
STATUTORY INSTRUMENTS

1973 No. 71

CIVIL AVIATION

The Air Navigation (Fourth Amendment) Order 1973*Made - - - - - 19th January 1973**Laid before Parliament 25th January 1973*

Coming into Operation
for the purposes of Article 3(2) 1st May 1973
for all other purposes 1st March 1973

At the Court at Sandringham, the 19th day of January 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on 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 (Fourth Amendment) Order 1973 and shall come into operation for the purposes of Article 3(2) on 1st May 1973 and for all other purposes on 1st March 1973.

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

Amendment of Air Navigation Order 1972

3. The Air Navigation Order 1972(c), as amended (d), shall be further amended as follows:

(1) In Article 9 after paragraph (1) there shall be inserted the following:

“(1A) An aeroplane registered in the United Kingdom (not being an aeroplane in respect of which a certificate of airworthiness of the General Purpose Category or the Special Category is in force) shall not fly unless the flight recording system, if any, required by or under this Order to be carried, is maintained in accordance with a maintenance schedule approved by the Authority in relation to that equipment and there is in force in respect of that equipment a certificate of maintenance issued in accordance with the provisions of this Article and certifying that maintenance has been carried out in accordance with such maintenance schedule.”;

(2) In Article 12(3) for “12 months” there shall be substituted “2 years”;

(a) 1949 c. 67.

(b) 1889 c. 63.

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

(d) The relevant amending instrument is S.I. 1972/1266 (1972 II, p. 3793).

- (3) In Article 20(2) after sub-paragraph (*dd*) there shall be inserted:

“(ddd) The holder of a flight engineer’s licence shall not be entitled to perform functions on a flight for the purpose of public transport unless the licence bears a valid certificate of test, nor shall he be entitled to perform functions on a flight made otherwise than for the purpose of public transport unless the licence bears a valid certificate of test or experience, which certificate shall in either case be appropriate to the functions he is to perform in accordance with Part C of the said Schedule and shall otherwise comply with that Part.”;

- (4) For Article 20(7) there shall be substituted:

“(7) On the basis of the medical examination referred to in paragraph (6) of this Article, the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to proviso (*b*) to paragraph (2) of this Article, be valid for such period as is therein specified, and shall be deemed to form part of the licence.”;

- (5) For the heading to and Article 34 there shall be substituted:

“Use of flight data recorders and preservation of records

34.—(1) On any flight on which a flight data recorder is required by sub-paragraph 4(5) of Schedule 5 to this Order to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of Article 58 of this Order, preserve:

- (a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the Authority may in a particular case direct.”;

- (6) In Article 58 in sub-paragraph (*a*) of the proviso for “flight recorder” there shall be substituted “flight data recorder”;

- (7) In Article 62:

- (a) For paragraph (5) there shall be substituted:

“(5) Subject to the provisions of Article 59 of this Order, a licence to act as an air traffic controller or as a student air traffic controller shall remain in force for the period indicated in the licence, being a period not exceeding five years, and may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit person and is qualified as aforesaid.”;

(b) After paragraph (5) there shall be inserted:

“(6) Every applicant for and holder of an air traffic controller’s licence or a student air traffic controller’s licence shall upon such occasions as the Authority may require submit himself to medical examination by a person approved by the Authority either generally or in a particular case who shall make a report to the Authority in such form as the Authority may require.

(7) On the basis of the medical examination referred to in paragraph (6) of this Article, the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to Article 64 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(8) The holder of an air traffic controller’s licence or student air traffic controller’s licence shall not provide any type of air traffic control service at any such aerodrome or place as is referred to in Article 63(1) of this Order unless his licence includes a medical certificate issued and in force under paragraph (7) of this Article:

Provided that this paragraph shall not apply to the holder of any air traffic controller’s licence or student air traffic controller’s licence which is in force on 1st March 1973, until such time as that licence expires or is renewed, suspended or revoked.”;

(8) In Schedule 5:

(a) At the end of paragraph 4(5) there shall be added the following:

“Provided that, beginning on or after 1st January 1975, this paragraph shall not apply to:

- (i) aeroplanes over 230,000 kg maximum total weight authorised which conform to a type which was first issued with a type certificate in the United Kingdom after 1st January 1970; or
- (ii) aeroplanes of 5,700 kg or over but not over 230,000 kg maximum total weight authorised which conform to a type which was first issued with a type certificate (whether in the United Kingdom or elsewhere) after 1st April 1971.”

