (ii) the supervision of a student air traffic controller;or both; and
- (b) “acting as a student air traffic controller” shall mean giving an air traffic control service under the supervision of an air traffic controller.

PART 11

Flight Information Services and Licensing of Flight Information Service Officers

Prohibition of unlicensed flight information service officers

121.—(1) A person shall not act as a flight information service officer at any aerodrome or area control centre 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 flight information service officer’s licence granted under this Order authorising him to act as such at that aerodrome or area control centre.

(2) A person shall not act as a flight information service officer unless he has identified himself in such a manner as may be notified.

(3) For the purposes of this Part and Schedule 11 “acting as a flight information service officer” shall mean giving a flight information service.

Licensing of flight information service officers

122.—(1) The CAA shall grant a licence subject to such conditions as it thinks fit to any person aged 18 years or more to act as a flight information service officer upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require of him.

(2) A licence to act as a flight information service officer—

- (a) may be renewed by the CAA from time to time, upon being satisfied that the applicant is a fit person and is qualified as aforesaid;
- (b) shall remain in force, subject to article 92, for the period indicated in the licence or if no period is indicated, for the lifetime of the holder.

(3) A flight information service officer's licence shall not authorise the giving of a flight information service at an aerodrome or area control centre unless that aerodrome or area control centre has been specified in the licence by a person authorised by the CAA for the purpose and the licence has been validated in respect of that aerodrome or area control centre by a person authorised for the purpose by the CAA.

(4) If, throughout any period of 90 days the holder of the licence has not at any time given such a service at a particular aerodrome or area control centre, the licence shall cease to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated in respect of that aerodrome or area control centre by a person authorised by the CAA for the purpose.

(5) A licence to act as a flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink or indelible pencil with his ordinary signature.

(6) Every holder of a flight information service officer's licence shall upon such occasions as the CAA may require, submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

Flight information service manual

123. A person shall not provide a flight information service at any aerodrome or area control centre unless—

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome or area control centre;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions have been made to the manual as the CAA may from time to time require.

PART 12

Air Traffic Service Equipment

Air traffic service equipment

124.—(1) A person shall not cause or permit any air traffic service equipment to be established or used in the United Kingdom otherwise than under and in accordance with an approval granted by the CAA to the person in charge of the equipment.

(2) An approval shall be granted under paragraph (1) upon the CAA being satisfied—

- (a) as to the intended purpose of the equipment;
- (b) that the equipment is fit for its intended purpose; and
- (c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may in addition to any other conditions which may be imposed include a condition requiring the person in charge of the equipment to use a person

approved by the CAA under paragraph (6) for the provision of particular services in connection with the equipment and in particular but without limitation may include a condition requiring that the equipment be flight checked by such an approved person.

(6) The CAA may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted in respect of one or more than one person or generally.

(8) The provisions of this article shall not apply in respect of any air traffic service equipment of which the person solely in charge is the Secretary of State.

Air traffic service equipment records

125.—(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) shall keep in respect of such equipment or apparatus records in accordance with Part A of Schedule 12, and shall preserve such records for a period of one year or such longer period as the CAA may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide recording apparatus in accordance with paragraph (4).

(3) The CAA may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) The person in charge of the air traffic service equipment in respect of which recording apparatus is required to be provided under paragraph (2) or (3) shall, subject to paragraph (7)—

- (a) ensure that when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; or in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
- (b) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
- (c) ensure that each record made by the apparatus complies with Part B of Schedule 12;
- (d) not cause or permit that apparatus to be used unless it is approved by the CAA; and
- (e) comply with the terms of such an approval.

(5) The CAA may in considering whether or not to grant an approval, without limitation, have regard to the matters specified in Part C of Schedule 12.

(6) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the CAA may have had regard to under paragraph (5);
- (b) in respect of one or more than one person or generally.

(7) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus shall ensure that, so far as practicable, a record is kept which complies with Part B of Schedule 12 and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft.

(8) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(9) The person in charge of any air traffic service equipment shall preserve any record made in compliance with paragraph (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the CAA may in a particular case direct.

(10) Subject to paragraph (11), a person required by this article to preserve any record by reason of his being the person in charge of the air traffic service equipment shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

(11) If another person becomes the person in charge of the air traffic service equipment the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he were the previous person in charge.

(12) The person in charge of any air traffic service equipment shall within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

(13) The provisions of this article shall not apply in respect of any air traffic service equipment of which the person solely in charge is the Secretary of State.

PART 13

Aerodromes, Aeronautical Lights and Dangerous Lights

Aerodromes—public transport of passengers and instruction in flying

126.—(1) An aircraft to which this paragraph applies shall not take off or land at a place in the United Kingdom other than—

- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or
- (b) a Government aerodrome notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be;

and in accordance with any conditions subject to which the aerodrome may have been licensed or notified, or subject to which such permission may have been given.

