
STATUTORY INSTRUMENTS

1988 No. 2250

CIVIL AVIATION

The Air Navigation (Fourth Amendment) Order 1988

<i>Made</i>	- - - -	<i>21st December 1988</i>
		<i>10th January</i>
		<i>1989</i>
<i>Laid before Parliament</i>		<i>Coming into force in accordance with article 1</i>

At the Court at Buckingham Palace, the 21st day of December 1988

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of the Civil Aviation Act 1982⁽¹⁾ 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 (Fourth Amendment) Order 1988 and shall come into force for the purpose of article 2(24), (25), (26), (28), (29), (32), (33), (34), (35), (37) and (38) on 1st April 1989, for the purpose of article 2(44), (49), (52) and (60) on 1st January 1990, for the purpose of article 2(18) on 1st June 1989 and for all other purposes on 31st January 1989.

Amendment of the Air Navigation Order 1985

2. The Air Navigation Order 1985⁽²⁾ shall be amended as follows:

(1) After article 10(4) there shall be added the following paragraph—

“(5) Subject to the provisions of article 61 of this Order, a technical log or such other approved record required by this article shall be preserved by the operator of the aircraft to which it relates until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Authority may permit in a particular case.”;

(2) Article 11(7) shall be deleted;

(1) 1982 c. 16.

(2) S.I. 1985/1643, amended by S.I. 1986/2238, 1987/2062 and 1988/251.

(3) After article 14 there shall be added the following—

“Minimum equipment requirements

14A.—(1) This article shall not apply to equipment required to be carried by virtue of article 35(2) and (3) of this Order.

(2) Subject to paragraph (1) of this article, the Authority may, subject to such conditions as it thinks fit, grant in respect of any aircraft or class of aircraft registered in the United Kingdom a permission permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(3) An aircraft registered in the United Kingdom shall not commence a flight if any of the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use:

- (a) otherwise than under and in accordance with the terms of a permission under this article which has been granted to the operator, and
- (b) unless in the case of an aircraft to which article 25 of this Order applies, the operations manual required thereby contains the particulars specified at sub-paragraph (xvii) of Part A of Schedule 11 to this Order.”;

(4) For article 18(3)(b) there shall be substituted the following—

“(b) On and after 1st January 1990, an aeroplane registered in the United Kingdom and flying for the purpose of public transport in circumstances where the aircraft commander is required to comply with Instrument Flight Rules and having a maximum total weight authorised of 5700 kg or less and powered by—

- (i) one or more turbine jets;
- (ii) one or more turbine propeller engines and provided with a means of pressurising the personnel compartments;
- (iii) two or more turbine propeller engines and certified to carry more than nine passengers;
- (iv) two or more turbine propeller engines and certificated to carry fewer than ten passengers, being an aeroplane which is neither provided with a means of pressurising the personnel compartments nor equipped with an autopilot which has been approved by the Authority for the purposes of this article and which autopilot is serviceable on take-off; or
- (v) two or more piston engines, being an aeroplane which is not equipped with an autopilot which has been approved by the Authority for the purposes of this article and which autopilot is serviceable on take-off;

shall carry not less than two pilots as members of the flight crew thereof:

Provided that an aeroplane described in sub-paragraphs (iv) or (v) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the Authority.”;

(5) After article 19(1)(b) there shall be inserted the following—

“(c) subject to the provisions of article 20(8) of this Order, act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot’s licence or the inclusion or variation of any rating in a pilot’s licence if—

- (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
 - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) subject to the provisions of article 20(8) of this Order, act as pilot in command of an aircraft at night if—
 - (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding thirteen months carried out as pilot in command not less than five take-offs and landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown by night;
 - (iii) no person other than that specified in sub-paragraph (ii) above is carried; and
 - (iv) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (e) subject to the provisions of article 20(8) of this Order, act as pilot in command of a balloon if—
 - (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding thirteen months carried out as pilot in command five flights each of not less than five minutes duration;
 - (ii) he so acts in accordance with instructions given by a person authorised by the Authority to supervise flying in the type of balloon being flown;
 - (iii) no person other than that specified in sub-paragraph (ii) above is carried; and
 - (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.”;
- (6) In the proviso to article 20(4)(a) the words “or a Commercial Pilot's Licence (Balloons)” shall be deleted;
- (7) In article 32 after the words “The commander of an aircraft registered in the United Kingdom shall” there shall be inserted the word “reasonably”;
- (8) For article 32(b) there shall be substituted the following—
 - “(b) (i) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use, or

(ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator pursuant to article 14A of this Order.”;

(9) After article 32 there shall be added the following—

“Passenger briefing by commander

32A. The commander of an aircraft registered in the United Kingdom shall take all reasonable steps to ensure—

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment and life jackets and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) in an emergency, that all passengers are instructed in the emergency action which they should take.”;

(10) For the heading to article 34 there shall be substituted the following—

“Public transport of passengers—additional duties of commander”;

(11) Article 34(2)(a) and (f) shall be deleted;

(12) In article 34(2)(e)(i) after the words “by safety belts” there shall be inserted the words “(with diagonal shoulder strap, where required to be carried)”;

(13) In article 34(2)(e)(i) as amended with effect from 1st July 1989⁽³⁾ after the words “by safety belts” there shall be inserted the words “(with diagonal shoulder strap, where required to be carried)”;

(14) In article 34(2)(g)(iii) the word “continuous” shall be deleted;

(15) In article 34(2)(h)(iii) the word “continuous” shall be deleted;

(16) After article 52 there shall be added the following—

“Exhibitions of flying

52A.—(1) No person shall act as the organiser of an exhibition of flying (in this article referred to as “the exhibition organiser”) at an organised event which event the exhibition organiser reasonably believes is likely to be attended by more than 500 persons and which event consists wholly or partly of an exhibition of flying unless at the time at which such an exhibition of flying commences the exhibition organiser has obtained the permission in writing of the Authority under paragraph (4) of this article for that exhibition of flying and complies with any conditions therein specified:

Provided that the permission in writing of the Authority under paragraph (4) of this article shall not be required for an exhibition of flying at an organised event if the exhibition organiser could not reasonably foresee seven days before the intended date of the event that it would be likely to be attended by more than 500 persons.

