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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 5**

**Operations**

**CHAPTER 2**

**Operational rules for non-EASA aircraft**

*SECTION 2*

*Duties of Pilot in Command*

**Responsibilities and authority of pilot in command**

- 68.** The pilot in command of an aircraft is responsible—
- (a) before every flight, for defining the roles and duties of each crew member;
  - (b) for the operation and safety of the aircraft and for the initiation, continuation, termination or diversion of a flight in the interest of safety; and
  - (c) during aircraft operations, for ensuring the safety of all crew members, passengers and cargo on board.

**Obligations of pilot in command**

**69.**—(1) The pilot in command must only use aerodromes and operating sites that are adequate for the type of aircraft and operation concerned.

*Flight preparation*

(2) Before commencing a flight, the pilot in command must ascertain by every reasonable means available that the ground and water facilities, including communication facilities and navigation aids available and directly required on such a flight, for the safe operation of the aircraft, are adequate for the type of operation under which the flight is to be conducted.

*Operating procedures*

- (3) The pilot in command must ensure that—
- (a) the flight is performed in such a way that the operating procedures specified in the flight manual, or where required the operations manual, for the preparation and execution of the flight are followed; and
  - (b) procedures are established and followed for any reasonably foreseeable emergency situation.

*Meteorological conditions*

- (4) The pilot in command must only commence or continue—
- (a) a Visual Flight Rules flight if—
    - (i) the latest available meteorological information indicates that the weather conditions along the route and at the intended destination aerodrome at the estimated time of use will be at or above the applicable Visual Flight Rules operating minima; and
    - (ii) the pilot in command has planned an alternative course of action to provide for the eventuality that the flight cannot be completed as planned because of weather conditions;
  - (b) a flight under Instrument Flight Rules towards the planned destination aerodrome if the latest available meteorological information indicates that, at the estimated time of arrival, the weather conditions at the destination or at least one destination alternate aerodrome are at or above the applicable aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority.

*Selection of destination alternate aerodrome*

(5) If, according to the information available, an aircraft would be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

(6) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable destination alternate aerodrome is available must not be commenced by the pilot in command unless—

- (a) an instrument approach procedure notified, prescribed or otherwise designated by the relevant competent authority is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before until two hours after the estimated time of arrival.

*Navigation and landing during loss of navigational capability*

(7) The pilot in command must ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of navigational capability for the intended approach and landing operation.

*Airworthiness, equipment, baggage and cargo*

- (8) The pilot in command must ensure that—
- (a) the aircraft is airworthy;
  - (b) instruments and equipment required for the execution of the flight are installed in the aircraft and are operative, unless operation with inoperative or missing equipment is permitted by the minimum equipment list or the CAA;
  - (c) all equipment, baggage and cargo are properly loaded and secured and that an emergency evacuation of the aircraft remains possible.

*Mass and balance requirements*

(9) The pilot in command must ensure that during any phase of operation, the loading, the mass and, except for balloons, the centre of gravity position of the aircraft comply with any limitation specified in the flight manual, the weight schedule required by article 43, or equivalent document.

*Fuel, oil and ballast*

- (10) The pilot in command must ensure that—
- (a) in the case of a flying machine or airship, sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;
  - (b) in the case of a public transport flight, the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with; and
  - (c) in the case of an airship or balloon, sufficient ballast is carried for the intended flight.

*Performance based navigation*

- (11) The pilot in command must ensure that when performance based navigation is required for the route or procedure to be flown—
- (a) the relevant performance based navigation specification is stated in the flight manual or other document that has been approved by the CAA or another competent authority;
  - (b) any navigational database required for performance based navigation is suitable and current; and
  - (c) the aircraft is operated in conformity with the relevant navigation specification and limitations in the flight manual or other document mentioned in sub-paragraph (a).

**Pilot to remain at controls and be secured in seat**

- 70.**—(1) During flight, the pilot in command must—
- (a) keep any safety belt fastened while at the pilot’s station; and
  - (b) remain at the controls of the aircraft at all times except if another pilot is taking the controls.
- (2) If the aircraft is required by or under this Order to carry two pilots, the pilot in command must cause both pilots to remain at the controls during take-off and landing.
- (3) If the aircraft carries two or more pilots (whether or not it is required to do so) and is flying on a flight for the purpose of the public transport of passengers, the pilot in command must remain at the controls during take-off and landing.
- (4) An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article 136 to act as pilot in command of the helicopter.

**Passengers to be seated and properly secured**

- 71.** The pilot in command of an aircraft other than a balloon must ensure that—
- (a) prior to and during taxiing, take-off and landing; and
  - (b) whenever deemed necessary in the interest of safety,

each passenger on board occupies a seat or berth and has their safety belt or restraint device properly secured.

**Survival equipment**

- 72.**—(1) This article applies to any aircraft registered in the United Kingdom.
- (2) The pilot in command must be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the pilot in command reasonably considers necessary for the purposes of facilitating the survival of the persons carried in the aircraft.

(3) In complying with paragraph (2) the pilot in command must have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

(4) The pilot in command must determine the risks to survival of the occupants of the aircraft in the event of a ditching when deciding if life-jackets must be worn by all occupants.

### **Passenger briefings**

**73.**—(1) The pilot in command must ensure that before or, where appropriate, during the flight, passengers are given a briefing on emergency equipment and procedures.

(2) This article does not apply to the pilot in command 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.

### **Demonstration and use of oxygen**

**74.**—(1) The pilot in command must ensure that—

- (a) before or, where appropriate, during the flight, passengers are given a briefing on use of supplemental oxygen where it is proposed that during the flight the cabin altitude will exceed 13,000 feet;
- (b) the pilot and flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever the cabin altitude exceeds—
  - (i) 10,000 feet for a period of more than 30 minutes; or
  - (ii) 13,000 feet; and
- (c) whenever the cabin altitude exceeds 13,000 feet, all passengers are recommended to use supplemental oxygen.