(2) Subject to paragraph (4), paragraph (1) applies to—

- (a) any aeroplane of which the maximum total weight authorised exceeds 2,730 kg flying on a flight—
 - (i) for the purpose of the public transport of passengers;
 - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (b) any aeroplane of which the maximum total weight authorised does not exceed 2,730 kg flying on a flight—
 - (i) which is a scheduled journey for the purpose of the public transport of passengers;

- (ii) for the purpose of the public transport of passengers beginning and ending at the same aerodrome;
 - (iii) for the purpose of—
 - (aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (bb) a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (iv) for the purpose of the public transport of passengers at night;
 - (c) any helicopter or gyroplane flying on a flight specified in sub-paragraph (b)(i) or (iii); and
 - (d) any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying.
- (3) Subject to paragraph (4)—
- (a) the person in charge of any area in the United Kingdom intended to be used for the take off or landing of helicopters at night other than such a place as is specified in paragraph (1) shall cause to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter—
 - (i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
 - (ii) in the case of taking off, to make a safe take-off;
 - (b) a helicopter flying for the purpose of the public transport of passengers at night shall not take off or land at a place to which sub-paragraph (a) applies unless there is in operation such lighting.
- (4) Paragraph (1) shall not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Use of Government aerodromes

127. With the concurrence of the Secretary of State, the CAA may cause to be notified subject to such conditions as it thinks fit, any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

Licensing of aerodromes

128.—(1) The CAA shall grant a licence in respect of any aerodrome in the United Kingdom if it is satisfied that—

- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
- (c) the aerodrome manual submitted under paragraph (6) is adequate.

(2) If the applicant so requests or if the CAA considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, it may grant a licence (in this Order referred to as “a licence for public use”) which in addition to any other conditions which it may impose shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(3) The holder of an aerodrome licence granted under this Order (in this article called “an aerodrome licence holder”) shall—

- (a) furnish to any person on request information concerning the terms of the licence; and
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instruction in flying.

(4) An aerodrome licence holder shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to an aircraft flying on a flight specified in article 126(2), but the licence shall not cease to be valid by reason only of such a contravention.

(5) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(6) Upon making an application for an aerodrome licence the applicant shall submit to the CAA an aerodrome manual for that aerodrome.

(7) An aerodrome manual required under this article shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 13.

(8) Every aerodrome licence holder shall—

- (a) furnish to the CAA any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the CAA may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(9) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties and shall ensure that each such copy is kept up to date.

(10) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff—

- (a) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and
- (b) undertakes his duties as such in conformity with the relevant provisions of the manual.

(11) For the purposes of this article—

- (a) “aerodrome operating staff” means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;

- (b) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air Regulations 1996(15), the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

Charges at aerodromes licensed for public use

129. The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Secretary of State, furnish to the Secretary of State such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of Contracting States and of the Commonwealth

130. The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome and all of its air navigation facilities to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom.

Noise and vibration caused by aircraft on aerodromes

131.—(1) The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft.

(2) Section 77(2) of the Civil Aviation Act 1982 shall apply to any aerodrome in relation to which the Secretary of State has prescribed conditions in accordance with paragraph (1).

Aeronautical lights

132.—(1) Except with the permission of the CAA and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of—

- (a) an aeronautical beacon within the United Kingdom; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the CAA shall not give its permission for the purpose of this article except with the consent of that authority.

(3) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the CAA.

Lighting of en-route obstacles

133.—(1) For the purposes of this article, an “en-route obstacle” means any building, structure or erection which is 150 metres or more above ground level, but it does not include a building, structure or erection—

- (a) which is in the vicinity of a licensed aerodrome; and

(b) to which section 47 of the Civil Aviation Act 1982 applies.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) Subject to paragraph (4), the person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this article shall be displayed.

(4) In the event of the failure of any light which is required by this article to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the CAA may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(7) This article shall not apply to any en-route obstacle in respect of which the CAA has granted a permission for the purposes of this article to the person in charge.

(8) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

Lighting of wind turbine generators in United Kingdom territorial waters

134.—(1) This article shall apply to any wind turbine generator which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea and the height of which is 60 metres or more above the level of the sea at the highest astronomical tide.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator to which this article applies shall ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) Where four or more wind turbine generators to which this article applies are located together in the same group, with the permission of the CAA only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) The light or lights required by paragraph (2) shall, subject to paragraph (5), be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light shall be elevated to between 3 and 4 degrees above the horizontal plane;
- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type shall be visible at the horizontal plane;
- (c) not more than 10% of the minimum peak intensity specified for a light of this type shall be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) The person in charge of a wind turbine generator to which this article applies shall—

- (a) subject to sub-paragraph (b) ensure that by night, any light required to be fitted by this article shall be displayed;
- (b) in the event of the failure of the light which is required by this article to be displayed by night, repair or replace the light as soon as is reasonably practicable.

(7) When visibility in all directions from every wind turbine generator to which this article applies in a group is more than 5 km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(8) In any particular case the CAA may direct that a wind turbine generator to which this article applies shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(9) This article shall not apply to any wind turbine generator in respect of which the CAA has granted a permission for the purposes of this article to the person in charge.

(10) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

(11) In this article—

- (a) “wind turbine generator” is a generating station which is wholly or mainly driven by wind;
- (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and
- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—
 - (i) it is within 2 km of that other wind turbine generator; or
 - (ii) it is within 2 km of a wind turbine generator which is in the same group as that other wind turbine generator.

Dangerous lights

135.—(1) A person shall not exhibit in the United Kingdom any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the CAA to be such a light as aforesaid is exhibited the CAA may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the CAA under this article shall not be exercised except with the consent of that authority.