- (a) (2) The commander of an aircraft intending to participate in an exhibition of flying for which a permission is required by virtue of paragraph (1) of this article shall take all reasonable steps to satisfy himself before he participates that—
 - (i) the exhibition organiser has been granted such permission;

- (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (iii) the pilot has been granted a display authorisation appropriate to the intended flight.
- (b) The commander of an aircraft participating in an exhibition of flying for which a permission required by virtue of paragraph (1) of this article has been granted shall comply with any conditions subject to which that permission may have been granted.
- (c) No person shall act as pilot of an aircraft participating in an exhibition of flying for which a permission is required by virtue of paragraph (1) of this article unless he holds a display authorisation appropriate to the intended flight granted to him by the Authority and he complies with any conditions thereof.
- (3) The exhibition organiser shall not permit any person to act as pilot of an aircraft which participates in an exhibition of flying for which a permission is required by virtue of paragraph (1) of this article unless such person holds a display authorisation appropriate to the intended flight granted by the Authority.
- (4) The Authority shall grant to any person applying therefor a permission required by virtue of paragraph (1) of this article if it is satisfied that that person is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed exhibition of flying. The permission may be granted subject to such conditions, which may include conditions in respect of military aircraft, as the Authority thinks fit and shall, subject to the provisions of article 62 of this Order, remain in force for the period specified in the permission.
- (5) The Authority shall, for the purposes of this article, either unconditionally or subject to such conditions as it thinks fit:—
 - (a) grant a display authorisation authorising the holder to act as pilot of an aircraft taking part in an exhibition of flying in respect of which a permission is required by virtue of paragraph (1) of this article upon it being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Authority may require of him;
 - (b) authorise a person to conduct such examinations or tests as it may specify; and
 - (c) approve a person as qualified to furnish reports to it and to accept such reports.
- (6) A display authorisation granted in accordance with this article shall, subject to the provisions of article 62 of this Order, remain in force for the period indicated in the display authorisation, which period shall not exceed two years.
- (7) Paragraph (1) shall not apply to an exhibition organiser at an organised event 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.
- (8) The exhibition organiser shall not permit any military aircraft to participate in an exhibition of flying for which a permission is required by virtue of paragraph (1) above unless he complies with any conditions specified in respect of military aircraft subject to which such permission may have been granted.
- (9) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot thereof whether or not such race or contest is held in association with an exhibition of flying.”;
- (17) Article 68(3) shall be deleted;

- (18) For article 73(3) there shall be substituted the following—
- “(3) Without prejudice to the generality of paragraph (2) of this article, if the applicant so requests or if the Authority considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, it may grant a licence (in this Order referred to as “a licence for public use”) which shall be subject to the condition that the aeroplane shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.”;
- (19) For the heading to article 74 there shall be substituted “Aeronautical radio stations”;
- (20) After article 74(3) there shall be inserted the following—
- “(3A) For the purpose of this article an approval shall be in writing and may be granted subject to such conditions as the Authority thinks fit.”;
- (21) For the heading to article 75 there shall be substituted “Aeronautical radio station records”;
- (22) After article 75(3)(c) there shall be added the following—
- “and for the purpose of this article an approval shall be in writing and may be granted subject to such conditions as the Authority thinks fit.”;
- (23) For article 93(3) there shall be substituted the following—
- “(3) Save as provided by paragraph (4) of this article, article 52A(4) and (8), article 64(1)(a) and article 78 of this Order, nothing in this Order shall apply to or in relation to any military aircraft.”;
- (24) In article 96(1), for the definition of “Aerial work” there shall be substituted the following—
- ““Aerial work” has the meaning assigned to it by article 96A of this Order.”;
- (25) In article 96(1), there shall be inserted immediately before the words “Approach to landing” the following—
- ““Annual costs” in relation to the operation of an aircraft means the best estimate possible at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;
- “Annual flying hours” means the best estimate possible at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight.”;
- (26) In article 96(1), there shall be inserted immediately after the definition of “Beneficial interest” the following—
- ““Cabin attendant” in relation to an aircraft means a person on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew.”;
- (27) In article 96(1), there shall be inserted immediately before the word “Cargo” the following—
- ““Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface.”;
- (28) In article 96(1), for the definition of “Crew” there shall be substituted the following—
- ““Crew” means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew under article 27(2) of this Order or a cabin attendant.”;
- (29) In article 96(1), there shall be inserted immediately before the word “Flight” the following—

““Direct costs” means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;”;

(30) In article 96(1), there shall be inserted immediately before the words“General lighthouse authority” the following—

““Free Balloon” means a balloon which when in flight is not attached by any form of restraining device to the surface;”;

(31) In article 96(1), there shall be inserted immediately before the words“Military aircraft” the following—

