

SCHEDULE 8

RULES OF THE AIR

SECTION IV

GENERAL FLIGHT RULES

Weather reports and forecasts

7.—(1) Subject to paragraph (2), immediately before an aircraft flies the pilot-in-command of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, in order to determine whether Instrument Meteorological Conditions prevail, or are likely to prevail, during any part of the flight.

(2) Paragraph (1) shall only apply if it is reasonably practicable for the pilot-in-command to obtain current reports and forecasts of the weather conditions on the proposed flight path.

(3) Subject to paragraph (4), an aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to the aerodrome if—

- (a) the aerodrome is within a control zone; and
- (b) the weather reports and forecasts which it is reasonably practicable for the pilot-in-command of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than 10 km or the cloud ceiling is less than 1,500 feet.

(4) Paragraph (3) shall not apply if, before take-off, the pilot-in-command of the aircraft has obtained permission from the air traffic control unit at the aerodrome of destination to enter the aerodrome traffic zone.

Avoiding aerial collisions

8.—(1) Notwithstanding that a flight is being made with air traffic control clearance it shall remain the duty of the pilot-in-command of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(2) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.

(3) Subject to paragraph (7), aircraft shall not fly in formation unless the pilots-in-command of the aircraft have agreed to do so.

(4) An aircraft which is obliged by this Section to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(5) Subject to paragraph (7), an aircraft which has the right-of-way under this rule shall maintain its course and speed.

(6) For the purposes of this rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the pilot-in-command of the flying machine.

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

Converging

9.—(1) Subject to paragraphs (2) and (3) and to rules 10 and 11, aircraft in the air shall give way to other, converging aircraft as follows—

- (a) flying machines shall give way to airships, gliders and balloons;

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- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons.

(2) Mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) Subject to paragraph (2), when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.

Approaching head-on

10. When two aircraft are approaching head-on, or approximately so, in the air and there is a danger of collision, each shall alter its course to the right.

Overtaking

11.—(1) Subject to paragraph (3), an aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right.

(2) An aircraft which is overtaking another aircraft shall keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.

(3) A glider overtaking another glider in the Territory may alter its course to the right or to the left.

Flight in the vicinity of an aerodrome

12.—(1) Subject to paragraph (2), a flying machine, glider or airship flying in the vicinity of what the pilot-in-command of the aircraft knows, or ought reasonably to know, to be an aerodrome shall—

- (a) conform to the pattern of traffic formed by other aircraft intending to land at that aerodrome or keep clear of the airspace in which the pattern is formed; and
- (b) make all turns to the left unless ground signals otherwise indicate.

(2) Paragraph (1) shall not apply if the air traffic control unit at that aerodrome otherwise authorises.

Order of landing

13.—(1) An aircraft landing or on its final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.

(2) An aircraft shall not cut in front of another aircraft on its final approach to land or overtake that aircraft.

(3) If an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order.

(4) If the pilot-in-command of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft.

(5) If the pilot-in-command gives way in the circumstances referred to in paragraph (4) at night then, notwithstanding that he may have previously received permission to land, he shall not attempt to land until he has received further permission to do so.

(6) Subject to paragraphs (2), (3) and (4), if two or more flying machines, gliders or airships are approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way.

Landing and take-off

14.—(1) A flying machine, glider or airship shall take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(2) Subject to paragraph (5), a flying machine or glider shall not land on a runway at an aerodrome if there are other aircraft on the runway.

(3) If take-offs and landings are not confined to a runway—

- (a) when landing a flying machine or glider shall leave clear on its left any aircraft which has landed, is already landing or is about to take off;
- (b) a flying machine or glider which is about to turn shall turn to the left after the pilot-in-command of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
- (c) a flying machine which is about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.

(4) Subject to paragraph (5) a flying machine shall move clear of the landing area as soon as it is possible to do so after landing.

(5) Paragraphs (2) and (4) shall not apply if the air traffic control unit at the aerodrome otherwise authorises the flying machine or glider.

Aerobatic manoeuvres

15. An aircraft shall not carry out any aerobatic manoeuvre—

- (a) over the congested area of any city, town or settlement; or
- (b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Right-hand traffic rule

16.—(1) Subject to paragraph (2), an aircraft which is flying within the Territory with the surface in sight and following a road, railway, canal or coastline, or any other line of landmarks, shall keep them on its left.

(2) Paragraph (1) shall not apply to an aircraft flying within controlled airspace in accordance with instructions given by the appropriate air traffic control unit.