Customs and Excise aerodromes

136.—(1) The Secretary of State may, with the concurrence of the Commissioners of Revenue and Customs and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Secretary of State may, with the concurrence of the Commissioners of Revenue and Customs, by order revoke any designation so made.

Aviation fuel at aerodromes

137.—(1) Subject to paragraph (2), a person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

- (a) when the aviation fuel is delivered into the installation he is satisfied that—
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft; and
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Paragraph (1) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom paragraph (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation;

and he shall preserve the written record for a period of 12 months or such longer period as the CAA may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(5) If it appears to the CAA or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the CAA or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the CAA or by an authorised person.

(6) In this article—

- (a) “aviation fuel” means fuel intended for use in aircraft; and
- (b) “aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART 14

General

Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom

138.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in the United Kingdom where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless—

- (a) it does so with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject; or
- (b) it is exercising traffic rights permitted by virtue of Council Regulation 2408/92(16) on access for Community air carriers to intra-Community air routes (as that Regulation has effect in accordance with the EEA Agreement(17) as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994(18)).

(2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

Filing and approval of tariffs

139.—(1) Where a permission granted under article 138(1) contains a tariff provision, the operator or charterer of the aircraft concerned shall file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it.

(2) For the purposes of this article, “tariff provision” means a condition as to any of the following matters—

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 138(1) relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

(3) The CAA shall act on behalf of the Crown in performing the functions conferred on it by this article.

(16) O.J. No. L 240, 24.8.92, p. 8.

(17) Cm 2073 and 2183.

(18) Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: O.J. No. L 160, 28.6.94, p. 1.

Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the United Kingdom

140.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not fly over the United Kingdom for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

Flights over any foreign country

141.—(1) The operator and the commander of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).

(3) The operator and the commander of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country;

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene paragraph (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Mandatory reporting of occurrences

142.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This article shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Without prejudice to the generality of paragraph (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation⁽¹⁹⁾.

(5) Every person listed below shall report to the CAA any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to his attention in the exercise of his functions—

- (a) the operator and the commander of a turbine-powered aircraft which has a certificate of airworthiness issued by the CAA;
- (b) the operator and the commander of an aircraft operated under an air operator's certificate granted by the CAA;
- (c) a person who carries on the business of manufacturing a turbine-powered or a public transport aircraft, or any equipment or part thereof, in the United Kingdom;
- (d) a person who carries on the business of maintaining or modifying a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (f) a person who signs an airworthiness review certificate, or a certificate of release to service in respect of a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;
- (g) a person who signs an airworthiness review certificate, or a certificate of release to service in respect of an aircraft, operated under an air operator's certificate granted by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;
- (h) a person who performs a function which requires him to be authorised by the CAA as an air traffic controller or as a flight information service officer;
- (i) a licensee and a manager of a licensed aerodrome or a manager of an airport to which Council Regulation (EEC) No. 2408/92 of 23rd July 1992 on access for Community air carriers to intra-Community air routes⁽²⁰⁾ applies;
- (j) a person who performs a function in respect of the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilized by a person who provides an air traffic control service under an approval issued by the CAA;
- (k) a person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport to which Council Regulation (EEC) No. 2408/92 of 23rd July 1992 on access for Community air carriers to intra-Community air routes applies.

(6) Reports of occurrences shall be made within such time, by such means and containing such information as may be prescribed and shall be presented in such form as the CAA may in any particular case approve.

(7) A person listed in paragraph (5) shall make a report to the CAA within such time, by such means, and containing such information as the CAA may specify in a notice in writing served upon

⁽¹⁹⁾ O.J. No. L167, 4.7.2003 p. 23.

⁽²⁰⁾ O.J. No. L240, 24.8.1992, p. 8.

him, being information which is in his possession or control and which relates to an occurrence which has been reported by him or another person to the CAA in accordance with this article.

(8) 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.

(9) The CAA shall put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).

(10) The CAA shall store in its databases the reports which it has collected of occurrences, accidents and serious incidents.

(11) The CAA shall make all relevant safety-related information stored in the databases mentioned in paragraph (10) available to the competent authorities of the other Member States and the Commission.

(12) The CAA shall ensure that the databases referred to in paragraph (10) are compatible with the software developed by the European Commission for the purpose of implementing Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation.

(13) The CAA, having received an occurrence report, shall enter it into its databases and notify, whenever necessary: the competent authority of the Member State where the occurrence took place; where the aircraft is registered; where the aircraft was manufactured, and where the operator's air operator's certificate was granted.

(14) The CAA shall provide any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the Community with access to information on occurrences collected and exchanged in accordance with paragraphs (9) to (13) to enable it to draw the safety lessons from the reported occurrences.

(15) The CAA and the Chief Inspector of Air Accidents shall use any information received in accordance with the terms of this article solely for the purposes set out in this article.

(16) The names or addresses of individual persons shall not be recorded on the databases referred to in paragraph (10).

(17) Without prejudice to the rules of criminal law, no proceedings shall be instituted in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported under this article as required by Article 4 of Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation, except in cases of gross negligence.

(18) The provisions in paragraphs (15) to (17) shall apply without prejudice to the right of access to information by judicial authorities.