““Microlight aeroplane” means an aeroplane having a maximum total weight authorised not exceeding 390 kg, a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre, a maximum fuel capacity not exceeding 50 litres and which has been designed to carry not more than two persons;”;

(32) In article 96(1), there shall be inserted immediately before the words“Pilot in command” the following—

““Passenger” means a person other than a member of the crew;”;

(33) In article 96(1), there shall be inserted immediately before the words“Public transport” the following—

““Private flight” means a flight which is neither for the purpose of aerial work nor public transport;”;

(34) In article 96(1), for the definition of“Public transport” there shall be substituted the following—

““Public transport” has the meaning assigned to it by article 96A of this Order;”;

(35) In article 96(1), there shall be inserted immediately before the words“Visiting force” the following—

““Valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken pursuant to an agreement, which is of more than a nominal nature;”;

(36) For article 96(2)(c) there shall be substituted the following—

“(c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

(d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon;

(e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;”;

(37) Article 96(3) and (5) shall be deleted;

(38) After article 96 there shall be added the following—

“Public transport and aerial work

96A.—(1) Subject to the provisions of this article, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight provided that, if the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part III of this Order.

(2) Subject to the provisions of this article, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purposes of public transport—

- (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors and, in the case of the Authority, the members of the Authority), persons with the authority of the Authority either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (c) for the purposes of Part III of this Order (other than articles 13(2) and 14(2) thereof), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement;

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (2)(c) of this article, it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given for the carriage of those passengers:

And provided further that notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (2)(c) of this article in respect of a flight it shall—

- (i) subject to sub-paragraph (ii) below, for all purposes other than Part III of this Order, and
- (ii) for the purposes of articles 13(2) and 14(2) of this Order

be deemed to be a private flight.

(3) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

- (a) (4) A flight shall, for the purposes of Part IV of this Order, be deemed to be a private flight if—
 - (i) the flight is—
 - (aa) wholly or principally for the purpose of taking part in an aircraft race, contest or exhibition of flying; or
 - (bb) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (aa) hereof and is made with the intention of carrying out such a flight; or
 - (cc) for the purpose of returning after such a flight as is specified in sub-paragraph (aa) hereof to a place at which the aircraft is usually based.
 - (ii) the only valuable consideration in respect of the flight other than—
 - (aa) valuable consideration specified at sub-paragraph (2)(c) of this article;
 - or

- (bb) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this article, valuable consideration which falls within sub-paragraph (8)(b) of this article, is
- (cc) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or exhibition of flying and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
- (dd) prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission in writing of the Authority granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Authority thinks fit.

- (b) Any prize falling within sub-paragraph 4(a)(ii)(dd) of this article shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

(5) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight other than—

- (a) valuable consideration specified at sub-paragraph (2)(c) of this article, or
- (b) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this article, valuable consideration which falls within sub-paragraph (8)(b) of this article,

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Authority and in accordance with any conditions therein specified:

Provided that if valuable consideration specified at sub-paragraph (2)(c) of this article is given or promised the provisions of that sub-paragraph shall apply to the flight.

(6) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

- (a) valuable consideration specified at sub-paragraph (2)(c) of this article, or
- (b) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this article, valuable consideration which falls within sub-paragraph (8)(b) of this article,

is a contribution to the direct costs of the flight otherwise payable by the pilot in command:

Provided that—

- (i) no more than four persons (including the pilot) shall be carried on such a flight,
- (ii) the proportion which such contribution bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot), and
- (iii) no information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged eighteen years or over shall be members of that flying club:

Provided further that no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight:

And provided also that if valuable consideration specified at sub-paragraph (2)(c) of this article is given or promised the provisions of that sub-paragraph shall apply to the flight.

(7) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight other than—

- (a) valuable consideration specified at sub-paragraph (2)(c) of this article, or
- (b) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this article, valuable consideration which falls within sub-paragraph (8)(b) of this article,

is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried:

Provided further that if valuable consideration specified at sub-paragraph (2)(c) of this article is given or promised the provisions of that sub-paragraph shall apply to the flight.

(8) A flight shall be deemed to be a private flight if—

- (a) the aircraft is owned—
 - (i) jointly by persons who each hold not less than a 5% beneficial share and:
 - (aa) the aircraft is registered in the names of all the joint owners; or
 - (bb) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the Authority of the names of all the persons beneficially entitled to a share in the aircraft; or
 - (ii) by a company in the name of which the aircraft is registered and the registered shareholders of which each hold not less than 5% of the shares in that company; and
- (b) the only valuable consideration given or promised in respect of the flight or the purpose of the flight is:
 - (i) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or
 - (ii) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid).

(9) A flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of:

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a written permission granted by the Authority pursuant to article 41 of this Order; or
- (b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) hereof and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a written permission granted by the Authority pursuant to article 41 of this Order; or
- (c) returning after such a flight as is specified in sub-paragraph (a) hereof to the place at which the persons carried on such a flight are usually based and on which flight

no persons are carried other than persons carried on the flight specified in sub-paragraph (a), shall be deemed to be for the purposes of aerial work.”;

(39) In Schedule 5, paragraph 4, sub-paragraph (1) in the column headed “Scale of Equipment Required” for “B” there shall be substituted “B(i) and (ii)” and for “M” there shall be substituted “B(iii)”;

(40) In Schedule 5, paragraph 4, sub-paragraph (2) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (a) in the column headed “Circumstances of Flight” for “A” there shall be substituted “A(i) and (ii) and B(i)”;

