
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 5

Operations

CHAPTER 1

Interpretation and application

Meaning of “non-EASA aircraft” in this Part

64. For the purposes of this Part, “non-EASA aircraft” means an aircraft which, when conducting the flight or operation, is not subject to any of Annexes III to VIII of the EASA Air Operations Regulation.

Application of Chapters 2 and 7

65. Chapters 2 and 7 apply only to non-EASA aircraft.

CHAPTER 2

Operational rules for non-EASA aircraft

SECTION 1

Crew required to be carried

Flight crew required by aircraft registered elsewhere than in the United Kingdom

66.—(1) This article applies to an aircraft registered in a country other than the United Kingdom.

(2) An aircraft must not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Flight crew required by aircraft registered in the United Kingdom

67.—(1) An aircraft registered in the United Kingdom must carry a flight crew adequate in number and description to ensure the safety of the aircraft.

(2) An aircraft—

- (a) which has a flight manual, must carry a flight crew of at least the number and description specified in that flight manual;
- (b) which does not currently have a flight manual but has done in the past, must carry a flight crew of at least the number and description specified in that flight manual.

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.

SECTION 3

Take-off and landing conditions

Take-off and landing conditions

75.—(1) Before commencing take-off, the pilot in command—

- (a) of a balloon must be satisfied that, according to the information available, the weather at the operating site or aerodrome would not prevent a safe take-off and departure;
- (b) of all other aircraft must be satisfied that—
 - (i) according to the information available, the weather at the aerodrome or operating site and the condition of the runway or final approach and take-off area intended to be used would not prevent a safe take-off and departure; and
 - (ii) aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority will be complied with.

(2) Before commencing an approach to land, the pilot in command must be satisfied that, according to the information available, the weather at the aerodrome or the operating site and the condition of the runway or final approach and take-off area intended to be used would not prevent a safe approach, landing or missed approach.

(3) If, according to the information available, an aircraft would as regards any flight 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.

Aerodrome operating minima

76.—(1) The pilot in command must use the departure and approach procedures notified, prescribed or otherwise designated by the relevant competent authority for the runway or final approach and take-off area to be used.

(2) The pilot in command may deviate from a departure route, arrival route or approach procedure

- (a) provided obstacle clearance criteria can be observed, full account is taken of the operating conditions and any air traffic control clearance is adhered to; or
- (b) when being radar-vectorred by an air traffic control unit.

Operating minima

(3) For flights under Instrument Flight Rules, the pilot in command must select and use aerodrome operating minima for each departure, destination and destination alternate aerodrome which—

- (a) must not be lower than those notified, prescribed or otherwise designated by the relevant competent authority;
 - (b) when undertaking low visibility operations, have been approved by the CAA or the law of the country in which the aircraft is registered.
- (4) The pilot in command may commence an instrument approach regardless of the reported runway visual range or visibility.
- (5) If the reported runway visual range or visibility is less than the applicable minimum notified, prescribed or otherwise designated by the relevant competent authority, the pilot in command must not continue the approach—
- (a) below 1,000 feet above the aerodrome; or
 - (b) into the final approach segment in the case where the decision height or the minimum descent height is more than 1,000 feet above the aerodrome.
- (6) If, after passing 1,000 feet above the aerodrome, the reported runway visual range or visibility falls below the applicable minimum notified, prescribed or otherwise designated by the relevant competent authority, the pilot in command may continue the approach to the decision height or the minimum descent height.
- (7) The pilot in command may continue the approach below the decision height or the minimum descent height and the landing may be completed provided that the visual reference adequate for the type of approach operation and for the intended runway is established at the decision height or the minimum descent height and is maintained.
- (8) Where the runway visual range is not available, the pilot in command may derive the runway visual range values by converting the reported visibility.

SECTION 4

Equipment of aircraft

Equipment of aircraft

- 77.—(1) An aircraft must not fly unless it is equipped with equipment which—
- (a) complies with the law of the country in which the aircraft is registered or the State of the operator; and
 - (b) enables communications to be made and the aircraft to be navigated, in accordance with—
 - (i) the provisions of this Order and any regulations made under this Order; or
 - (ii) any notified airspace requirements.
- (2) Paragraphs (3) and (4) apply to any aircraft registered in the United Kingdom.
- (3) An aircraft to which this paragraph applies must not fly unless it is so equipped and marked in accordance with Schedule 5 (aircraft equipment).
- (4) The equipment in Schedule 5 must be—
- (a) of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft, unless it is equipment listed in paragraph 1(2) of that Schedule; and
 - (b) installed in a manner approved by EASA or the CAA.
- (5) The equipment carried in compliance with this article must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(6) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

Minimum equipment requirements

78.—(1) A minimum equipment list may be established by an operator in respect of an aircraft registered in the United Kingdom—

- (a) taking account of the operator's relevant operational and maintenance conditions;
- (b) providing for the operation of the aircraft, under specified conditions, with particular instruments, items of equipment or functions inoperative at the commencement of the flight; and
- (c) based on the relevant MMEL, and which must not be less restrictive than the MMEL.

(2) A copy of any minimum equipment list established under paragraph (1), or any amendments to that list, must be provided to the CAA within 28 days of the establishment or amendment of that list.

(3) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(4) An aircraft must not commence a flight if any of the equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless the aircraft does so under and in accordance with the terms of a permission granted to the operator under paragraph (3) or in accordance with the minimum equipment list established under paragraph (1).

SECTION 5

Operation of radio and navigation equipment

Operation of radio in aircraft

79.—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

- (a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and
- (b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) The radio station in an aircraft must not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services.