(19) The CAA shall put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.

(20) Voluntary reports presented to the CAA under paragraph (19) shall be subjected to a process of disidentification by it where the person making the report requests that his identity is not recorded on the databases.

(21) The CAA shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

Mandatory reporting of birdstrikes

143.—(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 any particular case approve.

(3) Nothing in this article shall require a person to report any occurrence which he has reported under article 142 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 prevent aircraft flying

144.—(1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown—

- (a) in such circumstances that any provision of article 3, 5, 6, 8, 25, 26, 43, 62, 69, 70 or 75(2) would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order, of any regulations made thereunder or of Part 21, 145 or M and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made thereunder or of Part 21, 145 or M;

the CAA or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the CAA or by an authorised person, and the CAA or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) the CAA or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of article 138, 140 or 141 would be contravened in relation to the flight, the Secretary of State or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) the Secretary of State or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

145.—(1) Subject to paragraph (2), the CAA and any authorised person shall have the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting the aerodrome;

- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;
 - (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order; and
 - (d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 124 is situated for the purpose of inspecting—
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
 - (ii) any document or record which it or he has power to demand under this Order.
- (2) Access to a Government aerodrome shall only be obtained with the permission of the person in charge of the aerodrome.

Obstruction of persons

146. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Directions

147.—(1) Where any provision of this Order or any regulations made thereunder gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.

(2) Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Penalties

148.—(1) If any provision of this Order, or any regulations made thereunder or of Part 21, 145 or M is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 138, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, or any regulations made thereunder or of Part 21, 66, 145, 147 or M was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or any regulations made thereunder or of Part 21, 66, 145, 147 or M not being a provision referred to in paragraph (5), (6) or (7), he

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person contravenes any provision specified in Part A of Schedule 14 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) If any person contravenes any provision specified in Part B 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 two years or both.

(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.

Extra-territorial effect of the Order(21)

149.—(1) Except where the context otherwise requires, the provisions of this Order—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the United Kingdom, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be;
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the United Kingdom by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (e) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft on or in the neighbourhood of an offshore installation, shall apply to every person irrespective of his nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948⁽²²⁾ that that person shall not be guilty of an offence.

Aircraft in transit over certain United Kingdom territorial waters

150.—(1) Where an aircraft, not being an aircraft registered in the United Kingdom, is flying over the territorial waters adjacent to the United Kingdom within part of a strait referred to in paragraph (4) solely for the purpose of continuous and expeditious transit of the strait, only the following articles and Schedules shall apply to that aircraft: article 20 and Schedule 5, to the extent necessary for the monitoring of the appropriate distress radio frequency, article 95(2), (3) and (4), together with the regulations made thereunder, article 148, article 153 and Part A of Schedule 14.

(2) The powers conferred by the provisions referred to in paragraph (1) shall not be exercised in a way which would hamper the transit of the strait by an aircraft not registered in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(21) Paragraph 6 of Part III of Schedule 13 to the Civil Aviation Act 1982 authorises the inclusion in an Air Navigation Order of certain extra-territorial provisions.

(22) 1948 c. 56. Section 3(1) limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies.

(3) In this article 'transit of the strait' means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait and 'an area of high seas' means any area outside the territorial waters of any State.

(4) The parts of the straits to which this article applies are specified in Schedule 15.

Application of Order to British-controlled aircraft registered elsewhere than in the United Kingdom

151. The CAA may direct that such of the provisions of this Order and of any regulations made or having effect thereunder as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction, being an aircraft registered elsewhere than in the United Kingdom but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

Application of Order to the Crown and visiting forces, etc.

152.—(1) Subject to the provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

(4) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(5) Save as otherwise provided by paragraph (6), article 80(5) and (12), article 81(3), article 95(1) (a) and article 131, nothing in this Order shall apply to or in relation to any military aircraft.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of this Order shall apply on the occasion of that flight, that is to say, articles 73, 74, 75 and 96 and in addition article 95 (so far as applicable) shall apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exemption from Order

153. The CAA may exempt from any of the provisions of this Order (other than article 85, 87, 93, 138, 139, 140, 141 or 154) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

Appeal to County Court or Sheriff Court

154.—(1) Subject to paragraphs (2), (3) and (4), an appeal shall lie to a county court from any decision of the CAA that a person is not a fit person to hold a licence to act as—

- (a) an aircraft maintenance engineer;
- (b) a member of the flight crew of an aircraft;
- (c) an air traffic controller;
- (d) a student air traffic controller; or
- (e) a flight information service officer;

and if the court is satisfied that on the evidence submitted to the CAA it was wrong in so deciding, the court may reverse the CAA's decision and the CAA shall give effect to the court's determination.

(2) An appeal shall not lie from a decision of the CAA that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(3) If the appellant resides or has his registered or principal office in Scotland the appeal shall lie to the sheriff within whose jurisdiction he resides and the appeal shall be brought within 21 days from the date of the CAA's decision or within such further period as the sheriff may in his discretion allow.

(4) Notwithstanding any provision to the contrary in rules governing appeals to a county court in Northern Ireland, if the appellant resides or has his registered or principal office in Northern Ireland the appeal shall lie to the county court held under the County Courts (Northern Ireland) Order 1980(23).

