
STATUTORY INSTRUMENTS

2005 No. 1970

The Air Navigation Order 2005

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.