Operation of, and training in operation of, airborne collision avoidance system

80.—(1) Subject to paragraph (2), when ACAS II is used—

- (a) operational procedures and training must be in accordance with the Airborne Collision Avoidance Regulation;
- (b) the pilot in command—
 - (i) must apply the appropriate operational procedures and be adequately trained;
 - (ii) must not commence a flight unless satisfied that every member of the flight crew has had the training specified in sub-paragraph (c)(i);
- (c) every member of the flight crew—
 - (i) must apply the appropriate operational procedures and be adequately trained; and

(ii) must not act as a member of the flight crew on a flight unless that person has had that training.

(2) In the case of an aircraft which is registered elsewhere than in the United Kingdom, the airborne collision avoidance system must be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Minimum navigation performance

81.—(1) An aircraft registered in the United Kingdom must not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) The equipment required by paragraph (1) must—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by the CAA;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance – aircraft registered in the United Kingdom

82.—(1) An aircraft registered in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace unless—

- (a) it is equipped with height keeping systems which enable the aircraft to maintain the required height keeping performance capability; or
- (b) it is otherwise authorised by the appropriate air traffic control unit.

(2) The equipment required by paragraph (1) must—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by the CAA;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance – aircraft registered elsewhere than in the United Kingdom

83.—(1) An aircraft registered elsewhere than in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace in the United Kingdom unless—

- (a) it complies with paragraph (2); or
- (b) it is otherwise authorised by the appropriate air traffic control unit.

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any designated airspace; and
- (b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance notified for the airspace in which the aircraft is flying, and it is so operated.

Area navigation and required navigation performance capabilities – aircraft registered in the United Kingdom

84.—(1) Subject to paragraph (3), an aircraft registered in the United Kingdom must not fly in Required Navigation Performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability notified, prescribed or otherwise designated for that airspace.

- (2) The equipment required by paragraph (1) must—
- (a) be approved by EASA or the CAA;
 - (b) be installed in a manner approved by the CAA;
 - (c) be maintained in a manner approved by the CAA; and
 - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.
- (3) An aircraft need not comply with the requirements of this article if—
- (a) the appropriate air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
 - (b) the aircraft complies with any instructions the air traffic control unit may give.

Area navigation and required navigation performance capabilities – aircraft registered elsewhere than in the United Kingdom

85.—(1) Subject to paragraph (3), an aircraft registered elsewhere than in the United Kingdom must not fly in Required Navigation Performance airspace in the United Kingdom unless it complies with paragraph (2).

- (2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—
- (a) it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace; and
 - (b) the navigation equipment is capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified for the airspace in which the aircraft is flying, and is so operated.
- (3) Paragraph (2) does not apply to an aircraft if—
- (a) the appropriate United Kingdom air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
 - (b) the aircraft complies with any instructions the air traffic control unit may give.

CHAPTER 3

Specialised activities

Flying displays

86.—(1) Subject to paragraphs (15), (16) and (18), no person may act as the organiser of a flying display (in this article referred to as “the flying display director”) without first applying for and obtaining the permission of the CAA for that flying display.

(2) Subject to paragraphs (16) and (18), the pilot in command of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that—

- (a) the flying display director has been granted an appropriate permission under paragraph (6);
 - (b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (c) the pilot has been granted an appropriate pilot display authorisation.
- (3) Subject to paragraphs (16) and (18), the pilot in command of an aircraft who is participating in a flying display for which a permission has been granted must comply with any conditions subject to which that permission may have been granted.
- (4) Subject to paragraphs (16) and (18), a person acting as pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.
- (5) Subject to paragraphs (16) and (18), the flying display director must not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.
- (6) The CAA must grant a permission required by paragraph (1) if it is satisfied that the flying display director is fit and competent to safely organise the proposed flying display, having regard in particular to the flying display director's—
- (a) previous conduct and experience; and
 - (b) organisation, staffing and other arrangements.
- (7) The CAA may grant such a permission subject to such conditions, which may include conditions concerning military aircraft, as the CAA thinks fit.
- (8) The CAA must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display if it is satisfied that the applicant is—
- (a) a fit person to hold the authorisation; and
 - (b) is qualified by having the knowledge, experience, competence, skill, and physical and mental fitness to fly in accordance with the authorisation.
- (9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.
- (10) The CAA may authorise a person to conduct such examinations or tests for the purposes of this article as it may specify.
- (11) Subject to article 253, a pilot display authorisation granted in accordance with this article remains in force for the period indicated in the authorisation.
- (12) Subject to paragraph (13), for the purposes of this article, an appropriate pilot display authorisation means an authorisation which is valid and appropriate to the intended flight and which has been—
- (a) granted by the CAA under paragraph (8); or
 - (b) granted by the competent authority of a JAA Full Member State.
- (13) A pilot display authorisation granted by the competent authority of a JAA Full Member State is not an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.
- (14) A direction may be issued under paragraph (13) either for a particular authorisation, a specified category of authorisations or generally.
- (15) Paragraph (1) does not apply to—

- (a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or
- (b) a flying display at which the only participating aircraft are military aircraft.

(16) Paragraphs (1) to (5) do not apply to a flying display at which the only participating aircraft are balloons.

(17) Subject to paragraph (18), the flying display director must not permit any military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which the permission for the flying display may have been granted.

(18) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot in command or pilot whether or not such race or contest is held in association with a flying display.

(19) No person may be carried during flights for the purpose of flying displays or demonstration flying (except for the minimum required flight crew), unless the prior permission of the CAA has been obtained.

Towing of gliders

87.—(1) An aircraft in flight must not tow a glider unless—

- (a) the towing aircraft has a certificate of airworthiness and—
 - (i) that the certificate has been issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
 - (ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or
- (b) the towing aircraft has been authorised to do so by—
 - (i) the CAA; or
 - (ii) an organisation approved by the CAA to provide such an authorisation.

(2) The length of the combination of towing aircraft, tow rope and glider in flight must not exceed 150 metres.

