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S T A T U T O R Y   I N S T R U M E N T S

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**1973 No. 1000**

**CIVIL AVIATION**

**The Rules of the Air and Air Traffic Control (Fifth Amendment)  
Regulations 1973**

*Made - - - -*

*31st May 1973*

*Coming into Operation*

*21st June 1973*

The Secretary of State, in exercise of his powers under Article 61(1) of the Air Navigation Order 1972(a), as amended (b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Rules of the Air and Air Traffic Control (Fifth Amendment) Regulations 1973 and shall come into operation on 21st June 1973.

2. The Interpretation Act 1889(c) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. The Schedule to the Rules of the Air and Air Traffic Control Regulations 1972(d), as amended (e), shall be further amended as follows:

(1) In Rule 24 for paragraph (a) there shall be substituted,

*“Outside controlled airspace*

(i) An aircraft flying outside controlled airspace above 3,000 feet above mean sea level shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least five nautical miles;

(ii) An aircraft, other than a helicopter, flying outside controlled airspace at or below 3,000 feet above mean sea level shall remain at least 1 nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least three nautical miles:

Provided that this sub-paragraph shall be deemed to be complied with if the aircraft is flown at a speed which according to its air speed indicator is 140 knots or less and remains clear of cloud, in sight of the surface and in a flight visibility of at least 1 nautical mile;

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(a) S.I. 1972/129 (1972 I, p. 366).

(c) 1889 c. 63.

(e) S.I. 1972/699 (1972 II, p. 2232).

(b) There are no relevant amendments.

(d) S.I. 1972/321 (1972 I, p. 1258).

- (iii) a helicopter flying outside controlled airspace at or below 3,000 feet above mean sea level shall remain either clear of cloud and in sight of the surface, or at least 1 nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 3 nautical miles.”

- (2) For Rule 26 there shall be substituted,

*“Minimum Height*

Without prejudice to the provisions of Rule 5 of these Rules, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of five nautical miles of the aircraft unless:

- (a) the aircraft is flying on a route notified for the purposes of this Rule;  
or
- (b) the aircraft has been otherwise authorised by the competent authority; or
- (c) it is necessary for the aircraft to do so in order to take off or land; or
- (d) the aircraft is flying at an altitude not exceeding 3,000 feet above mean sea level and remains clear of cloud and in sight of the surface.”

- (3) In sub-paragraph (a) of Rule 37(12) after “aircraft” where it first occurs there shall be inserted:

“which is equipped with radio capable of operating on the notified radio frequency”;

- (4) In sub-paragraph (b) of Rule 37(12) for “the aircraft” where it first occurs there shall be substituted:

“an aircraft which is equipped with radio capable of operating on the notified radio frequency”;

- (5) After sub-paragraph (b) of Rule 37(12) and before the proviso there shall be inserted:

“(c) an aircraft which is not equipped with radio capable of operating on the notified radio frequency shall not fly at less than 2,000 feet above the notified elevation of the aerodrome within five nautical miles of the notified aerodrome reference point unless it flies on a route notified for the purposes of this sub-paragraph and the commander of the aircraft, before so flying, obtains the permission of the air traffic control unit at the aerodrome.”

- (6) Sub-paragraph (ii) of the proviso to Rule 37(12) shall be deleted.

- (7) In sub-paragraph (i) of Rule 37(14)(b) after “aircraft” where it first occurs there shall be inserted:

“which is equipped with radio capable of operating on the notified radio frequency”.

(8) In sub-paragraph (ii) of Rule 37(14)(b) for “the aircraft” where it first occurs there shall be substituted:

“an aircraft which is equipped with radio capable of operating on the notified radio frequency”.

(9) After sub-paragraph (ii) of Rule 37(14)(b) and before the proviso there shall be inserted:

“(iii) an aircraft which is not equipped with radio capable of operating on the notified radio frequency shall not fly within the relevant airspace unless it flies on a route notified for the purposes of this sub-paragraph and the commander of the aircraft, before so flying, obtains the permission of the air traffic control unit at the aerodrome”.

(10) The proviso to Rule 37(14)(b) shall be deleted.

*G. R. Sunderland,*

An Assistant Secretary,

Department of Trade and Industry.

31st May 1973.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the Schedule to the Rules of the Air and Air Traffic Control Regulations 1972, by amending the Visual Flight Rules in so far as they apply outside controlled airspace, the Instrument Flight Rules, applicable outside and within controlled airspace, and the special rules applicable to Prestwick and Edinburgh Airports.

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