(41) In Schedule 5, paragraph 4, sub-paragraph (2) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (a)(iii) in the column headed “Circumstances of Flight” for “M” there shall be substituted “B(iii)”;

(42) In Schedule 5, paragraph 4, sub-paragraph (2) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (b) in the column headed “Circumstances of Flight” for “B” there shall be substituted “B(i) and (ii),”;

(43) In Schedule 5, paragraph 4, sub-paragraph (2) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (b)(ix) in the column headed “Circumstances of Flight” for “M” there shall be substituted “B(iii)”;

(44) In Schedule 5, paragraph 4, sub-paragraph (2) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (b)(xi) in the column headed “Circumstances of Flight” for “Q and Y” there shall be substituted “Q and Y(i), (ii) and (iii)”;

(45) In Schedule 5, paragraph 4, for the proviso to sub-paragraph (4) in the column headed “Description of Aircraft” there shall be substituted the following—
“Provided that this paragraph shall not apply to aeroplanes falling within paragraphs (5) or (5A) hereof.”;

(46) In Schedule 5, paragraph 4, for sub-paragraph (5) there shall be substituted the following—

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(5) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes 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		
(a) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971	when flying on any flight	S(i)

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

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
and which have a maximum total weight authorised exceeding 5,700 kg but not exceeding 11,400 kg; or		
(b) 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 have a maximum total weight authorised exceeding 11,400 kg but not exceeding 27,000 kg; or	when flying on any flight	S(ii)
(c) 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 have a maximum total weight authorised exceeding 27,000 kg but not exceeding 230,000 kg; or	when flying on any flight	S(iii)
(d) which conform to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which have a maximum total weight authorised exceeding 230,000 kg;	when flying on any flight	S(iii)

Provided that this paragraph shall not apply to aeroplanes falling within paragraph (5A) hereof.

(5A) Aeroplanes in respect of which there

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under “A” conditions or in respect of which there is in force a certificate of airworthiness in the Special Category		
(a) for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised not exceeding 5,700 kg, are powered by two or more turbine engines and are certificated to carry more than 9 passengers; or	when flying on any flight	S(iv)
(b) for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 5,700 kg but not exceeding 27,000 kg; or	when flying on any flight	S(v)
(c) for which an individual certificate of airworthiness was first issued (whether in the	when flying on any flight	S(vi)

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“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 27,000 kg		
(5B) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Aerial Work or Private Category and for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 27,000 kg.	when flying on any flight	S(vi)”;

(47) In Schedule 5, paragraph 4, for sub-paragraph (8)(c) in the column headed “Description of Aircraft” there shall be substituted the following—

“(c) which in accordance with the certificate of airworthiness in force in respect thereof may carry more than nineteen passengers.”;

(48) In Schedule 5, paragraph 4, after sub-paragraph (8) there shall be inserted the following—

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(8A) Aeroplanes:		
(a) powered by one or more turbine jets and first issued with a certificate of airworthiness in the United Kingdom on or after 1st April 1989;	when flying on any flight on or after 1st April 1989	AA
(b) powered by one or more turbine jets and first issued with a certificate of airworthiness in the United Kingdom prior to 1st April 1989;	when flying on any flight on or after 1st April 1990	AA
(c) powered by one or more turbine propeller	when flying on any flight on or after 1st April 1989	AA”;

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
engines and having a maximum total weight authorised exceeding 5,700 kg and first issued with a certificate of airworthiness in the United Kingdom on or after 1st April 1989.		

(49) In Schedule 5, paragraph 4, before sub-paragraph 9 there shall be inserted the following—

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(8B) Aeroplanes—		
(a) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1978 and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger);	on all flights for the purpose of the public transport of passengers on or after 1st April 1991	Y(iv)
(b) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1968 and before 1st April 1978 and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger);	on all flights for the purpose of the public transport of passengers on or after 1st April 1992	Y(iv)
(c) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) before 1st April 1968 and in respect of which	on all flights for the purpose of the public transport of passengers on or after 1st April 1993	Y(iv)”;

“Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
there is in force a certificate of airworthiness in the Transport Category (Passenger)		

(50) In Schedule 5, paragraph 4, sub-paragraph (9) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (a) in the column headed “Circumstances of Flight” for “A” there shall be substituted “A(i) and (ii) and B(i)”;

(51) In Schedule 5, paragraph 4, sub-paragraph (9) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (b) in the column headed “Circumstances of Flight” for “B” there shall be substituted “B(i) and (ii),”;

(52) In Schedule 5, paragraph 4, sub-paragraph (9) in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (b)(x) in the column headed “Circumstances of Flight” for “Y” there shall be inserted “Y(i), (ii) and (iii)”;

(53) In Schedule 5, paragraph 4, for sub-paragraph (10)(b) in the column headed “Description of Aircraft” there shall be substituted the following—

“(b) which in accordance with the certificate of airworthiness in force in respect thereof may carry more than nineteen passengers”;

(54) In Schedule 5, paragraph 5, for paragraph (iii) of Scale A there shall be substituted the following—

“(iii) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—

Roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;

Haemostatic bandages or tourniquets, scissors;

Antiseptic, analgesic and stimulant drugs;

Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5700 kg;

A handbook on first aid.

