
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 10

Prohibited behaviour, directives, rules, powers and penalties

CHAPTER 2

Directives and rules of the air

Operational directives

248.—(1) The CAA may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

- (a) the reason for its issue;
- (b) its applicability and duration; and
- (c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

(4) An operational directive may be revoked by the CAA.

(5) An operational directive which applies to an EU-OPS operator in relation to an A to A commercial air transport aeroplane operation—

- (a) must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation; and
- (b) if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation, must be revoked by the CAA.

(6) An operational directive which applies to a Part-CAT operator in relation to a commercial air transport operation—

- (a) must be made subject to and in accordance with article 14(1) of the Basic EASA Regulation; and
- (b) if it is found not to be justified under article 14(3) of the Basic EASA Regulation, must be revoked by the CAA.

Rules of the Air

249.—(1) 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 paragraphs (3) and (4), it is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful for the Rules of the Air, or for any obligation in SERA the breach of which would otherwise be an offence under this Order, 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 MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015) issued by the Secretary of State.

(4) It is lawful for the Rules of the Air, or for any obligation in SERA the breach of which would otherwise be an offence under this Order, to be departed from by an aircraft of which the pilot in command is acting as such in the course of the pilot in command's duty as a member of any of Her Majesty's naval, military or air forces.

(5) If any departure from the Rules of the Air, or from any obligation in SERA the breach of which would otherwise be an offence under this Order, is made for the purpose of avoiding immediate danger, the pilot in command of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given without delay, and in any event within 10 days of the departure, 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.

(6) Nothing in the Rules of the Air exonerates 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.