

1970 No. 156

CIVIL AVIATION

The Air Navigation (Fifth Amendment) Order 1970

Made - - - - - 4th February 1970

Laid before Parliament 10th February 1970

Coming into Operation

(a) *for the purposes of*
Article 3(1)(3)(4)
and (8) - - - 1st May 1970

(b) *for all other*
purposes 16th February 1970

At the Court at Buckingham Palace, the 4th day of February 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8, 57 and 59 of the Civil Aviation Act 1949(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and Operation

1. This Order may be cited as the Air Navigation (Fifth Amendment) Order 1970 and shall come into operation on 1st May 1970 for the purposes of Article 3(1)(3)(4) and (8), and on 16th February 1970 for all other purposes.

Interpretation

2.—(1) In this Order, “the Principal Order” means the Air Navigation Order 1966(b), as amended (c).

(2) The Interpretation Act 1889(d) applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

Amendment of Air Navigation Order 1966

3. The Principal Order shall be further amended as follows:

(1) In Article 7(3)(a) “or aircraft radio maintenance engineer” shall be deleted;

(2) In Article 8(3) after “which identifies” the words “the aircraft and” shall be deleted;

(3) In Article 8(4)(a) “or aircraft radio maintenance engineer” shall be deleted;

(4) In Article 9(1) “or an aircraft radio maintenance engineer” shall be deleted;

(a) 1949 c. 67.

(c) S.I. 1968/1857 (1968 III, p. 4883).

(b) S.I. 1966/1184 (1966 III, p. 3073).

(d) 1889 c. 63.

- (5) In Article 19(a) "time" shall be deleted ;
- (6) In Article 83(1):
 - (a) after the definition of "Aerodrome" there shall be inserted the following definition:

" "Aerodrome traffic zone" in relation to any aerodrome means the airspace extending from the aerodrome to a height of 2,000 feet above the level of the aerodrome and within a distance of 3,000 yards of its boundaries except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome " ;
 - (b) after the definition of "Flight level" there shall be inserted the following definition:

" "Flight visibility" means the visibility forward from the flight deck of an aircraft in flight " ;
 - (c) after the definition of "Lifejacket" there shall be inserted the following definition:

" "Log Book" in the case of an aircraft log book, engine log book or variable pitch propeller log book, includes a record kept either in a book, or by any other means approved by the Board in the particular case " ;
 - (d) after the definition of "Visual Flight Rules" there shall be inserted the following definition:

" "Visual Meteorological Conditions" means weather permitting flight in accordance with the Visual Flight Rules " ;
- (7) In Schedule 1 Part A Column 4 after "Aeroplane (Amphibian)" there shall be inserted "Aeroplane (Self-launching Motor Glider)" ;
- (8) In Schedule 4:
 - (a) for the sub-heading "*Aircraft Maintenance Engineers—*" there shall be substituted "*Aircraft Maintenance Engineers—Category X*" ;
 - (b) for the sub-heading "*Aircraft Radio Maintenance Engineers—Category A (Radio)*" there shall be substituted "*Aircraft Maintenance Engineers—Category R (Radio)*", and immediately after sub-paragraph (b) there shall be inserted:

"The privileges of the licence shall also include the issue of certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications of any aircraft radio apparatus approved under this Order, if the licence bears an endorsement to that effect." ;
 - (c) the sub-heading "*Aircraft Radio Maintenance Engineers—Category B (Radio)*" and the description of the privileges of the licence shall be deleted ;
- (9) In Schedule 9 Part A—Licences, in the privileges of a Private Pilot's Licence (Aeroplanes):
 - (a) in sub-paragraph (b) for "in respect of the flight" there shall be substituted "for his services as pilot on the flight" ;
 - (b) in sub-paragraphs (c)(i)(aa) and (bb) "flight" shall be inserted immediately before "visibility" ;

- (c) for sub-paragraph (c)(ii) the following sub-paragraph shall be substituted:

“(ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles, except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;”;

- (10) In Schedule 9 Part B—Ratings, in the Instrument Meteorological Conditions Rating (Aeroplanes):

- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph:

“(a) on a flight outside controlled airspace, with or without passengers, in either Visual Meteorological Conditions or Instrument Meteorological Conditions; or”;

- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraph:

“(b) on a special VFR flight in a control zone in a flight visibility of not less than $1\frac{1}{2}$ nautical miles.”.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1966, as previously amended.

In addition to some minor and drafting amendments the following changes are made in the Articles mentioned below:

- (1) The Aircraft Radio Maintenance Engineer's Licence—Category B (Radio) is abolished, and changes are made in the titles of other Aircraft Maintenance Engineers' Licences. The privileges of the licence abolished may now be exercised by the holder of an Aircraft Maintenance Engineers—Category R (Radio) Licence, if the licence bears an endorsement to that effect (Articles 7(3)(a), 8(4)(a), 9(1) and Schedule 4).
- (2) The certificate of compliance no longer needs to identify the aircraft to which the overhaul, repair, replacement or modification relates (Article 8(3)).
- (3) Particulars to be recorded in the personal flying log books of flight crew need no longer include the time of arrival and departure of each flight (Article 19(a)).
- (4) Aircraft, engine and variable pitch propeller records can be kept either in a book or by any other means approved by the Board in the particular case (Article 83(1)).
- (5) Self-launching motor gliders are added to the aeroplane class of aircraft in the Table of general classification of aircraft (Schedule 1).
- (6) In the privileges of a Private Pilot's Licence (Aeroplanes) “flight visibility”, defined as meaning visibility forward from the flight deck of an aircraft in flight, is substituted for “visibility” (Schedule 9 Part A(c)(i)(aa) and (bb)). The holder of such a licence, not including an Instrument Meteorological Conditions rating, will now be permitted to

fly on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles if he flies on a route or in an aerodrome traffic zone notified for that purpose in a "Notam-United Kingdom" or in the "United Kingdom Air Pilot" (Schedule 9 Part A(c)(ii)).

- (7) The holder of the IMC Rating (Aeroplanes) will be entitled to fly:
- (a) outside controlled airspace whatever the meteorological conditions and whether or not passengers are carried ;
 - (b) on a special VFR flight in a control zone in a flight visibility of not less than $1\frac{1}{2}$ nautical miles, instead of in a visibility of less than 5 nautical miles, as heretofore.
- (Schedule 9 Part B(a) and (b)).

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