(3) The pilot in command of an aircraft which is about to tow a glider must be satisfied, before the towing aircraft takes off that—

- (a) the tow rope is in good condition and is of adequate strength for the purpose;
- (b) the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination;
- (c) after separation the towing aircraft can make a safe landing at the place of intended destination;
- (d) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (e) emergency signals have been agreed between the pilot in command of the towing aircraft and the pilot in command of the glider, to be used, respectively, by the pilot in command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot in command of the glider to indicate that the tow cannot be released.

(4) The glider must be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing, picking up and raising of persons and articles

88.—(1) Subject to the provisions of this article, an aircraft in flight must not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless—

- (a) there is a certificate of airworthiness and—
 - (i) that certificate has been issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
 - (ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or
- (b) the aircraft has been authorised to do so by—
 - (i) the CAA; or
 - (ii) an organisation approved by the CAA to provide such an authorisation.

(2) An aircraft must not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight must not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, must not exceed 150 metres.

(5) A helicopter must not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger must not be carried in a helicopter at any time when an article, person or animal is suspended from the helicopter, other than—

- (a) a passenger who has duties to perform in connection with the article, person or animal;
- (b) a passenger who has been picked up or raised by means external to the helicopter; or
- (c) a passenger who it is intended will be lowered to the surface by means external to the helicopter.

(7) Nothing in this article—

- (a) prohibits the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
- (b) prohibits the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) applies to any aircraft while it is flying in accordance with the B Conditions; or
- (d) permits the towing or picking up of a glider otherwise than in accordance with article 87.

Dropping of articles and animals

89.—(1) Articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraphs (3) and (4), articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom except—

- (a) under and in accordance with the terms of an aerial application certificate granted under article 91; or

- (b) with the permission of the CAA.
- (3) Paragraph (2) does not apply to the dropping of articles by, or with the authority of, the pilot in command of the aircraft in any of the following circumstances—
 - (a) the dropping of articles for the purpose of saving life;
 - (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
 - (c) the dropping of ballast in the form of fine sand or water;
 - (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order; or
 - (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft.
- (4) Paragraph (2) does not apply to the lowering of any article or animal from a helicopter to the surface, if—
 - (a) there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered; and
 - (b) that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.
- (5) In this article, “dropping” includes projecting and lowering.

Dropping of persons and grant of parachuting permissions

90.—(1) Subject to paragraphs (9), (10) and (11), a person must not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator’s certificate or a parachuting permission granted by the CAA under this article.

(2) A person must not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(3) The CAA must grant a parachuting permission if it is satisfied that the applicant is a fit person to hold the permission and is competent to conduct parachuting safely, having regard in particular to the applicant’s—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing and other arrangements.

(4) An aircraft must not be used for the purpose of dropping persons unless the aircraft—

- (a) has a certificate of airworthiness and—
 - (i) that certificate has been issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
 - (ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or
- (b) has been authorised for the purpose of dropping persons by—
 - (i) the CAA; or
 - (ii) an organisation approved by the CAA to provide such an authorisation, and is operated in accordance with a written permission granted by the CAA under this article; or
- (c) is operated under and in accordance with the terms of a police air operator’s certificate.

(5) Every applicant for and holder of a parachuting permission must make available to the CAA if requested a parachuting manual.

(6) The holder of a parachuting permission must make such amendments or additions to its parachuting manual as the CAA may require.

(7) The holder of a parachuting permission must make its parachuting manual available to every employee or person who is engaged or may engage in parachuting activities conducted by the holder.

(8) The manual must contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(9) Nothing in this article applies to the descent of persons by parachute from an aircraft in an emergency.

(10) Nothing in this article prohibits the lowering of any person in an emergency or for the purpose of saving life.

(11) Nothing in this article prohibits the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

(12) In this article, “dropping” includes projecting and lowering.

Dropping articles for purposes of agriculture etc. and grant of aerial application certificates

91.—(1) An aircraft must not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The CAA must grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1), having regard in particular to the applicant’s—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing and other arrangements.

(3) If the CAA grants an aerial application certificate it may do so subject to such conditions it deems appropriate, including conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(4) Every applicant for and holder of an aerial application certificate must make available to the CAA if requested an aerial application manual.

(5) The holder of an aerial application certificate must make its aerial application manual available to every member of the operating staff.

(6) The manual must contain all such information and instructions as may be necessary to enable the operating staff to perform their duties.

(7) The holder of an aerial application certificate must make such amendments or additions to the manual as the CAA may require.

CHAPTER 4

Other aerial activities

Mooring, tethering, towing, use of cables, etc.

92.—(1) This article applies to or in relation to—

- (a) balloons except unmanned free balloons;
- (b) gliders;

- (c) kites;
- (d) parascending parachutes; and
- (e) airships,

within the United Kingdom (which are referred to in this article as “relevant aircraft”).

- (2) A relevant aircraft which is launched, moored, tethered or towed must not be operated—
 - (a) in such a manner as to—
 - (i) represent a hazard to other airspace users; or
 - (ii) without the permission of the CAA, result in any part of the relevant aircraft whilst it is being launched or towed, or its tether, mooring or towing equipment, extending more than 60 metres above ground level;
 - (b) within controlled airspace or airspace notified for the purpose of this article;
 - (c) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome except—
 - (i) during the day and in Visual Meteorological Conditions; and
 - (ii) with the permission of the person in charge of the aerodrome, the appropriate air traffic control unit or the CAA.

(3) A relevant aircraft which is flown, launched, moored, tethered or towed must be operated in accordance with any guidance issued from time to time by the CAA relating to such operation.

- (4) An airship—
 - (a) must not be moored within 2km of a congested area unless—
 - (i) it is moored on a notified aerodrome; or
 - (ii) it has the permission of the CAA;
 - (b) must not be moored within the aerodrome traffic zone of a notified aerodrome unless it has the permission of the person in charge of the aerodrome or the air traffic control unit;
 - (c) when moored in the open must be securely moored and must not be left unattended.
- (5) A balloon—
 - (a) in captive flight must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings;
 - (b) in captive or tethered flight must not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

Release of small balloons

- 93.**—(1) A person must not cause or permit—
- (a) a group of small balloons of more than 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA at least 28 days previous notice in writing of the release;
 - (b) a group of small balloons of more than 2,000 but not more than 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,

except with the permission of the CAA; and

- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.

