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STATUTORY INSTRUMENTS

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**1989 No. 2004**

**The Air Navigation Order 1989**

CITATION, COMMENCEMENT AND REVOCATION

**Citation and commencement**

1. This Order may be cited as the Air Navigation Order 1989 and shall come into force on 29th November 1989.

**Revocation**

2. The following Orders are hereby revoked, that is to say:
- The Air Navigation Order 1985(1);
  - The Air Navigation (Amendment) Order 1986(2);
  - The Air Navigation (Second Amendment) Order 1987(3);
  - The Air Navigation (Third Amendment) Order 1988(4);
  - The Air Navigation (Fourth Amendment) Order 1988(5);
  - The Air Navigation (Fifth Amendment) Order 1989(6).

**PART I**

**REGISTRATION AND MARKING OF AIRCRAFT**

**Aircraft to be registered**

- 3.—(1) An aircraft shall not fly in or over the United Kingdom unless it is registered in:
- (a) some part of the Commonwealth;
  - (b) a Contracting State; or
  - (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country:

Provided that:

- (i) a glider may fly unregistered, and shall be deemed to be registered in the United Kingdom for the purposes of articles 13, 14, 20 and 35 of this Order, on any flight which:
  - (aa) begins and ends in the United Kingdom without passing over any other country; and

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- (1) S.I. 1985/1643
  - (2) S.I. 1986/2238
  - (3) S.I. 1987/2062
  - (4) S.I. 1988/251
  - (5) S.I. 1988/2250
  - (6) S.I. 1989/1349

(bb) is not 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 in a glider owned or operated 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;

(ii) any aircraft may fly unregistered on any flight which:

(aa) begins and ends in the United Kingdom without passing over any other country; and

(bb) is in accordance with the “B Conditions” set forth in Schedule 2 to this Order;

(iii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over the United Kingdom in contravention of paragraph (1) of this article in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

### **Registration of aircraft in the United Kingdom**

4.—(1) The Authority shall be the authority for the registration of aircraft in the United Kingdom and shall keep the register on its premises and may record therein the particulars specified in paragraph (7) of this article in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the United Kingdom if it appears to the Authority that:

(a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law upon the aircraft being registered in the United Kingdom;

(b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;

(c) the aircraft could more suitably be registered in some other part of the Commonwealth; or

(d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share therein:

(a) The Crown in right of Her Majesty’s Government in the United Kingdom;

(b) Commonwealth citizens;

(c) citizens of the Republic of Ireland;

(d) British protected persons;

(e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth; or

(f) firms carrying on business in Scotland.

In this sub-paragraph “firm” has the same meaning as in the Partnership Act 1890(7).

(4) If any unqualified person residing or having a place of business in the United Kingdom holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the United Kingdom. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Authority may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the United Kingdom in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the United Kingdom shall be made in writing to the Authority, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as it may require to enable it to determine whether the aircraft may properly be registered in the United Kingdom and to issue the certificate referred to in paragraph (8) of this article. In particular, the application shall include the proper description of the aircraft according to column 4 of the “General Classification of Aircraft” set forth in Part A of Schedule 1 to this Order.

(7) Upon receiving an application for the registration of an aircraft in the United Kingdom and being satisfied that the aircraft may properly be so registered, the Authority shall register the aircraft, wherever it may be, and shall include in the register the following particulars:

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft; and
- (e)
  - (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
  - (ii) in the case of an aircraft registered in pursuance of paragraph (4) or (5) of this article, an indication that it is so registered.

(8) The Authority shall furnish to the person in whose name the aircraft is registered (hereinafter in this article referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued:

Provided that the Authority shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under this Order who has made to the Authority and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions set forth in Part C of Schedule 1 to this Order, and in that case the aircraft shall fly only in accordance with those conditions.

(9) The Authority may grant to any person qualified as aforesaid an aircraft dealer’s certificate if it is satisfied that he has a place of business in the United Kingdom for buying and selling aircraft.

(10) Subject to paragraphs (4) and (5) of this article, if at any time after an aircraft has been registered in the United Kingdom an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority.

(11) Any person who is the registered owner of an aircraft registered in the United Kingdom shall forthwith inform the Authority in writing of:

- (a) any change in the particulars which were furnished to the Authority upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered in pursuance of paragraph (5) of this article, the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in the United Kingdom shall within 28 days inform the Authority in writing to that effect.

(13) The Authority may, whenever it appears to it necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if it thinks fit, may cancel the registration of the aircraft, and shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.

(14) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(15) In this article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) of this article to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(16) Nothing in this article shall require the Authority to cancel the registration of an aircraft if in its opinion it would be inexpedient in the public interest to do so.