(5) The CAA shall be a respondent to any appeal under this article.

(6) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision shall be deemed to have been taken on the date on which the CAA furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

(7) In the case of an appeal to the sheriff—

- (a) the sheriff may, if he thinks fit, and shall on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor, but where it is proposed to appoint any person as an assessor objection to him either personally or in respect of his qualification may be stated by any party to the appeal and shall be considered and disposed of by the sheriff;
- (b) the assessors for each sheriffdom shall be appointed from a list of persons approved for the purposes by the sheriff principal and such a list—
 - (i) shall be published in such manner as the sheriff principal shall direct; and
 - (ii) shall be in force for 3 years only, but persons entered in any such list may be again approved in any subsequent list; it shall be lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in his sheriffdom;
- (c) the sheriff before whom an appeal is heard with the assistance of an assessor shall make a note of any question submitted by him to such assessor and of the answer thereto;
- (d) an appeal shall lie on a point of law from any decision of a sheriff under this article to the Court of Session.

Interpretation

155.—(1) In this Order—

“A Conditions” means the conditions so entitled set out in paragraph 1 of Part A of Schedule 3;

“Accident prevention and flight safety programme” means a programme designed to detect and eliminate or avoid hazards in order to improve the safety of flight operations;

“Aerial work” has the meaning assigned to it by article 157;

“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 or any aircraft transferred from approach control in accordance with procedures approved by the CAA;

“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” has the meaning assigned to it by article 156;

“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 control” means an aerodrome control service excluding that part of the aerodrome control service provided by ground movement control;

“Air/ground communications service” means a service provided from an aerodrome to give information to pilots of aircraft flying in the vicinity of the aerodrome by means of radio signals and ‘air/ground communications service unit’ shall be construed accordingly;

“Air traffic control service” means the giving of instructions, advice or information by means of radio signals to aircraft in the interests of safety;

“Air traffic control unit” means a person appointed by a person maintaining an aerodrome or place to provide an air traffic control service;

“Air traffic service equipment” means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an

aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding—

- (a) any public electronic communications network; and
- (b) any equipment in respect of which the CAA has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of articles 124 and 125;

“Air transport undertaking” means an undertaking whose business includes the undertaking of flights for the purpose of the public transport of passengers or cargo;

“Alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

‘Altitude hold and heading mode’ mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

“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 1,000 feet 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 context requires;

“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;

“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 144(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 144(1) and (2) and in any article other than article 144, 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;

“B Conditions” means the conditions so entitled set out in paragraph 2 of Part A of Schedule 3;

“Basic EASA Regulation” means Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency⁽²⁴⁾;

“Beneficial interest” includes interests arising under contract and other equitable interests;

“Cabin crew” in relation to an aircraft means those persons 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;

“British protected person” has the same meaning as in section 50 of the British Nationality Act 1981⁽²⁵⁾;

“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 (for the avoidance of doubt) animals;

“Certificate of airworthiness” includes in the case of a national certificate of airworthiness 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 14(1)(b);

“Certificate of release to service issued under Part 145” means a certificate of release to service issued in accordance with Part 145;

“Certificate of release to service issued under this Order” means a certificate issued by a person specified in article 16(11) which conforms with article 16(10);

“Certificate of revalidation” means a certificate issued in accordance with Section 2 of Part C of Schedule 8 for the purpose of maintaining the privileges of a flight crew licence;

“Certificate of validation” means a certificate issued by the CAA rendering valid for the purposes of this Order a certificate of airworthiness or a permit to fly issued in respect of an aircraft registered elsewhere than in the United Kingdom or a flight crew licence granted under the law of a country other than the United Kingdom;

“Certificate of validity” means a certificate issued under article 11(6)(d) for the purpose of maintaining the validity of a permit to fly issued by the CAA;

“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 or the related flight manual;

⁽²⁴⁾ O.J. No. L240 of 7.9.2002, p. 1 to which there are amendments not relevant to this Order.

⁽²⁵⁾ 1981 c. 61.

- (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 or the related flight manual;
- (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 the related flight manual; 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;

‘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 Section 1 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, 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⁽²⁶⁾ and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and ‘Commonwealth citizen’ shall be construed accordingly;

“Competent authority” means, subject to article 167 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⁽²⁷⁾;

“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;

(26) 1981 c. 61; as amended by S.I. 1983/882; 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; S.I. 1994/1634 and S.I. 1998/3161.

(27) 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 42(3) or a member of the cabin crew;

“Critical power unit” means the power unit whose failure would most adversely affect the performance or handling qualities of an aircraft;

“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;

“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;

“Designated required navigation performance airspace” means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

“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(28);

“Disidentification” means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;

“EASA” means the European Aviation Safety Agency;

“EASA aircraft” means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

“EASA certificate of airworthiness” means a certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

“EASA permit to fly” means a permit to fly issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

“EASA restricted certificate of airworthiness” means a restricted certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

“European Aviation Safety Agency” means the Agency established under the Basic EASA Regulation;

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

“Flight check” means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

“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 data monitoring programme” means a programme of analysing recorded flight data in order to improve the safety of flight operations;

“Flight information service” means—

- (a) in the case of an aerodrome—
 - (i) the giving of information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
 - (ii) the grant or refusal of a permission under Rule 35 or 36(2) of the Rules of the Air Regulations 1996⁽²⁹⁾;
- (b) in the case of an area control centre, the giving of information by means of radio signals to aircraft;

and “aerodrome flight information service” shall be construed accordingly;

“Flight information service unit” means a person appointed by the CAA or by any other person maintaining an aerodrome or area control centre to provide a 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 manual” means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the 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;

“Flying machine” means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

“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⁽³⁰⁾;

“Glider” means—

- (a) a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

and a reference in this Order to a glider shall include a reference to a self-sustaining glider and a self-propelled hang-glider;

⁽²⁹⁾ S.I. 1996/1393.

