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## STATUTORY INSTRUMENTS

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# 2005 No. 1970

## The Air Navigation Order 2005

### 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

*Changes to legislation: The Air Navigation Order 2005, PART 9 is up to date with all changes known to be in force on or before 23 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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 <sup>M1</sup> 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.

#### **Marginal Citations**

**M1** 2000 c. 38.

### **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.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument by [S.I. 2006/1384 reg 16](#)
- Instrument by [S.I. 2006/1384 reg 17](#)
- Instrument appl in pt (mod) by [S.I. 2008/25 art 4 schedule](#)
- Part 10 (arts 107 - 120) subst by [S.I. 2009/1742 arts 23](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 28A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 31A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- arts 32A - 32C added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 52A added by [S.I. 2007/274 art 4](#)
- art 54A added by [S.I. 2007/274 art 4](#)
- art 61A added (31.1.2008) by [S.I. 2007/3467 arts 211](#)
- art 62A added by [S.I. 2007/274 art 5](#)
- art 72A added by [S.I. 2007/274 art 4](#)
- art 141A added by [S.I. 2006/2316 art 2](#)
- arts 144A-144C added by [S.I. 2006/1384 reg 14](#)