(2) In this article, “simultaneously released at a single site” means the release of a specified number of balloons during a period of not more than 15 minutes from within an area not more than 1km square.

Small unmanned aircraft

94.—(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
- (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of commercial operations except in accordance with a permission granted by the CAA.

Small unmanned surveillance aircraft

95.—(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are—

- (a) over or within 150 metres of any congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
- (d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article, “a small unmanned surveillance aircraft” means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Rockets

96.—(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article does not apply to—

- (a) an activity to which the Outer Space Act 1986(1) applies; or
- (b) a military rocket.

(3) No person may launch a small rocket unless the conditions in paragraph (4), and any of the conditions in paragraphs (5), (6) and (7) which are applicable, are satisfied.

(4) The first condition is that the person launching the rocket is satisfied on reasonable grounds that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight remain, clear of any obstructions including any aircraft in flight.

(5) The second condition is that the person launching the rocket on a flight within controlled airspace has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace.

(6) The third condition is that the person launching the rocket on a flight within an aerodrome traffic zone of an aerodrome during its notified operating hours—

- (a) has obtained the permission of the air traffic control unit at the aerodrome; or
- (b) if there is no air traffic control unit, has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or
- (c) if there is no air traffic control unit and no aerodrome flight information service unit, has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely;

(7) A flight for commercial operation purposes must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

(8) A flight by a large rocket must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

CHAPTER 5

Dangerous goods

Carriage of dangerous goods

97.—(1) The Secretary of State may make regulations prescribing—

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;

(1) 1986 c.38.

- (e) any other provisions for securing the safety of aircraft and any apparatus attached to aircraft, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents which must be produced to the CAA or an authorised person on request; and
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made under this article.

(2) It is an offence to contravene or permit the contravention of or fail to comply with any regulations made under this article.

(3) The provisions of this article and of any regulations made under this article are additional to and not in derogation from articles 98 and 99.

Carriage of weapons and of munitions of war – requirement for permission and for pilot in command to be informed

98.—(1) This article applies to a non-EASA aircraft.

- (2) Subject to article 100(1) and (3), an aircraft must not carry any munition of war unless—
- (a) the munition of war is carried with the permission of the CAA; and
 - (b) the pilot in command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(3) Subject to article 100(2) and (3), it is unlawful for an aircraft to carry any sporting weapon or munition of war unless it is stowed in the aircraft in a place that is inaccessible to passengers during flight.

Prohibition on carrying on board sporting weapons or munitions of war

99.—(1) Subject to article 100(2) and (3), it is unlawful for a person to carry or have in their possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage on an aircraft any sporting weapon or munition of war unless the provisions of paragraph (2) are complied with.

- (2) The provisions referred to in paragraph (1) are that—
- (a) the sporting weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo;
 - (ii) is stowed in the aircraft in a place that is inaccessible to passengers during flight; and
 - (iii) in the case of a firearm, is unloaded;
 - (b) information about the sporting weapon or munition of war has been supplied by that passenger or by the consignor to the operator before the flight commences; and
 - (c) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

Exceptions concerning carriage of weapons and munitions of war

100.—(1) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the pilot in command of the aircraft must be informed of the matters referred to in article 98(2)(b) but need not be so informed in writing.

(2) Article 98(3) and article 99 do not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(3) Nothing in this Part applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

CHAPTER 6

Air operator certificates

Requirement for and grant of national air operator's certificate

101.—(1) Subject to article 134, an aircraft registered in the United Kingdom must not fly on a public transport flight, otherwise than under and in accordance with the terms of—

- (a) a national air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by the holder on such flights are operated safely;
- (b) a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA; or
- (c) in the case of an A to A public transport flight by an aeroplane, an air operator certificate specified in sub-paragraphs (a) or (b) or an EU-OPS air operator certificate granted or issued to the operator of the aircraft by the CAA.

(2) The CAA must grant a national air operator's certificate if it is satisfied that the operator is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes specified, having regard in particular to the operator's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.

Requirement for an EU-OPS air operator certificate

102. A person must not operate an aeroplane registered in the United Kingdom on an A to A commercial air transport aeroplane operation otherwise than under and in accordance with the terms of an EU-OPS air operator certificate granted to the operator of the aircraft by the CAA.

Requirement for a Part-CAT air operator certificate

103. A person must not operate an aircraft registered in the United Kingdom on a commercial air transport operation otherwise than under and in accordance with the terms of a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA.

Offering commercial transport and public transport flights

104.—(1) No person may hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of public transport or commercial air transport unless the person being held out holds—

- (a) in the case of a commercial air transport operation, a valid Part-CAT air operator certificate;
- (b) in the case of a public transport flight, a valid national air operator's certificate or a valid Part-CAT air operator certificate; or
- (c) in the case of an A to A commercial air transport aeroplane operation, a valid Part-CAT air operator certificate or a valid EU-OPS air operator certificate.

(2) Paragraph (1) does not apply where—

- (a) the person being held out as offering such a flight has applied for a certificate which would authorise the flight in question in accordance with paragraph (1);
- (b) the person holding out reasonably believes that the person being held out will hold such a certificate by the time the offered flight is made.