⁽³⁰⁾ 1995 c. 21.

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

“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;

“Hire-purchase agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974;

“Holding” means, in respect of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

“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 Section VI of the Rules of the Air Regulations 1996⁽³¹⁾;

“Instrument Landing System” means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position relative to a defined approach path whilst carrying out an approach to land;

“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⁽³²⁾;

“JAA” means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

“JAA Full Member State” means a State which is a full member of the JAA;

“JAA licence” means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State 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;

“JAR-FCL 1” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st July 2003;

“JAR-FCL 2” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

“JAR-FCL licence” means a licence included in Section 2 of Part A of Schedule 8;

“JAR-OPS 1” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 7 adopted by the JAA on 1st September 2004;

“JAR-OPS 3” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 4 adopted by the JAA on 1st April 2004;

“Kg” means kilogramme or kilogrammes as the context requires;

“Km” means kilometre or kilometres as the context requires;

“To land” in relation to aircraft includes alighting on the water;

(31) S.I. 1996/1393.

(32) 1964 c. 5.

“Landing Decision Point” means the latest point in the course of a landing at which, following recognition of a power unit failure, the helicopter will be able to safely abort the landing and perform a go-around;

“Large rocket” means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

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

“Let down” means, in respect of an aircraft approaching an aerodrome to land a defined procedure designed to enable an aircraft safely to descend to a point at which it can continue the approach visually;

“Licence” in relation to a flight crew licence includes any certificate of competency or certificate of validity or revalidation 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 128(2);

“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;

“Maintenance” means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

“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 approved passenger seating configuration” means—

- (a) in the case of an aircraft to which article 38 applies the maximum approved passenger seating configuration specified in the operations manual of the aircraft; and
- (b) in any other case, the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

“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;

“Medium intensity steady red light” means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

“Microlight aeroplane” means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum total weight authorised not exceeding—
 - (i) 300 kg for a single seat landplane, (or 390 kg for a single seat landplane in respect of which a permit to fly or certificate of airworthiness issued by the CAA was in force prior to 1st January 2003);

- (ii) 450 kg for a two seat landplane;
 - (iii) 330 kg for a single seat amphibian or floatplane; or
 - (iv) 495 kg for a two seat amphibian or floatplane; and
- (b) a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

“Microwave Landing System” means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position within a defined volume of airspace whilst carrying out an approach to land;

“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;

“Military rocket” means—

- (a) any rocket 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 rocket in respect of which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;

“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;

“National certificate of airworthiness” means a certificate of airworthiness issued under and in accordance with Part 3 of this Order and which is not an EASA certificate of airworthiness;

“National permit to fly” means a permit to fly issued under and in accordance with Part 3 of this Order and which is not an EASA permit to fly;

“Nautical mile” means the International Nautical Mile, that is to say, a distance of 1,852 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-EASA aircraft” means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite shall be construed accordingly;

“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 under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8;
- (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 under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8; 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 under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8;

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

“Notified” means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled ‘United Kingdom Notam’ or ‘Air Pilot’ and for the time being in force;

“Notified aerodrome” means an aerodrome which is notified for the purposes of rule 39 of the Rules of the Air Regulations 1996(33);

“Obstacle limitation surfaces” has the same meaning as in the document entitled ‘CAP 168 Licensing of aerodromes’ published by the CAA in May 2004;

“Occurrence” means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996(34);

“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;

“Operating staff” means the servants and agents employed by an operator an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

“Operational position” means a position provided and equipped for the purpose of providing a particular type of air traffic control service;

“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;

“Part 21” means the annex so entitled to Commission Regulation (EC) No. 1702/2003(35);

“Part 66” means annex III so entitled to Commission Regulation (EC) No. 2042/2003(36);

“Part 145” means annex II so entitled to Commission Regulation (EC) No. 2042/2003;

“Part 147” means annex IV so entitled to Commission Regulation (EC) No. 2042/2003;

“Part M” means annex I so entitled to Commission Regulation (EC) No. 2042/2003;

“Passenger” means a person other than a member of the crew;

“Performance Class 1 operations” means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the power unit failure recognition occurs during take-off at or prior to reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

(33) S.I. 1996/1393.

(34) S.I. 1996/2798.

(35) O.J. No. L 243, 27.9.2003, p. 6—Commission Regulation of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, to which there are amendments not relevant to this Order.

(36) O.J. No. L 315, 28.11.2003, p. 1—Commission Regulation of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, to which there are amendments not relevant to this Order.