(17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the Authority pursuant to an Order in Council made under section 86 of the Civil Aviation Act 1982<sup>(8)</sup> shall not become void by virtue of paragraph (10) of this article, nor shall the Authority cancel the registration of such an aircraft pursuant to this article, unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

### **Nationality and registration marks**

**5.—**(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom shall comply with Part B of Schedule 1 to this Order.

(3) An aircraft shall not bear any marks which purport to indicate:

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

## **PART II**

### **AIR OPERATORS' CERTIFICATES**

#### **Issue of air operators' certificates**

**6.—**(1) An aircraft registered in the United Kingdom shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator of the aircraft under paragraph (2) of this article, certifying that the holder of

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(8) 1982 c. 16

the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The Authority shall grant to any person applying therefor an air operator's certificate if it is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Authority thinks fit and shall, subject to the provisions of article 66 of this Order, remain in force for the period specified in the certificate.

## PART III

### AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

#### **Certificate of airworthiness to be in force**

7.—(1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of:

- (a) a glider, if it is not being used for the public transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated 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;
- (b) a balloon, if it is not being used for the public transport of passengers;
- (c) a kite;
- (d) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Schedule 2 to this Order; or
- (e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Authority in respect of that aircraft.

(2) In the case of an aircraft registered in the United Kingdom the certificate of airworthiness referred to in paragraph (1) of this article shall be a certificate issued or rendered valid in accordance with the provisions of article 8 of this Order.

#### **Issue, renewal, etc., of certificates of airworthiness**

8.—(1) The Authority shall issue in respect of any aircraft a certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to:

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as it may require:

Provided that, if the Authority has issued a certificate of airworthiness in respect of an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may

dispense with flying trials in the case of any other aircraft if it is satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Authority, appropriate to the aircraft in accordance with Schedule 3 to this Order and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Authority may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in article 30(1) of this Order.

(5) The Authority may, subject to such conditions as it thinks fit, issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft under the law of any country other than the United Kingdom.

(6) Subject to the provisions of this article and of article 66 of this Order, a certificate of airworthiness or validation issued under this article shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Authority for such further period as it thinks fit.

(7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force:

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and:
  - (i) classified as mandatory by the Authority;
  - (ii) required by a maintenance schedule approved by the Authority in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Authority of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Authority for the purpose of ensuring that the aircraft remains airworthy.

### **Certificate of maintenance review**

9.—(1) An aircraft registered in the United Kingdom in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless:

- (a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Authority in relation to that aircraft; and
- (b) there is in force a certificate (in this Order referred to as a “certificate of maintenance review”) issued in respect of the aircraft in accordance with the provisions of this article and such certificate shall certify the date on which the maintenance review was carried out and the date thereafter when the next review is due.

(2) The approved maintenance schedule referred to in paragraph (1) of this article shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purposes of this article only by:

- (a) the holder of an aircraft maintenance engineer's licence:
  - (i) granted under this Order being a licence which entitles him to issue that certificate;
  - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order in accordance with the privileges endorsed on the licence; or
  - (iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
- (b) a person whom the Authority has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or
- (c) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval:

Provided that, in approving a maintenance schedule, the Authority may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(4) A person referred to in paragraph (3) of this article shall not issue a certificate of maintenance review unless he has first verified that:

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft;
- (b) inspections and modifications required by the Authority as provided in article 8 of this Order have been completed as certified in the relevant certificate of release to service issued in accordance with article 11 of this Order;
- (c) defects entered in the technical log of the aircraft in accordance with article 10 of this Order have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Authority; and
- (d) certificates of release to service have been issued in accordance with article 11 of this Order;

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when article 61 of this Order so requires and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of article 65 of this Order, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of 2 years after it has been issued.

### **Technical log**

**10.**—(1) A technical log shall be kept in respect of an aircraft registered in the United Kingdom being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(2) At the end of every flight by an aircraft to which the provisions of this article apply the commander of the aircraft shall enter:

- (a) the times when the aircraft took off and landed;
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Authority may require;

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2730kg. and which is not operated by a person who is the holder of or is required by article 6(1) of this Order to hold an air operator's certificate, in such other record as the Authority shall approve and he shall sign and date such entries:

Provided that in the case of a number of consecutive flights each of which begins and ends:

- (i) within the same period of 24 hours;
- (ii) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (iii) with the same person as commander of the aircraft;

the commander of an aircraft may except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2) of this article a person issuing a certificate of release to service required by article 11 of this Order in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this article shall be carried in the aircraft when article 61 of this Order so requires and copies of the entries referred to in this article shall be kept on the ground:

Provided that, in the case of an aeroplane of which the maximum total weight authorised does not exceed 2730kg., or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the Authority for that purpose.

(5) Subject to the provisions of article 65 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 2 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.