(iv) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency,

(a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxiing, or

(b) would be more than 1.82 metres from the ground if the undercarriage or any part thereof should collapse, break or fail to function,

apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.”;

(55) In Schedule 5, paragraph 5, immediately before Scale B there shall be inserted the following—

“Scale AA

An altitude alerting system capable of alerting the pilot upon approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude, and when deviating above or below that preselected altitude, by a visual and an aural signal:

Provided that if the system 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 system to be repaired or replaced.”;

(56) In Schedule 5, paragraph 5, for Scale B there shall be substituted the following—
“Scale B

- (i) (a) If the maximum total weight authorised of the aircraft is 2,730 kg or less, for every pilot’s seat and for any seat situated alongside a pilot’s seat, a safety belt with one diagonal shoulder strap or a safety harness: Provided that the Authority may permit a safety belt without a diagonal shoulder strap to be fitted if it is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap, or a safety harness.
- (b) If the maximum total weight authorised of the aircraft exceeds 2,730 kg a safety harness for every pilot’s seat in use, in place of the safety belt with one diagonal shoulder strap referred to under sub-paragraph (a): Provided that the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that it is not reasonably practicable to fit a safety harness.
- (c) For every seat in use (not being a seat referred to in sub-paragraphs (a) and (b) above) a safety belt with or without one diagonal shoulder strap or a safety harness.
- (d) On or after 1st July 1989, in addition and for attachment to the equipment required in sub-paragraph (c) above, a child restraint device for every child under the age of two years on board.
- (e) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin attendants who are required to be carried under this Order, a safety harness.
- (f) On all flights in aeroplanes the maximum total weight authorised of which does not exceed 5,700 kg which in accordance with the certificate of airworthiness in force thereof is not capable of seating more than ten passengers (otherwise than in seats referred to under sub-paragraph (a)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger:

Provided that the provisions of this sub-paragraph shall not apply to aeroplanes in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st February 1989.

- (ii) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.
- (iii) A safety harness for every seat in use:

Provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.”;

(57) In Schedule 5, paragraph 5, Scale M shall be deleted;

(58) In Schedule 5, paragraph 5, for paragraph (i)(b) of Scale R2 and for the proviso to paragraph (i) there shall be substituted the following—

- “(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, the equipment specified in (i)(a) of this Scale:

Provided that in the case of such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder such equipment shall be sufficient to protect the eyes only."

and for paragraph (ii)(b) and the proviso to paragraph (ii) of Scale R2 there shall be substituted the following—

- "(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, the equipment specified in (ii)(a) of this Scale:

Provided that this requirement shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder.";

(59) In Schedule 5, paragraph 5, for Scale S there shall be substituted the following—

"Scale S

A flight recording system comprising—

- (i) either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude and the basic lift, thrust and drag forces acting upon it;
- (ii) a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine accurately in respect of the aeroplane the information specified in paragraph (i) of this Scale together with use of VHF transmitters;
- (iii) a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude, the basic lift, thrust and drag forces acting upon it, the selection of high lift devices (if any) and airbrakes (if any), the position of primary flying control and pitch trim surfaces, outside air temperature, instrument landing deviations, use of automatic flight control systems, use of VHF transmitters, radio altitude (if any), the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/ pneumatic power supply;
- (iv) either a cockpit voice recorder and a flight data recorder or a combined cockpit voice recorder/flight data recorder capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;
- (v) a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;
- (vi) a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, instrument landing system deviations, marker beacon passage, radio altitude, configuration of the landing gear and lift and drag devices, position of primary flying controls and pitch trim surfaces, use of automatic flight control systems, use of VHF transmitters, ground speed/drift angle or latitude/longitude if the navigational

equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability, cockpit warnings relating to engine fire, engine shut-down, cabin pressurisation, presence of smoke, essential AC electricity supply, hydraulic/pneumatic power supply, ground proximity and stalling;

- (vii) in respect of helicopters having a maximum total weight authorised exceeding 2,700 kg or a seating capacity exceeding 9 passengers, a 4 channel cockpit voice recorder which has attached to it an under-water sonar location device.

The cockpit voice recorder or flight data recorder or combined cockpit voice recorder/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.

Provided that an aircraft shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Authority.”;

- (60) In Schedule 5, paragraph 5, for Scale Y there shall be substituted the following—

“Scale Y

- (i) If the aircraft may in accordance with its certificate of airworthiness carry more than nineteen and less than one hundred passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew;
- (ii) If the aircraft may in accordance with its certificate of airworthiness carry more than ninety nine and less than two hundred passengers, two portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew;
- (iii) If the aircraft may in accordance with its certificate of airworthiness carry more than one hundred and ninety nine passengers, three portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew;
- (iv) If the aircraft may in accordance with its certificate of airworthiness carry more than nineteen passengers;
 - (a) a public address system; and
 - (b) an interphone system of communication between members of the flight crew and the cabin attendants.”;

- (61) In Schedule 9, Part A, in paragraph 1 in the privileges of the Basic Commercial Pilot’s Licence (Aeroplanes) for paragraph (3) there shall be substituted the following—

“(3) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor’s rating or assistant flying instructor’s rating included in the licence on a flight for the purpose of aerial work which consists of—

- (i) the giving of instruction in flying; or
- (ii) the conducting of flying tests for the purposes of this Order, in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members:

Provided that he shall not be entitled to exercise the privileges contained in this paragraph other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight or a public transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.”;

(62) In Schedule 9, Part A, in paragraph 1 in the privileges of the Commercial Pilot's Licence (Aeroplanes), immediately before paragraph (3) there shall be inserted the following—

“(2A) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor's rating or assistant flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of—

(i) the giving of instruction in flying; or

(ii) the conducting of flying tests for the purposes of this Order,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members:

Provided that he shall not be entitled to exercise privileges contained in this paragraph other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight or a public transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.”;