“Performance Class 2 operations” means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight to an appropriate landing area or, where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

“Performance Class 3 operations” means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

“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 air operator’s certificate” means a certificate granted by the CAA under article 7(4);

“Police authority” means a Chief Officer of police for any area of England or Wales, a Chief Constable for any area of Scotland and the Chief Constable of the Northern Ireland Police Service;

“Police officer” means any person who is a member of a police force or of the Northern Ireland Police Service (including, for the avoidance of doubt, the Northern Ireland Police Service Reserve), and any special constable;

“Pre-flight inspection” means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

“Precision approach” means an instrument approach using an Instrument Landing System, Microwave Landing System or precision approach radar for guidance in both azimuth and elevation;

“Precision approach radar” means radar equipment designed to enable an air traffic controller to determine accurately an aircraft’s position whilst it is carrying out an approach to land so that the air traffic controller can provide instructions and guidance to the pilot to enable him to manoeuvre the aircraft relative to a defined approach path;

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

“Private aircraft” means an aircraft which is neither an aerial work nor a public transport aircraft;

“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 Section 1 of JAR-FCL 1 in respect of aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 in respect of helicopters;

“Public electronic communications network” has the same meaning as in section 151 of the Communications Act 2003(37);

“Public transport” has the meaning assigned to it by article 157;

“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 81(6) of the Transport Act 2000(38);

(37) 2003 c. 21.

(38) 2000 c. 38.

“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 1,000 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;

“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;

“Rocket” means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

“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—

- (a) the vicinity of the touchdown zone; or
 - (b) where this is not reasonably practicable, in the vicinity of the midpoint 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 in section 97 of the Civil Aviation Act 1982;

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

“Self-launching motor glider” means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

“Self-propelled hang-glider” means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;
- (c) carries a maximum of two persons;
- (d) has a maximum fuel capacity of 10 litres; and
- (e) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft;

“Self-sustaining glider” means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

“Simple single engine aeroplane” means for the purposes of the National Private Pilot’s Licence a single engine piston aeroplane with a maximum take off weight authorised not exceeding 2,000 kg and which is not a microlight aeroplane or a self-launching motor glider;

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

“SLMG” means a self-launching motor glider;

“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;

“Small rocket” means a rocket of which the total impulse of the motor or combination of motors does not exceed 10,240 Newton-seconds;

“Special tasks service” means an air traffic control service—

- (a) for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems which is not flying in accordance with normal aviation practice; and
- (b) for other aircraft in the vicinity of any such aircraft;

“Special VFR flight” means a flight which is a special VFR flight for the purposes of the Rules of the Air Regulations 1996(39);

“State aircraft” means an aircraft engaged in military, customs, police or similar services;

“State of design” means the State having jurisdiction over the organisation responsible for the type design of an aircraft;

“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 under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which that 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 20(1), aircraft radio equipment, in the case of article 26(3), flight crew licensing or, in the case of article 55(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;

“Take-off decision point” means the latest point in the take-off at which, following recognition of a power unit failure, the helicopter will be able to carry out a rejected take-off;

“Technical log” means a record containing the information specified in paragraph 1.915 of Section 2 of JAR-OPS 1;

“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;

“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 Section 1 of JAR-FCL 1;

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

‘Type rating’ in respect of helicopters has the meaning specified in paragraph 2.215 of Section 1 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;

“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—

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 other than any such licence which is a United Kingdom licence for 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 58;

“Valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under 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(40)—

- (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 Section V of the Rules of the Air Regulations 1996(41);

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(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;

(40) 1952 c. 67.

(41) S.I. 1996/1393.

- (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.

(3) Subject to paragraph (4), 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.

(4) For the purposes of the application of any provision in Part 3 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, paragraph (3) shall have effect as if that agreement had not been entered into.

(5) References in this Order to—

- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;
- (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, self-launching motor glider, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples unless otherwise stated.

(6) The expressions appearing in the ‘Classification of Aircraft’ in Part A of Schedule 2 shall have the meanings thereby assigned to them.

Meaning of aerodrome traffic zone

156.—(1) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1,850 metres or less shall be, subject to paragraphs (2) and (5), the airspace extending from the surface to a height of 2,000 feet 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.

(2) Where the aerodrome traffic zone specified in paragraph (1) would extend less than 11/2 nautical miles beyond the end of any runway at the aerodrome and this paragraph is notified as being applicable, the aerodrome traffic zone shall be that specified in paragraph (3) as though the length of the longest runway at the aerodrome were notified as greater than 1,850 metres.

(3) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1,850 metres shall be, subject to paragraph (5), the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 2 1/2 nautical miles.

(4) The aerodrome traffic zone of a notified aerodrome which is on an offshore installation shall be, subject to paragraph (5), the airspace extending from mean sea level to 2,000 feet above mean sea level and within 11/2 nautical miles of the offshore installation.

(5) The aerodrome traffic zone of a notified aerodrome shall exclude any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

Public transport and aerial work—general rules

157.—(1) Subject to the provisions of this article and articles 158 to 163, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.

(2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part 3 of this Order.

(3) Subject to the provisions of this article and articles 158 to 163, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport—

- (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors and, in the case of the CAA, the members of the CAA), persons with the authority of the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (c) for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (3)(c), it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given or promised for the carriage of those passengers.