(b) After paragraph 4(5) there shall be added:

“(6) On all flights beginning on or after 1st January 1975 by aeroplanes:

- (i) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which are of 5,700 kg maximum total weight authorised or over and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or
- (ii) which conform to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which are over 230,000 kg maximum total weight authorised and in respect of which there is in force such a

- certificate of airworthiness; or
- (iii) of 5,700 kg maximum total weight authorised or over which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane over 230,000 kg. maximum total weight authorised) in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the "A" Conditions or in respect of which there is in force a certificate of airworthiness in the Special Category.
- (7) On all flights on or after 1st January 1975 by aeroplanes:
- (i) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which are of 27,000 kg maximum total weight authorised or over and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or
 - (ii) which conform to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which are over 230,000 kg maximum total weight authorised and in respect of which there is in force such a certificate of airworthiness; or
 - (iii) of 27,000 kg maximum total weight authorised or over which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane over 230,000 kg. maximum total weight authorised) in respect of which an application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the "A" Conditions or in respect of which there is in force a certificate of airworthiness in the Special Category."
- (c) To the Table in paragraph 4 two columns headed "S" and "T" shall be added after the column headed "R", and "S" shall be inserted in column S opposite the end of paragraph (6) and "T" shall be inserted in column T opposite the end of paragraph (7).
- (d) In paragraph 5:
- (aa) In Scale P:
 - (i) After "A flight" there shall be inserted "data";
 - (ii) After sub-paragraph (e) there shall be added:

"in addition on all flights beginning on or after 1st January 1975:

 - (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
 - (g) flap position;
 - (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded:

Provided that any aeroplane having a maximum total weight authorised of less than 11,400 kg may be provided with:

 - (a) a flight data recorder capable of recording

the data described in sub-paragraphs (a) to (h) of this Scale; or

(b) a 4 channel cockpit voice recorder.”

(bb) After Scale R there shall be added:

“Scale S

A flight recording system comprising:

- (i) in respect of aeroplanes of less than 11,400 kg maximum total weight authorised either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale data from which the following information can be ascertained: the flight path of the aeroplane; the attitude of the aeroplane; and the basic lift, thrust and drag forces acting upon the aeroplane;
- (ii) in respect of aeroplanes of 11,400 kg or over but less than 27,000 kg maximum total weight authorised a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the information specified in paragraph (i) can be ascertained;
- (iii) in respect of aeroplanes of 27,000 kg maximum total weight authorised or over a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the following information can be established: the flight path of the aeroplane; the attitude of the aeroplane; the selection of high lift devices (if any) and airbrakes (if any); the position of primary flying control and pitch trim surfaces; cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply; outside air temperature; instrument landing system deviations; use made of automatic flight control system; radio altitude (if any); and the level of essential AC electricity supply.

The cockpit voice recorder or flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident.

Scale T

An underwater sonar location device.”;

(9) In Schedule 9:

(a) In Part A6 in the entry relating to the flight engineer’s licence under the sub-heading “*Maximum Period of Validity*” for “12 months” there shall be substituted “5 years”;

(b) In Part C:

(i) the words in parentheses “Aircraft Rating” shall be deleted from the heading;

- (ii) in paragraph 1 after “(dd)” there shall be added “and proviso (ddd)”;
- (iii) in paragraph 2:
 - (aa) at the end of sub-paragraph (b)(i) there shall be added:

“in the case of a pilot, and a flight engineer’s test in the case of a flight engineer.”;
 - (bb) after sub-paragraph (b)(iii) there shall be added:

“(iv) in the case of a certificate of experience for a flight engineer that on the date on which the certificate was signed the holder of the licence of which it forms part produced his personal flying log book to the person signing the certificate and satisfied him that he had, during the period of 13 months preceding that date completed at least 5 hours’ experience as a flight engineer including at least one flight in each type of aircraft on which he wishes to exercise the privileges of his licence.”;
 - (cc) in sub-paragraph (c) after “for a pilot” there shall be added “or flight engineer”;
 - (dd) at the end of sub-paragraph (d) there shall be added “or flight engineer.”;
- (iv) After paragraph 3 there shall be added the following new paragraph:

“Nature of flight engineer’s test

3A. The flight engineer’s test referred to in paragraph 2 of this Part of this Schedule shall be a test of the flight engineer’s competence to perform the duties of a flight engineer in the type of aircraft to be used on the flight, and may be conducted either in an aircraft in flight or by means of an apparatus approved by the Authority in which flight conditions are simulated on the ground.”;
- (v) In paragraph 6(1) after “a certificate of test” there shall be inserted “for a pilot”;
- (vi) After paragraph 6(3) there shall be added:

“(4) A certificate of test or experience for a flight engineer shall not be appropriate to the functions to be performed unless in the case of a certificate of test it certifies that the test was conducted in an aircraft of the same type as that in which the functions are to be performed or by means of apparatus approved by the Authority in which conditions in such an aircraft are simulated on the ground or unless in the case of a certificate of experience it certifies that at least 5 hours’ experience as a flight engineer was gained of which at least one flight was conducted in an aircraft of the same type as that in which the functions are to be performed.”;
- (vii) At the end of paragraph 7 there shall be added:

“A certificate of experience in the capacity of flight engineer shall be appropriate to functions performed in the capacity of flight engineer.”;

(viii) In paragraph 9:

(aa) in sub-paragraph (a) after "a certificate of test" there shall be inserted "for a pilot";

(bb) after sub-paragraph (b) there shall be inserted:

"(c) a certificate of test for a flight engineer shall not be valid in relation to a flight made for the purpose of public transport more than 6 months after the date of the test which it certifies:

Provided that two certificates of test shall together be deemed to constitute a valid certificate if they certify flight engineer's tests conducted on two occasions within the period of 13 months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than 4 months.

A certificate of test or experience for a flight engineer shall not be valid in respect of a flight made otherwise than for the purpose of public transport more than 13 months after it was signed."

(10) In Schedule 10:

(a) in paragraph 1 there shall be added at the end:

"(f) in the case of a licence granted or renewed on or after 1st March 1973, the Area Control Rating and the Area Radar Control Rating.";

(b) to paragraph 2 there shall be added the following proviso:

"Provided that:

(a) any air traffic controller's licence which is granted or renewed on or after 1st March 1973 shall not contain an Area Control (I) Rating or an Area Control (II) Rating;

(b) an Area Control Rating included in an air traffic controller's licence granted or renewed on or after 1st March 1973 shall entitle the holder of the licence at any place for which the rating is valid to provide an air traffic control service only without the aid of any surveillance radar equipment."

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Air Navigation Order 1972. In addition to some minor and drafting amendments the following changes are made:

- (1) An aeroplane may not fly unless the flight recording system (if any) required by or under the Order is maintained in accordance with a maintenance schedule approved by the Authority and there is in force a valid certificate of maintenance. (Article 3(1) of this Order).

- (2) The maximum period of validity of a maintenance engineer's licence is extended from 12 months to 2 years. (Article 3(2)).
- (3) The holder of a flight engineer's licence will no longer be entitled to perform functions on a flight for the purpose of public transport unless his licence bears a valid certificate of test nor on a flight otherwise than for the purpose of public transport unless his licence bears a valid certificate of test or experience. (Article 3(3)).
- (4) The operator of an aeroplane required to carry a flight recording system must preserve the last 25 hours of recording made by the recorder and a record of not less than one representative flight made within the last 12 months which record must be preserved for as long as the Authority in a particular case may direct. (Article 3(5)).
- (5) The maximum period of validity of an air traffic controller's or student air traffic controller's licence is extended from 12 months to 5 years. (Article 3(7)(a)).
- (6) Provision has been made for the medical examination by an approved person of applicants for and holders of air traffic controller's or student air traffic controller's licences on such occasions as the Authority may require, and the holder of a licence is prohibited from providing an air traffic control service unless his licence includes a valid medical certificate. (Article 3(7)(b)).
- (7) On all flights beginning on or after 1st January 1975 specified types of aeroplanes will be excluded from the requirement to carry the equipment specified in Scale P in paragraph 5 of Schedule 5 to the Order. They will instead be required to carry the equipment specified in a new Scale S being either a flight data recorder or a cockpit voice recorder or both. (Article 3(8)(a), (b), (c) and (d)(bb)).
- (8) The scope of Scale P in paragraph 5 of Schedule 5 has been extended in relation to all flights beginning on or after 1st January 1975 by aeroplanes to which this Scale applies, by including three new categories of data required to be recorded by a flight data recorder and by allowing specified types of such aeroplanes to carry a cockpit voice recorder in place of a flight data recorder. (Article 3(8)(d)(aa)).
- (9) On all flights beginning on or after 1st January 1975 specified types of aeroplanes will be required to carry an underwater sonar location device. (Article 3(8)(b), (c) and (d)(bb)).
- (10) The maximum period of validity of a flight engineer's licence is extended from 12 months to 5 years. (Article 3(9)(a)).
- (11) An air traffic controller's licence granted or renewed after 1st March 1973 may no longer include an Area Control (I) Rating or an Area Control (II) Rating but may include an Area Control Rating entitling the holder of the licence to provide air traffic control service only without the aid of any surveillance radar equipment. (Article 3(10)).

SI 1973/71
ISBN 0-11-030071-8