CHAPTER 7

Additional requirements for public transport operations

SECTION 1

Duties of the pilot in command

Public transport of passengers – pilot in command to ensure demonstration of lifejackets

105.—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Subject to paragraph (5), in the case of a flight in an aircraft which is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) Subject to paragraph (6), and if the circumstances described in paragraph (5) apply, in the case of an aircraft which is not a seaplane and which is required by article 112(2) to carry cabin crew, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(5) The circumstances referred to in paragraph (4) are that—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(6) If the requirement to give a demonstration required by paragraph (3) or (4) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(7) In the case of an aircraft which is a seaplane, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(8) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

Public transport of passengers – pilot in command to ensure crew, passengers and baggage secure

106.—(1) Subject to paragraph (2), this article applies to a public transport flight by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Before the aircraft takes off and before it lands, the pilot in command must take all reasonable steps to ensure that—

- (a) the crew of the aircraft are properly secured in their seats; and
- (b) any cabin crew carried in compliance with article 112(2) are properly secured in seats which are in a passenger compartment and which are so situated that the cabin crew can readily assist passengers.

(4) During the period and in the circumstances described in paragraph (5) the pilot in command must take all reasonable steps to ensure that—

- (a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;
- (b) all passengers under the age of two years are properly secured by means of a child restraint device; and
- (c) those items of baggage in the passenger compartment—
 - (i) which the pilot in command reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and
 - (ii) in the case of an aircraft capable of seating more than 30 passengers, are either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(5) The period and circumstances referred to in paragraph (4) are—

- (a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;
- (b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and
- (c) whenever, by reason of turbulent air or any emergency occurring during the flight the pilot in command considers it necessary to take the steps specified in paragraph (4).

Public transport of passengers – pilot in command to ensure demonstration of use of oxygen

107.—(1) Subject to paragraph (4), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 must take all reasonable steps to ensure that each of the actions described in column 1 of the following table is carried out.

<i>Column 1</i>	<i>Column 2</i>
Before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.	Before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.
When flying above flight level 120 all passengers and cabin crew are recommended to use oxygen.	When flying above flight level 130 all passengers and cabin crew are recommended to use oxygen.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>
During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.	During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(3) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st January 1989 must take all reasonable steps to ensure that each of the actions described in either column 1 or in column 2 of the table in paragraph (2) is carried out.

(4) This article does not apply—

- (a) to a flight under and in accordance with the terms of a police air operator's certificate; or
- (b) in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

SECTION 2

Crew to be carried

Pilots required on public transport flights by flying machines over 5,700kg

108. A flying machine registered in the United Kingdom must carry at least two pilots as members of the flight crew if it—

- (a) is flying for the purpose of public transport; and
- (b) has a maximum take-off mass of more than 5,700kg.

Pilots required on public transport flights by aeroplanes of 5,700kg or less

109.—(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

- (a) is flying for the purpose of public transport;
- (b) has a maximum take-off mass of 5,700kg or less;
- (c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules; and
- (d) comes within paragraph (2).

(2) Subject to paragraph (3), an aeroplane comes within this paragraph if it has—

- (a) one or more turbine jets;
- (b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;
- (c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than nine;
- (d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, where it is not provided with a means of pressurising the personnel compartments; or
- (e) two or more piston engines.

(3) An aeroplane does not come within paragraph (2)(d) or (e) if it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off.

- (4) An aeroplane—
 - (a) described in paragraph (2)(d) or (e) which is equipped with an approved autopilot is not required to carry two pilots even though before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the CAA;
 - (b) described in paragraph (2)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate is not required to carry two pilots.

Pilots required on public transport flights by helicopters of 5,700kg or less

110.—(1) Subject to paragraph (2), a helicopter registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

- (a) is flying for the purpose of public transport;
 - (b) has a maximum take-off mass of 5,700kg or less; and
 - (c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules or is flying at night on a special VFR flight.
- (2) A helicopter described in paragraph (1) is not required to carry two pilots if it—
- (a) is equipped with an autopilot with altitude hold and heading mode which is serviceable on take-off;
 - (b) is equipped with such an autopilot even though before take-off the autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or
 - (c) is flying by day and remains clear of cloud and with the surface in sight.

Flight navigators or navigational equipment required on public transport flights

111.—(1) In the circumstances specified in paragraph (2) an aircraft registered in the United Kingdom flying on a public transport flight must carry—

- (a) a flight navigator as a member of the flight crew; or
- (b) navigational equipment suitable for the route to be flown.

(2) The circumstances referred to in paragraph (1) are that on the route or on any diversion from it, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown.

(3) A flight navigator carried in compliance with paragraph (1) must be carried in addition to any person who is carried in accordance with this Part to perform other duties.

Required cabin crew of aircraft

112.—(1) This article applies to each public transport flight by an aircraft registered in the United Kingdom which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.

(2) The crew of the aircraft on each such flight must include cabin crew.

(3) Subject to paragraph (4), on each such flight there must be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft.

(4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if—

- (a) the CAA has granted permission to the operator to carry a lesser number on that flight;

(b) the operator carries the number specified in that permission; and

(c) the operator complies with any conditions subject to which the permission is granted.

SECTION 3

Operator responsibilities

Flight data monitoring, accident prevention and flight safety programme

113.—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport must establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the United Kingdom with a maximum take-off mass of more than 27,000kg flying for the purpose of public transport must include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme must be designed and managed to meet that objective.

(4) It is not the purpose of an accident prevention and flight safety programme to apportion blame or liability.

Public transport – operator’s responsibilities in relation to crew

114.—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first designating from among the flight crew a pilot to be the pilot in command of the aircraft for the flight.

(2) Subject to paragraph (5), the operator of an aircraft registered in the United Kingdom must not permit any person to be a member of the crew during any public transport flight (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

(a) that person has had the training, experience, practice and periodical tests specified in Part 3 of Schedule 9 for the duties to be performed; and

(b) the operator is satisfied that person is competent to perform their duties, and in particular to use the equipment provided in the aircraft for the purpose of those duties.

(3) The operator must maintain, preserve, produce and supply information respecting records relating to the matters specified in paragraph (2) in accordance with Part 3 of Schedule 9.