(5) A glider shall not be deemed to fly for the purpose of public transport for the purposes of Part 3 of this Order by virtue of paragraph (3)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in paragraph (3)(c) in respect of the flight or the purpose of the flight it shall—

- (a) subject to sub-paragraph (b), for all purposes other than Part 3 of this Order; and
- (b) for the purposes of articles 19(2) and 20(2);

be deemed to be a private flight.

(7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(8) For the purposes of—

- (a) paragraph (3)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is—
 - (i) its holding company;
 - (ii) its subsidiary; or
 - (iii) another subsidiary of the same holding company;

- (b) this article “holding company” and “subsidiary” have the meanings respectively specified in Section 736 of the Companies Act 1985(42).

Public transport and aerial work—exceptions—flying displays etc

158.—(1) A flight shall, for the purposes of Part 4 of this Order, be deemed to be a private flight if—

- (a) the flight is—
- (i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
 - (ii) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (i) and is made with the intention of carrying out such a flight; or
 - (iii) for the purpose of returning after such a flight as is specified in sub-paragraph (i) to a place at which the aircraft is usually based; and
- (b) the only valuable consideration in respect of the flight or the purpose of the flight other than—
- (i) valuable consideration specified in article 157(3)(c); or
 - (ii) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);
- falls within paragraph (2)(a) or (2)(b) or both.

(2) Valuable consideration falls within this paragraph if it either is—

- (a) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
- (b) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission of the CAA granted to the organiser of the race or contest; or falls within both sub-paragraphs (a) and (b).

(3) Any prize falling within paragraph (2)(b) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

Public transport and aerial work—exceptions—charity flights

159.—(1) Subject to paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

- (a) valuable consideration specified in article 157(3)(c); or
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission of the CAA and in accordance with any conditions therein specified.

(2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.

(42) 1985 c. 6 as amended by section 144 of the Companies Act 1989 (c. 40).

Public transport and aerial work—exceptions—cost sharing

160.—(1) Subject to paragraph (4), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (2) and the the criteria in paragraph (3) are satisfied.

(2) Valuable consideration falls within this paragraph if it is—

- (a) valuable consideration specified in article 157(3)(c);
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3); or
- (c) is a contribution to the direct costs of the flight otherwise payable by the pilot in command;

or falls within any two or all three sub-paragraphs.

(3) The criteria in this paragraph are satisfied if—

- (a) no more than 4 persons (including the pilot) are carried;
- (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the direct costs shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
- (c) no information shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and
- (d) no person acting as a pilot shall be employed as a pilot by, or be a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

(4) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.

Public transport and aerial work—exceptions—recovery of direct costs

161.—(1) Subject to paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

- (a) valuable consideration specified in article 157(3)(c); or
- (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);

is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.

(2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.

Public transport and aerial work—exceptions—jointly owned aircraft

162.—(1) A flight shall be deemed to be a private flight if the aircraft falls within paragraph (2) and the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (3).

(2) An aircraft falls within this paragraph if it is owned—

- (a) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and—
 - (i) the aircraft is registered in the names of all the joint owners; or
 - (ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the CAA of the names of all the persons beneficially entitled to a share in the aircraft; or
 - (b) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company.
- (3) Valuable consideration falls within this paragraph if it is either—
- (a) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or
 - (b) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);
- or falls within both sub-paragraphs (a) and (b).

Public transport and aerial work—exceptions—parachuting

163. A flight shall be deemed to be for the purpose of aerial work if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a parachuting permission granted by the CAA under article 67;
- (b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a parachuting permission granted by the CAA under article 67; or
- (c) returning after such a flight as is specified in sub-paragraph (a) to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a).

Exceptions from application of provisions of the Order for certain classes of aircraft

164. The provisions of this Order other than articles 68, 74, 96(1), 97, 98, 144(1)(b) and (c), 155(1) and (2) shall not apply to or in relation to—

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small aircraft; or
- (d) any parachute including a parascending parachute.

Approval of persons to furnish reports

165. In relation to any of its functions under any of the provisions of this Order the CAA may approve a person as qualified to furnish reports to it and may accept such reports.

Certificates, authorisations, approvals and permissions

166. Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the CAA, unless otherwise provided, such a certificate, authorisation, approval or permission—

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the CAA thinks fit; and
- (c) may be issued or granted, subject to article 92, for such periods as the CAA thinks fit.

Competent authority

167.—(1) The CAA shall be—

- (a) the national aviation authority of the United Kingdom for the purposes of Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency(43); and
- (b) the competent authority of the United Kingdom for the purposes of—
 - (i) Commission Regulation (EC) No. 1702/2003 of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations(44); and
 - (ii) Commission Regulation (EC) No. 2042/2003 of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks(45).

(2) The Secretary of State shall be the competent authority under article 15 of Council Directive 96/29/Euratom of 13th May 1996 for the purposes of article 42 of the Directive(46).

Saving

168.—(1) Subject to articles 128 and 130, nothing in this Order or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the CAA to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

(43) O.J. L240, 7.9.2002, p. 1; the amendments which have been made to this Community Regulation are not relevant for the purposes of these Regulations.

(44) O.J. L243, 24.9.2003, p. 6.

(45) O.J. L315, 28.11.2003, p. 1.

(46) O.J. L159, 29.6.1996, p. 1.