(63) In Schedule 9, Part A, in paragraph 3, after sub-paragraph (b) of the proviso to the privileges of the Private Pilot's Licence (Balloons and Airships) there shall be added the following—

“(c) he shall not fly such a balloon unless he has within the immediately preceding thirteen months carried out as pilot in command in a free balloon five flights each of not less than five minutes duration.”;

(64) In Schedule 9, Part A, in paragraph 3 in the part relating to the Commercial Pilot's Licence (Balloons) for the words “Maximum Period of Validity—six months” there shall be substituted the words “Maximum Period of Validity—ten years”;

(65) In Schedule 9, Part A, in paragraph 3 in the privileges of the Commercial Pilot's Licence (Balloons) after paragraph (2) there shall be added the following—

“Provided that he shall not act as pilot in command of a flight for the purpose of the public transport of passengers unless he has within the immediately preceding ninety days carried out as pilot in command in a free balloon three flights each of not less than five minutes duration.”;

(66) In Schedule 9, Part A, in paragraph 4 in the part relating to the Commercial Pilot's Licence (Gliders) for the words “Maximum Period of Validity—six months” there shall be substituted the words “Maximum Period of Validity—ten years”;

(67) In Schedule 9, Part C, in paragraph 1(a) in the Table, in the column headed “Class of Licence” in Cases B, C, D and E, before the words “Commercial Pilot's Licence (Gliders)” there shall be inserted the words “Commercial Pilot's Licence (Balloons)”;

(68) In Schedule 9, Part C, for paragraph 4(a) there shall be substituted the following—

“(a) A certificate of test required by article 20(4) of this Order in respect of a Commercial Pilot's Licence (Balloons) shall not be valid in relation to a flight made more than thirteen months after the date of the test which it certifies and in respect of any other licence shall not be valid in relation to a flight made more than thirteen months in Cases A, B, E and H, or more than six months in Cases C, D and G, after the date of the test which it certifies:

Provided that in the case of Cases C, D and G two certificates of test shall together be deemed to constitute a valid certificate of test if they certify flying tests conducted on two occasions within the period of thirteen months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than four months, and if both certificates are appropriate to those functions.”;

(69) In Schedule 9, Part C, for paragraph 7 there shall be substituted the following—

“7. A certificate of experience in respect of a Commercial Pilot's Licence (Balloons) shall not be valid more than thirteen months after it was signed and in respect of any other licence shall not

be valid more than six months after it was signed for Case D nor more than thirteen months after it was signed for any other Case.”;

(70) In Schedule 11, Part A, for sub-paragraph (xvi) there shall be substituted the following—

“(xvi) the labelling and marking of dangerous goods, the manner in which they must be loaded on or suspended beneath an aircraft, the responsibilities of members of the crew in respect of the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods;”;

(71) In Schedule 11, Part A, after sub-paragraph (xvi) there shall be added the following—

“(xvii) such particulars of any permission granted to the operator pursuant to article 14A of this Order as may be necessary to enable the commander of the aircraft to determine whether he can comply with article 32(b)(ii) of this Order.”;

(72) In Schedule 12 immediately before the words “For the purposes of this Schedule” there shall be inserted the following—“On a flight made in accordance with the terms of a permission granted to the operator pursuant to article 14A of this Order: Document J.”;

(73) In Schedule 12, in the list of documents to be carried on a flight for the purpose of public transport, for the words “Document G” there shall be substituted the words “Documents G and I.”;

(74) In Schedule 12, in the list of documents specified to be carried on a flight for the purpose of aerial work, for the words “Document G” there shall be substituted the words “Documents G and I.”;

(75) In Schedule 12, in the list of documents specified to be carried on a flight, being international air navigation, for a purpose other than public transport or aerial work, for the words “Documents A, B, C and G” there shall be substituted the words “Documents A, B, C, G and I.”;

(76) In Schedule 12, immediately before the definition of “International air navigation” there shall be inserted the following—

““I” means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;

“J” means the permission, if any, granted in respect of the aircraft pursuant to article 14A of this Order;

Provided that, with the permission in writing of the Authority, which may be granted subject to such conditions as it thinks fit, an aircraft to which article 25 of this Order applies need not carry such a permission if it carries an operations manual which includes the particulars specified at sub-paragraph (xvii) of Part A of Schedule 11 to this Order.”;

(77) In Schedule 13, Part A, in the column headed “Article of Order” immediately below “14” there shall be inserted “14A” and adjacent thereto in the column headed “Subject matter” there shall be inserted the words “Minimum equipment requirements”;

(78) In Schedule 13, Part A, in the column headed “Article of Order” immediately below “32” there shall be inserted “32A” and adjacent thereto in the column headed “Subject matter” there shall be inserted the words “Requirement for passenger briefing”;

(79) In Schedule 13, Part A, in the column headed “Article of Order” immediately below “52” there shall be inserted “52A” and adjacent thereto in the column headed “Subject matter” there shall be inserted the words “Exhibitions of flying”;

(80) In Schedule 13, Part A, in the column headed “Subject matter” adjacent to “74” in the column headed “Article of Order” for the words “Use of radio equipment at aerodromes” there shall be substituted the words “Use of aeronautical radio stations”;

(81) In Schedule 13, Part A, in the column headed “Subject matter” adjacent to the number “75” in the column headed “Article of Order” for the words “Requirement to keep records at aerodromes” there shall be substituted the words “Requirement to keep aeronautical radio station records”;

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Amendment of The Air Navigation (Second Amendment) Order 1987

3. The Air Navigation (Second Amendment) Order 1987(3) shall be amended as follows:

- (1) In article 2(5) for“article 30(3)(e)” there shall be substituted“article 30(3)”;
- (2) Article 2(30) is hereby revoked.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 1985.