(4) During any flight for the purpose of the public transport of passengers the operator of an aircraft registered in the United Kingdom must not permit any member of the flight crew to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

(5) Paragraph (2) does not apply to the operator of a balloon registered in the United Kingdom provided that the operator—

(a) ensures that any person acting as a member of the crew during any flight for the purpose of public transport has had the training, experience, practice and periodical tests for the duties to be performed required by—

(i) paragraph 1 of Part 3 of Schedule 9 within a period of three years immediately preceding the commencement of the flight; and

(ii) paragraph 2(5)(b) of Part 3 of Schedule 9 within a period of 13 months immediately preceding the commencement of the flight; and

(b) specifies the periods mentioned in sub-paragraphs (a)(i) and (ii) in its operations manual.

Public transport – operator’s responsibilities in relation to routes and aerodromes

115.—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft.

(2) Subject to paragraph (3), the operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that—

- (a) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and
- (b) in particular those places will be adequately staffed and equipped and will have such staffing and equipment as may be prescribed at the time at which it is reasonably estimated such a take-off or landing will be made to ensure so far as practicable the safety of the aircraft and its passengers.

(3) The operator of an aircraft is not required for the purposes of this article to be satisfied as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

SECTION 4

Operations and training manuals

Operations manual

116.—(1) Subject to paragraphs (2) and (3), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to an aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

(3) This article does not apply to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator’s certificate.

(4) An operator of an aircraft to which this article applies must—

- (a) make available to each member of the operating staff an operations manual which complies with paragraph (5);
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member’s duties on the flight.

(5) An operations manual—

- (a) complies with this paragraph if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part 1 of Schedule 9;
- (b) is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(6) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of the whole of the operations manual in effect for the aircraft.

(7) Any amendments or additions to the operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(8) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.

(9) The operator must make such amendments or additions to the operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

Training manual

117.—(1) Subject to paragraph (2), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(3) The operator of every aircraft to which this article applies must—

(a) make available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 114(2) a training manual which complies with paragraph (4); and

(b) ensure that each copy of that training manual is kept up to date.

(4) A training manual complies with this paragraph if it contains all information and instructions necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 114(2) to perform that person's duties, including in particular information and instructions relating to the matters specified in Part 2 of Schedule 9.

(5) An aircraft to which this article applies must not fly unless at least 30 days before such flight the operator of the aircraft has supplied to the CAA a copy of the whole of the training manual relating to the crew of that aircraft.

(6) Any amendments or additions to the training manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the training manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

SECTION 5

Equipment

Wearing of survival suits by crew

118.—(1) Paragraph (2) does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(2) Each member of the crew of an aircraft registered in the United Kingdom must wear a survival suit if such a suit is required to be carried by article 119 and Part 1 of Schedule 6.

Equipment of public transport aircraft

119.—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) An aircraft to which this article applies must not fly unless it is equipped and marked in accordance with Schedule 6 (aircraft equipment).

(3) The equipment in Schedule 6 must be—

- (a) of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft, unless it is equipment listed in paragraph 3 of that Schedule; and
- (b) installed in a manner approved by EASA or the CAA.

(4) The equipment carried in compliance with this article must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

(6) In every such aircraft registered in the United Kingdom there must be provided individually for each passenger or, if the CAA so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (7).

(7) A notice complies with this paragraph if it is relevant to the aircraft in question and contains pictorial—

- (a) instructions on the brace position to be adopted in the event of an emergency landing;
- (b) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (c) information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (d) information as to where the lifejackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2), are to be found and instructions as to how they are to be used.

(8) The operator of a helicopter on which a vibration health monitoring system is required to be carried by paragraph 4(12) of Part 1 of Schedule 6 must operate that equipment in accordance with procedures approved by the CAA.

Functioning of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters

120.—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) Subject to paragraph (5), whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit from the aeroplane or helicopter and every internal door in the aeroplane or helicopter must be in working order.

(3) Subject to paragraph (4), during take-off and landing and during any emergency, every exit and door in the aeroplane or helicopter must be kept free of obstruction and must not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(4) In the case of—

- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the pilot in command of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) does not apply.

(5) Subject to compliance with paragraph (6), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) This paragraph is complied with if—

- (a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words “exit” or “emergency exit” are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

Marking of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters

121.—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) An operator must ensure that every exit from an aeroplane or helicopter to which this article applies is marked in accordance with this article.

(3) Every exit from such an aeroplane or helicopter must be marked on interior surfaces with the words “exit” or “emergency exit” in capital letters, which must be red in colour and if necessary outlined in white to contrast with the background.

(4) Every exit from such an aeroplane or helicopter must be marked on exterior surfaces with the words “exit” or “emergency exit” in capital letters, which must be located on a background which provides adequate contrast.

(5) Every exit from such an aeroplane or helicopter must be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be red in colour and located on a background which provides adequate contrast.

(6) Every exit from such an aeroplane or helicopter which may be opened from the outside must be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be located on a background which provides adequate contrast.

(7) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

SECTION 6

Loading

Operator's duty concerning the loading of public transport aircraft

122.—(1) This Section applies to an aircraft registered in the United Kingdom which is being loaded for a public transport flight.

(2) The operator of an aircraft to which this Section applies must not cause or permit it to be loaded except in accordance with this Section.

(3) In this Section, loading includes the suspension of a load from the aircraft.

Requirement to load in accordance with loading instructions

123.—(1) An aircraft to which this Section applies may only be loaded under the supervision of a person whom the operator has caused to be supplied with written instructions as to the distribution and securing of the load (in this Section called “the loading instructions”) which—

(a) conform with paragraph (3); and

(b) subject to article 126(1), conform with paragraph (4).

(2) The operator must not cause or permit the aircraft to be loaded in contravention of the loading instructions.

(3) Loading instructions conform with this paragraph if they ensure—

(a) the load may safely be carried on the flight; and

(b) any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(4) Loading instructions conform with this paragraph if they—

(a) indicate the additional items included in the weight of the aircraft prepared for service;

(b) show the position of the centre of gravity of the aircraft at that weight; and

(c) indicate the weight of the aircraft prepared for service.

