
 STATUTORY INSTRUMENTS

1976 No. 583

CIVIL AVIATION

The Air Navigation (Fifth Amendment) Order 1976

<i>Made - - - -</i>	12th April 1976
<i>Laid before Parliament</i>	23rd April 1976
<i>Coming into Operation</i>	1st July 1976

At the Court at Windsor Castle, the 12th day of April 1976

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8 and 57 of the Civil Aviation Act 1949(a) as amended by section 62(1) of the Civil Aviation Act 1971(b) 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 Commencement

1. This Order may be cited as the Air Navigation (Fifth Amendment) Order 1976 and shall come into operation on 1st July 1976.

Interpretation

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

Amendment to the Air Navigation Order 1974

3. The Air Navigation Order 1974(d), as amended(e), shall be further amended as follows:—

(1) For Articles 9(4)(a), 10(3)(a) and 11(5)(a) there shall in each case be substituted:

“(a) The holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate; or”;

(2) In Article 9, after paragraph 4(d), there shall be inserted:

“(e) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval;”;

(3) For Article 11(5)(e) and (f) there shall be substituted:

“(e) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval; or

(f) a person whom the Authority has authorized to issue the certificate in a particular case, and in accordance with that authority; or”;

(a) 1949 c. 67.

(b) 1971 c. 75.

(c) 1889 c. 63.

(d) S.I. 1974/1114 (1974 II, p. 4057).

(e) The relevant amending instruments are S.I. 1975/429, 1836 (1975 I, p. 1351; III, p. 6945).

- (4) For Article 12(1) and (2) there shall be substituted:

“(1)(A) The Authority may grant aircraft maintenance engineer’s licences, subject to such conditions as it thinks fit, of a category specified in Schedule 4 to this Order, upon its being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Authority may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.

(1)(B) The Authority may include in a licence of any category a rating, subject to such conditions as it thinks fit, specifying a type of aircraft or equipment, upon being satisfied as aforesaid that the applicant is qualified to issue the certificates specified in Schedule 4 in relation to that category in respect of aircraft or equipment of that type, and a rating shall be deemed to form part of the licence.

(2) A licence of any category shall, subject to any conditions included in the licence, entitle the holder to issue the certificates specified in Schedule 4 in relation to that category in respect of aircraft or equipment of a type specified in a rating included in the licence.”;

- (5) In Article 12(3), the words “and a rating” shall be deleted;

- (6) In Article 23(1):

(a) the word “and” at the end of subparagraph (bb) shall be deleted;

(b) subparagraph (cc) and the proviso thereto shall be deleted;

- (7) In Schedule 2, for paragraph (3) under the heading “A Conditions” there shall be substituted:

“The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer’s licence granted under this Order, being a licence which entitles him to issue that certificate or by a person approved by the Authority for the purpose of issuing certificates under this condition, and in accordance with that approval”;

- (8) For Schedule 4 there shall be substituted the following Schedule:

“SCHEDULE 4

Article 12

MAINTENANCE ENGINEERS: PRIVILEGES OF LICENCES

An aircraft maintenance engineer may, subject to the conditions of his licence, issue certificates as follows:

Aircraft Maintenance Engineers—Category A (Aircraft)

In relation to aircraft (not including engines) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under this Order;
- (b) certificates of compliance in respect of inspection, repairs, replacements and modifications so approved;
- (c) certificates of fitness of aircraft for flight under the 'A Conditions'.

Aircraft Maintenance Engineers—Category B (Aircraft)

In relation to aircraft (not including engines) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence—

Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under this Order.

Aircraft Maintenance Engineers—Category C (Engines)

In relation to engines of a description specified in his licence, being engines in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under this Order;
- (b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;
- (c) certificates of fitness of aircraft engines for flight under the 'A Conditions'.

Aircraft Maintenance Engineers—Category D (Engines)

In relation to engines of a description specified in his licence, being engines in respect of which a type rating has been included in his licence—

Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under this Order.

Aircraft Maintenance Engineers—Category X

Compasses.

Instruments.

Electrical Equipment.

Automatic Pilots.

In relation respectively to compasses, instruments, electrical equipment or automatic pilots of a description specified in his licence, being compasses, instruments, electrical equipment or automatic pilots in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under this Order;
- (b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Maintenance Engineers—Category R (Radio)

In relation to aircraft radio stations of a description specified in his licence, being radio stations in respect of which a type rating has been included in his licence—

- (a) certificates of maintenance or certificates of release in accordance with the maintenance schedules approved under this Order;
- (b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

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.”;

(9) In Schedule 5, at the end of the Table in paragraph 4 there shall be added:—

“(8) *Aeroplanes flying for the purpose of public transport*

(i) on all flights beginning on or after 1st January 1977 by aeroplanes which are turbo-jet and which have a maximum total weight authorised exceeding 15,000 kg. or which are authorised to carry 30 passengers or more by the certificate of airworthiness in force in respect thereof;

(ii) on all flights beginning on or after 1 July 1977 by aeroplanes which are not turbo-jet and which have a maximum total weight authorised exceeding 15,000 kg. or which are authorised to carry 30 passengers or more by the certificate of airworthiness in force in respect thereof”;

and an additional column headed “X” shall be added to the Table after the column headed “W”, and “X” shall be put in column “X” opposite subparagraphs (8)(i) and (ii);

(10) In Schedule 5, at the end of paragraph 5 there shall be added:—

“*Scale X*

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water: provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.”;

(11) In Schedule 11, for paragraph (iii) of Part A, there shall be substituted—

“(iii) the particulars referred to in Article 50(1)(c) of this Order;”.

N. E. Leigh

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Air Navigation Order 1974, as amended. In addition to some minor and drafting amendments, the following changes are made:—

- (1) Provision is now made to enable an approved person (including a body Corporate) to issue a certificate of maintenance in respect of an aircraft (Article 9(4)(e)).
- (2) The provision that a rating in an aircraft maintenance engineer's licence limits the licence to a particular type of aircraft or equipment has been revoked, and a rating now entitles the holder of the licence to issue certificates of maintenance, compliance, release and fitness for flight in respect of aircraft and equipment specified in the rating. (Article 12(1) and (2)).
- (3) A person giving instruction in flying for consideration is no longer required to be the holder of a licence entitling him to act as pilot in command of an aircraft flying for the purpose of public transport where the flight during which instruction is given is not a flight for the purpose of public transport. (Article 23).
- (4) Aeroplanes exceeding 15,000 kg. maximum total weight authorised or certified to carry 30 or more passengers will be required to carry equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water. (Schedule 5).

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