The principal changes are:

(1) Any required technical log or alternative approved record must be preserved until a date two years after the aircraft to which it relates has been destroyed or permanently withdrawn from use. The Authority may in a particular case permit retention for a shorter period (article 2(1) and (2)).

(2) With the permission of the Authority, an aircraft may commence a flight notwithstanding that all the equipment required by the Order to be carried is not carried or is not in a fit condition for use. The commander of an aircraft must reasonably satisfy himself either that all the required equipment is carried and is in a fit condition for use or that he can comply with the conditions of any relevant permission granted by the Authority (article 2(3), (8), (71), (72) and (76)).

(3) A person receiving dual instruction for the purpose of obtaining a pilot's licence or a rating may act as pilot of an aircraft without holding an appropriate licence on an instructional flight in an aircraft fitted with dual controls if he is accompanied in the aircraft by a qualified instructor in accordance with whose instructions he acts (article 2(5)).

(4) A person may act as pilot in command of an aircraft on a flight at night without having either an instrument rating or meeting the specified recency requirements provided that he is acting in accordance with the instructions given by a qualified instructor and no person other than that instructor is carried in the aircraft (article 2(5)).

(5) A person may act as pilot in command of a balloon on a flight when he does not meet the specified recency requirements provided that he acts in accordance with instructions given by a person authorised by the Authority and no person other than that authorised person is carried in the balloon (article 2(5)).

(6) The holder of a Commercial Pilot's Licence (Balloons) may not exercise the privileges of an aircraft rating contained in the licence unless he has a valid certificate of test or a valid certificate of experience (article 2(6), (67), (68) and (69)).

(7) The commander of an aircraft flying for any purpose must brief any passengers being carried as to the position and method of use of safety equipment carried in the aircraft and the action which should be taken in the event of an emergency (article 2(9), (10) and (11)).

(8) On flights by aeroplanes of 5,700 kg or less and capable of seating a maximum of ten passengers in respect of which a certificate of airworthiness shall be first issued on or after 1st February 1989 there must be carried for each passenger seat a safety belt with a diagonal shoulder strap or a safety harness. The various provisions relating to safety belts and safety harnesses in paragraph 5 of Schedule 5 are now all included in Scale B (article 2(12), (13), (39), (40), (41), (42), (43), (50), (51), (54), (56) and (57)).

(9) Persons organising an exhibition of flying at an event which they reasonably believe will be attended by more than 500 persons must first obtain the permission of the Authority unless it is not reasonably foreseeable seven days before the event that it would be attended by more than 500 persons. The pilot of an aircraft participating in such an exhibition of flying must hold an appropriate display authorisation granted by the Authority. Exhibitions of flying held at aerodromes occupied by the Ministry of Defence or visiting forces will not require permission, but the Authority may impose

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conditions on a permission relating to the participation of military aircraft in an exhibition of flying on civilian land (article 2(16)).

(10) An air traffic controller's licence is not to be deemed to be suspended on confirmation of the pregnancy of the licence holder (article 2(17)).

(11) A public use licence, requiring an aerodrome to be available to all persons on equal terms and conditions, may be granted by the Authority either when requested or when the Authority considers that an aerodrome should be available (article 2(18)).

(12) Approvals granted by the Authority relating to aeronautical radio stations and associated recording apparatus may be granted subject to such conditions as the Authority thinks fit (article 2(20) and (22)).

(13) The definitions of public transport and aerial work are substantially revised. Provided that certain specified conditions are complied with, the following are no longer treated as public transport flights or aerial work flights (as the case may be). A flight for the purpose of taking part in an aircraft race, contest or exhibition of flying is deemed to be a private flight notwithstanding the payment to the owner or operator of the actual costs of the flight or the award to the pilot of a prize which does not exceed a specified limit. A flight in respect of which the only payment is made to a registered charity and which is carried out with the permission in writing of the Authority will be deemed to be a private flight. A flight on which no more than four persons are carried and who each bear a proportionate share of the actual costs of the flight is deemed to be a private flight. A flight in respect of which the pilot reclaims the actual costs from his employer is deemed to be a private flight. A flight in an aircraft which is jointly owned when the only payment in respect of the flight reflects the actual costs thereof and is paid by one or more of the joint owners to others of the joint owners is deemed to be a private flight for airworthiness as well as all other purposes. A flight in respect of which valuable consideration has been given or promised for the carriage of passengers which flight is for the purpose of dropping persons by parachute and which is carried out in accordance with a written permission granted by the Authority is deemed to be an aerial work flight. A positioning flight made prior to such a parachute dropping flight and the return of the aircraft to its base after such a parachute dropping flight shall also be aerial work flights (article 2(24), (25), (29), (33), (34), (35), (37) and (38)).

(14) The general provision that the Order is not to apply to military aircraft is excluded to the extent necessitated by article 2(16) (article 2(23)).

(15) The definition of crew is revised. It now includes only members of the flight crew, persons carried for the purpose of testing or inspecting flight crew and cabin attendants. "Passenger" is expressly defined as any person other than a member of the crew (article 2(26), (28) and (32)).

(16) The terms "captive balloon" and "free balloon" and the meaning of flight in respect thereof is defined (article 2(27), (30) and (36)).