(5) In sub-paragraph (4)(c), the weight of the aircraft prepared for service means the aggregate of the weight of the aircraft, shown in the weight schedule referred to in article 43, and the weight of such additional items in or on the aircraft as the operator thinks fit to include.

Requirement for a load sheet

124.—(1) Subject to article 126(1) and (2), the person supervising the loading of an aircraft to which this Section applies must—

(a) before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements; and

(b) if not the pilot in command of the aircraft, submit the load sheet for examination by the pilot in command of the aircraft who must sign it.

(2) Subject to paragraph (3), one copy of the load sheet—

(a) must be carried in the aircraft when article 229 so requires until the flights to which it relates have been completed; and

(b) together with the loading instructions, must be preserved by the operator for at least six months after the flights and must not be carried in the aircraft.

(3) In the case of—

(a) an aeroplane which has a maximum take-off mass of not more than 2,730kg; or

- (b) a helicopter,

if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter in a container approved by the CAA for that purpose.

Carriage of baggage

125.—(1) Subject to paragraph (2), the operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) the baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, the amount of baggage does not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

(2) Paragraph (1)(b) does not apply to baggage carried in accordance with a permission issued under article 106(4)(c)(ii).

Loading instructions: exceptions

126.—(1) The loading instructions need not conform with article 123(4) and article 124(1) does not apply if the aircraft—

- (a) has a maximum take-off mass of not more than 1,150kg;
- (b) has a maximum take-off mass of not more than 2,730kg and the flight is—
 - (i) solely for training persons to perform duties in an aircraft and intended not to exceed 60 minutes in duration; or
 - (ii) intended to begin and end at the same aerodrome and not to exceed 60 minutes in duration; or
- (c) is a helicopter which—
 - (i) has a maximum take-off mass of not more than 3,000kg; and
 - (ii) a total seating capacity of not more than five persons.

(2) Article 124(1) does not apply if—

- (a) the load and the way it is to be distributed and secured on the next intended flight are to be unchanged from the previous flight; and
- (b) the pilot in command of the aircraft makes and signs an endorsement to that effect on the load sheet for the previous flight, indicating—
 - (i) the date of the endorsement;
 - (ii) the place of departure on the next intended flight; and
 - (iii) the next intended place of destination.

SECTION 7

Performance requirements and operating minima

Aeroplanes registered in the United Kingdom – public transport operating conditions and performance requirements

127.—(1) An aeroplane registered in the United Kingdom and flying for the purpose of public transport must comply with section 1 of Subpart C of Part-CAT unless it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment must be based on additional data acceptable to the CAA.

(4) The Secretary of State may prescribe requirements for aeroplanes registered in the United Kingdom, which are neither EU-OPS aeroplanes nor Part-CAT aeroplanes, in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(5) The CAA may grant for any aeroplane a permission authorising it to comply with the applicable provisions of the requirements prescribed in accordance with paragraph (4).

(6) Subject to paragraph (8), an aeroplane to which this paragraph applies must fly at such an altitude as would enable the aeroplane—

(a) if it has one engine only, in the event of the failure of that engine; or

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) applies to an aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) and flying over water for the purpose of public transport.

(8) Paragraph (6) does not apply to an aeroplane flying as may be necessary for the purpose of taking off or landing.

(9) Without prejudice to paragraph (6), an aeroplane to which this paragraph applies must not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units.

(10) Paragraph (9) applies to an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) if either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X.

(11) For the purposes of paragraph (9), flying time is calculated at normal cruising speed with one power unit inoperative.

Helicopters registered in the United Kingdom – public transport operating conditions and performance requirements

128.—(1) The Secretary of State may prescribe requirements for helicopters registered in the United Kingdom which are not Part-CAT helicopters in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(2) Subject to paragraph (3), a helicopter registered in the United Kingdom must not fly for the purpose of public transport unless the helicopter complies with the applicable provisions of the requirements which have been prescribed for its weight and related performance and flight in specified meteorological conditions or at night.

(3) Paragraph (2) does not apply to a flight for the sole purpose of training persons to perform duties in a helicopter.

(4) The assessment of the ability of a helicopter to comply with paragraph (2) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the helicopter.

(5) In the event of the approved information in the flight manual being insufficient for that purpose the assessment must be based on additional data acceptable to the CAA.

(6) Subject to paragraph (7), a helicopter registered in the United Kingdom when flying over water for the purpose of public transport must fly at such an altitude as would enable the helicopter—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) does not apply to a helicopter flying as may be necessary for the purpose of taking off or landing.

Helicopters registered in the United Kingdom carrying out Performance Class 3 operations

129.—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 3 operation must comply with paragraphs (2), (3), (4) and (5).

(2) The helicopter must not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus.

(3) If the helicopter is equipped with the required apparatus and is flying under and in accordance with the terms of a national air operator's certificate, it must not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA.

(4) If the helicopter is equipped with the required apparatus and is flying on a flight under and in accordance with the terms of a police air operator's certificate on which—

- (a) is carried any passenger who is not a permitted passenger, it must not fly in the specified circumstances on any flight for more than 20 minutes; or
- (b) no passenger is carried other than a permitted passenger, it must not fly over water on any flight for more than 10 minutes while more than five minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

(5) The helicopter must not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points—

- (a) Hammersmith Bridge (512918N) (0001351W); and
- (b) Greenwich Reach (512906N) (0000043W),

between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

(6) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out Performance Class 3 operations if—

- (a) the maximum take-off mass for the helicopter is less than 3,175kg; and
- (b) not more than nine passengers are carried.