Notification of arrival and departure

17.—(1) If the pilot-in-command of an aircraft has caused notice of the intended arrival of the aircraft at an aerodrome to be given to the air traffic control unit or other authority at that aerodrome, he shall ensure that the unit or authority is informed as quickly as possible of—

- (a) any change of intended destination; and
- (b) any estimated delay in arrival of 45 minutes or more.

(2) The pilot-in-command of an aircraft arriving at or departing from an aerodrome in the Territory shall take all reasonable steps to ensure, upon landing or prior to departure, as the case may be, that the person in charge of the aerodrome or the air traffic control unit or flight information service unit at the aerodrome is given notice of the landing or departure.

(3) Before an aircraft of which the maximum total weight authorised exceeds 5,700 kg takes off from an aerodrome in the Territory on a flight with an intended destination more than 40 km from the aerodrome, the pilot-in-command shall cause a flight plan, containing such particulars of the

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intended flight as may be necessary for search and rescue purposes, to be communicated to the air traffic control unit notified for the purpose of this rule.

Flight in Class A airspace

18.—(1) Subject to paragraphs (2) and (3), the pilot-in-command of an aircraft flying in Visual Meteorological Conditions in Class A airspace shall comply with rules 35, 36 and 37 as if the flight were an IFR flight.

(2) For the purposes of paragraph (1) rule 36(2) shall not apply.

(3) Paragraph (1) shall not apply to the pilot-in-command of a glider which is flying in Class A airspace which is notified for the purpose of this paragraph if the glider is flown in accordance with such conditions as may also be notified for that purpose.

Flight in Class C Airspace

19.—(1) Subject to paragraphs (2) and (3) the pilot-in-command of an aircraft flying in Visual Meteorological Conditions in Class C airspace above flight level 195, or along a Class C ATS route at any level, shall comply with rules 35, 36 and 37 as if the flight were an IFR flight.

(2) For the purposes of paragraph (1) rule 36(2) shall not apply.

(3) Paragraph (1) shall not apply to the pilot-in-command of an aircraft which is flying in accordance with an authorisation issued by the Governor.

Choice of VFR or IFR

20.—(1) Subject to paragraph (2) an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules.

(2) In the Territory an aircraft flying at night shall—

- (a) be flown in accordance with the Instrument Flight Rules outside a control zone;
- (b) be flown in accordance with the Instrument Flight Rules in a control zone unless it is flying on a special VFR flight.

Speed limitations

21.—(1) Subject to paragraph (2), an aircraft shall not fly below flight level 100 at a speed which, according to its air speed indicator, is more than 250 knots.

(2) Paragraph (1) shall not apply to—

- (a) flights in Class A airspace;
- (b) VFR flights or IFR flights in Class B airspace;
- (c) IFR flights in Class C airspace;
- (d) VFR flights in Class C airspace or VFR flights or IFR flights in Class D airspace when authorised by the appropriate air traffic control unit;
- (e) an aircraft taking part in an exhibition of flying for which a permission is required by article 63(1) of this Order, if the flight is made in accordance with the terms of the permission granted to the organiser of the exhibition of flying and in accordance with the conditions of the display authorisation granted to the pilot under article 63(6)(a) of this Order;
- (f) the flight of an aircraft flying in accordance with a permit to fly granted under article 9 of the Order; or

(g) an aircraft flying in accordance with a written permission granted by the Governor authorising the aircraft to exceed the speed limit in paragraph (1).

(3) The Governor may grant a permission for the purpose of paragraph (2)(g) subject to such conditions as he thinks fit and either generally or in respect of any aircraft or class of aircraft.

Use of radio navigation aids

22.—(1) Subject to paragraph (2), the pilot-in-command of an aircraft shall not make use of any radio navigation aid without complying with such restrictions and procedures as may be notified in relation to that aid.

(2) The pilot-in-command of an aircraft shall not be required to comply with this rule if—

- (a) he is required to comply with rules 35 and 36; or
- (b) he is otherwise authorised by an air traffic control unit.

Simulated instrument flight

23.—(1) An aircraft shall not be flown in simulated instrument flight conditions unless the conditions in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are as follows—

- (a) the aircraft is fitted with dual controls which are functioning properly;
- (b) an additional pilot (in this rule called a ‘safety pilot’) is carried in a second control seat of the aircraft for the purpose of providing assistance to the pilot flying the aircraft; and
- (c) if the safety pilot’s field of vision is not adequate, both forwards and to each side of the aircraft, a third person, who is a competent observer, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

Practice instrument approaches

24.—(1) An aircraft shall not carry out an instrument approach practice within the Territory if it is flying in Visual Meteorological Conditions unless the conditions in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are as follows—

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.