(17) A revised definition of "microlight aeroplane" is introduced. This refers to the maximum total weight authorised of the aeroplane. The effect is to permit slightly larger aeroplanes to come within the definition (article 2(31)).

(18) Any aeroplane, helicopter and gyroplane flying for the purpose of the public transport of passengers must carry one megaphone if it is capable of carrying between 20 and 99 (inclusive) passengers, two megaphones if it is capable of carrying between 100 and 199 (inclusive) passengers and three megaphones if it is capable of carrying more than 199 passengers (article 2(44), (52) and (60)).

(19) Aeroplanes, helicopters and gyroplanes flying at night for the purpose of the public transport of passengers and which are capable of carrying more than 19 passengers, must be equipped with an emergency lighting system (article 2(47) and (53)).

(20) Aeroplanes which are—

- (i) certificated in the transport category or for which application for such certification has been made;
- (ii) for which an individual certificate of airworthiness was first issued on or after 1st June 1990;
- (iii) which are 5,700 kg or more;
- (iv) are powered by two or more turbine engines, and
- (v) are capable of carrying more than 9 passengers; must, when flying on any flight be equipped with a 15 parameter flight data recorder and a cockpit voice recorder or a combined cockpit voice recorder and flight data recorder capable in either case of recording specified data (article 2(46) and (59)).

(21) Aeroplanes certificated in the transport category or for which an application for such certification has been made and for which an individual certificate of airworthiness was first issued on or after 1st June 1990 and which exceed 5,700 kg but not 27,000 kg must, when flying on any flight, be equipped with a 15 parameter flight data recorder capable of recording specified data and a cockpit voice recorder (article 2(46) and (59)).

(22) Aeroplanes which exceed 27,000 kg and which are:—

- (i) certificated in the transport category or for which an application for such certification has been made and for which an individual certificate of airworthiness was first granted on or after 1st June 1990; or
- (ii) certificated in the aerial work or private category and for which an individual certificate of airworthiness was first issued on or after 1st June 1990

must, when flying on any flight, be equipped with a 32 parameter flight data recorder capable of recording specified data and a cockpit voice recorder (article 2(46) and (59)).

(23) Aeroplanes powered by one or more turbine jets and first issued with a certificate of airworthiness on or after 1st April 1989 must, on any flight on or after 1st April 1989, be equipped with an altitude alerting system.

Aeroplanes powered by one or more turbine jets and first issued with a certificate of airworthiness prior to 1st April 1989 must, on any flight on or after 1st April 1990, be equipped with an altitude alerting system.

Aeroplanes of more than 5,700 kg powered by one or more turbine propeller engines and first issued with a certificate of airworthiness on or after 1st April 1989 must, on any flight on or after 1st April 1989, be equipped with an altitude alerting system (article 2(48) and (55)).

(24) Aeroplanes which conform to a type first issued with a type certificate on or after 1st April 1978 and with a certificate of airworthiness in the Transport Category (Passenger) and which are capable of carrying more than 19 passengers must, on all flights for the purpose of the public transport of passengers on or after 1st April 1991, be equipped with a public address system and an interphone system of communication between members of the flight crew and the cabin attendants.

Aeroplanes which conform to a type first issued with a type certificate between 1st April 1968 and 31st March 1978 (inclusive) and with a certificate of airworthiness in the Transport Category (Passenger) and which are capable of carrying more than 19 passengers must, on all flights for the purpose of the public transport of passengers on or after 1st April 1992, be equipped with a public address system and an interphone system of communication between members of the flight crew and the cabin attendants.

Aeroplanes which conform to a type first issued with a type certificate before 1st April 1968 and with a certificate of airworthiness in the Transport Category (Passenger) and which are capable of carrying more than 19 passengers must, on all flights for the purpose of the public transport of passengers on or after 1st April 1993, carry a public address system and an interphone system of communication between members of the flight crew and the cabin attendants (article 2(49) and (60)).

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

(25) The holder of a Basic Commercial Pilot's Licence (Aeroplanes) which licence includes a flying instructor's rating or an assistant flying instructor's rating may now only carry out instructional flights or conduct flying tests which consist of aerial work and receive remuneration for such flights when he does not have the specific type of aircraft endorsed in Part I of the aircraft rating in the licence subject to certain conditions. The conditions are; first that the type is specified in the instructor's rating; secondly that he is entitled to fly the aircraft pursuant to his private privileges and thirdly that the instruction in flying is carried out under the auspices of a club of which both the instructor and trainee are members. The holder of a Commercial Pilot's Licence (Aeroplanes) now has similar privileges (article 2(61) and (62)).

(26) The holder of a Private Pilot's Licence (Balloons and Airships) may not exercise the privileges of his licence unless he has within the preceding thirteen months carried out as pilot in command five free flights each of not less than five minutes duration (article 2(63)).

(27) The maximum period of validity of the Commercial Pilot's Licence (Balloons) is extended to ten years. The maximum period of validity of the Commercial Pilot's Licence (Gliders) is extended to ten years (article 2(64) and (66)).

(28) The holder of a Commercial Pilot's Licence (Balloons) may not act as pilot in command on a flight for the purpose of public transport of passengers unless he has within the preceding ninety days carried out three free flights each of not less than five minutes duration (article 2(65)).

(29) An operations manual must include information and instructions relating to the transport of dangerous goods, whether carried within or suspended beneath an aircraft and the action to be taken in the event of emergencies arising involving dangerous goods (article 2(70)).

(30) On any international flight, an aeroplane must carry a copy of the procedures to be followed and the visual signals to be used when an aircraft is intercepted (article 2(73), (74), (75) and (76)).