(7) For the purposes of this article, flying time must be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

(8) In this article—

“permitted passenger” means—

- (a) a police officer;
- (b) an employee of a police authority in the course of their duty;
- (c) a medical attendant;

- (d) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation;
- (e) a CAA Flight Operations Inspector;
- (f) a Home Office police aviation adviser;
- (g) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004(2);
- (h) an Officer of Revenue and Customs;
- (i) an employee of the Ministry of Defence in the course of their duty; or
- (j) such other person being carried for purposes connected with police operations as may be permitted by the CAA;

“required apparatus” means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and

“specified circumstances” means, in respect of a helicopter, circumstances in which it is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

Helicopters registered in the United Kingdom carrying out Performance Class 1 operations and Performance Class 2 operations

130.—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 1 operation or Performance Class 2 operation which is flying under and in accordance with the terms of—

- (a) a national air operator's certificate, must not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;
- (b) a police air operator's certificate on which any passenger is carried who is not a permitted passenger and which is not equipped with the required apparatus, must not fly over any water on any flight for more than 15 minutes.

(2) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out a Performance Class 2 operation if—

- (a) the maximum take-off mass of the helicopter is less than 5,700kg; and
- (b) not more than 15 passengers are carried on the helicopter.

(3) In this article “permitted passenger” and “required apparatus” have the same meaning as in article 129(8).

Public transport aircraft registered in the United Kingdom – aerodrome operating minima

131.—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) Subject to paragraphs (3) and (4), the operator of an aircraft to which this article applies must establish and include in the operations manual or the police operations manual relating to the aircraft the required information.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required by this Order; or
 - (b) it is not practicable to include the required information in the operations manual or the police operations manual,
- the operator must comply with paragraph (4).
- (4) If this paragraph applies the operator of the aircraft must—
 - (a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required information calculated in accordance with the required data and instructions provided in accordance with paragraph (5) or (6); and
 - (b) cause a copy of the required information to be retained on the ground for at least three months after the flight.
 - (5) The operator of an aircraft for which an operations manual or a police operations manual is required by this Order must include in that operations manual the required data and instructions.
 - (6) The operator of an aircraft for which neither an operations manual nor a police operations manual is required by this Order must—
 - (a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required data and instructions; and
 - (b) cause a copy of the required data and instructions to be retained on the ground for at least three months after the flight.
 - (7) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.
 - (8) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft must take into account—
 - (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
 - (b) the composition of its crew;
 - (c) the physical characteristics of the relevant aerodrome and its surroundings;
 - (d) the dimensions of the runways which may be selected for use; and
 - (e) in relation to any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use—
 - (i) whether or not there are such aids in use at the relevant aerodrome;
 - (ii) the nature of any such aids that are in use; and
 - (iii) the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids.
 - (9) The operator must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which may reasonably be expected.
 - (10) An aircraft to which this article applies must not commence a flight at a time when—
 - (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
 - (b) according to the information available to the pilot in command of the aircraft it would not be able without contravening paragraphs (11) or (12), to land at the aerodrome of intended destination at the estimated time of arrival there and at any destination alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(11) An aircraft to which article 116 applies, when making a descent to an aerodrome, must not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(12) An aircraft to which this article applies, when making a descent to an aerodrome, must not—

(a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(13) If, according to the information available, an aircraft would as regards any flight 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.

(14) In this article—

“the required information” means detailed information about the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every destination alternate aerodrome;

“specified” in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as has been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or supplied in writing to the pilot in command of the aircraft by the operator in accordance with paragraph (4); and

“the required data and instructions” means such data and instructions as will enable the pilot in command of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator before the commencement of the flight.

Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima

132.—(1) This article applies to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies must not fly in or over the United Kingdom unless the operator has made available to the flight crew aerodrome operating minima which comply with paragraph (3) for every aerodrome at which it is intended to land or take off and every destination alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) must be no less restrictive than either—

(a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or

(b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(4) An aircraft must not undertake low visibility operations otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(5) An aircraft must not take off from or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless, in either case, the specified visual reference for landing is established and maintained from such height.

(8) In this article, “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).

A to A commercial air transport aeroplane operations and public transport flights by aeroplanes at night or in specified meteorological conditions

133.—(1) This article applies to any aeroplane which is—

- (a) registered elsewhere than in the United Kingdom;
- (b) powered by one power unit only; and
- (c) flying on an A to A commercial air transport aeroplane operation or a public transport flight.

(2) An aeroplane to which this article applies must not fly—

- (a) at night; or
- (b) when there is prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any destination alternate aerodrome—
 - (i) a cloud ceiling of less than 1,000 feet; or
 - (ii) visibility of less than one nautical mile.

SECTION 8

State aircraft operations

Requirement for, and grant of, police air operator’s certificate

134.—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority is, for the purposes of this Order, deemed to be a public transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of the public transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of public transport or the public transport of passengers.

(4) An aircraft registered in the United Kingdom must not fly on any flight in the service of a police authority otherwise than under and in accordance with the terms of—

- (a) a police air operator’s certificate granted to the operator;
- (b) a national air operator’s certificate granted to the operator;

- (c) both—
 - (i) a Part-CAT air operator certificate granted to the operator; and
 - (ii) Part-CAT and Part-ORO as though the flight were a commercial air transport operation; or
- (d) a permission given by the CAA.

Police operations manual

135.—(1) This article applies to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator’s certificate.

(2) An aircraft to which this article applies must not fly except under and in accordance with the terms of Part 1 and Part 2 of a police operations manual, Part 1 of which must have been approved for the aircraft by the CAA.

(3) The operator of every aircraft to which this article applies must—

- (a) make available to each member of its operating staff a police operations manual which complies with paragraph (4);
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member’s duties on the flight.

(4) A police operations manual complies with this paragraph if it contains all information and instructions necessary to enable the operating staff to perform their duties as such.

(5) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of Part 2 of the police operations manual in effect for the aircraft.

(6) Any amendments or additions to Part 2 of the police operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously apply, that aircraft must not fly in the service of a police authority under and in accordance with the terms of the police operator’s certificate until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the police operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.