### **Inspection, overhaul, repair, replacement and modification**

**11.—**(1) Except as provided in paragraph (2) of this article an aircraft registered in the United Kingdom, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force, shall not fly unless there is in force a certificate of release to service issued in accordance with this article if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 8(7)(b) of this Order, as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable:

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this article in respect thereof or
- (b) for such certificate to be issued while the aircraft is at that place;

it may fly to a place at which such a certificate can be issued, being the nearest place:

- (i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
- (ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board:

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Authority within 10 days thereafter.

(2) Nothing in paragraph (1) of this article shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2730 kg. and in respect of which a certificate of airworthiness of the special category is in force, unless the Authority gives a direction to the contrary in a particular case.

(3) Nothing in paragraph (1) of this article shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2730kg. from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as may be prescribed and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to article 16 of this Order a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of article 65 of this Order, shall preserve the log book for the period specified in article 16 of this Order. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Authority whether generally or in relation to a class of aircraft or one particular aircraft.

(4) Neither:

- (a) equipment provided in compliance with Schedule 4 to this Order (except paragraph (3) thereof); nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulation made thereunder;

shall be installed or placed on board for use in an aircraft registered in the United Kingdom after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued in accordance with this article.

(5) A certificate of release to service shall:

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
- (b) certify in relation to any inspection required by the Authority that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Authority and that any consequential repair, replacement or modification has been carried out as aforesaid.

(6) A certificate of release to service may be issued for the purposes of this article only by:

- (a) the holder of an aircraft maintenance engineer's licence:
  - (i) granted under this Order, being a licence which entitles him to issue that certificate;
  - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or
  - (iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
- (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than the United Kingdom in which the overhaul, repair, replacement, modification or inspection

has been carried out, but only in respect of aircraft of which the maximum total weight authorised does not exceed 2730kg. and in accordance with the privileges endorsed on the licence;

- (c) a person approved by the Authority as being competent to issue such certification, and in accordance with that approval;
- (d) a person whom the Authority has authorised to issue the certificate in a particular case, and in accordance with that authority; or
- (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order.

(7) In this article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

### **Licensing of maintenance engineers**

**12.—**(1) The Authority shall grant aircraft maintenance engineers' licences, subject to such conditions as it thinks fit, 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.

(2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence, to issue:

- (a) certificates of maintenance review in respect of such aircraft as may be so specified;
- (b) certificates of release to service in respect of such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified; or
- (c) certificates of fitness for flight under "A Conditions" in respect of such aircraft as may be so specified.

(3) A licence shall, subject to the provisions of article 66 of this Order, remain in force for the period specified therein, not exceeding 5 years, but 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.

(4) The Authority may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer granted under the law of any country other than the United Kingdom. Such certificate may be issued subject to such conditions, and for such periods, as the Authority thinks fit.

(5) Upon receiving a licence granted under this article, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Without prejudice to any other provision of this Order the Authority may, for the purpose of this article, either absolutely or subject to such conditions as it thinks fit:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide or conduct any course of training or instruction.

## Equipment of aircraft

13.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made thereunder.

(2) In the case of any aircraft registered in the United Kingdom the equipment required to be provided (in addition to any other equipment required by or under this Order) shall be that specified in such parts of Schedule 4 to this Order as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph 3 of the said Schedule, shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Authority may direct that an aircraft registered in the United Kingdom shall carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every public transport aircraft registered in the United Kingdom there shall be:

- (a) provided individually for each passenger; or
- (b) if the Authority so permits in writing, exhibited in a prominent position in every passenger compartment;

a notice relevant to the aircraft in question containing pictorial:

- (i) instructions on the brace position to be adopted in the event of an emergency landing;
- (ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (iii) information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (iv) information as to where the life-jackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2) of this article, are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2) of this article, all navigational equipment (other than radio apparatus) of any of the following types, namely:

- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and
- (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies;

when carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This article shall not apply in relation to radio apparatus except that specified in Schedule 4 to this Order.

### **Radio equipment of aircraft**

**14.—(1)** An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made thereunder.

(2) Without prejudice to paragraph (1) of this article, the aircraft shall be equipped with radio and radio navigation equipment in accordance with Schedule 5 to this Order.

(3) In any particular case the Authority may direct that an aircraft registered in the United Kingdom shall carry such additional or special radio or radio navigation equipment as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio and radio navigation equipment provided in compliance with this article in an aircraft registered in the United Kingdom shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in the United Kingdom or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Authority in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by article 3(1) of this Order to fly unregistered, be installed in a manner approved by the Authority. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Authority.

### **Minimum equipment requirements**

**15.—(1)** This article shall not apply to equipment required to be carried by virtue of article 38(2) and 38(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 permission under this article which has been granted to the operator; and
- (b) unless in the case of an aircraft to which article 26 of this Order applies, the operations manual required thereby contains the particulars specified at sub-paragraph (xvii) of Part A of Schedule 10 to this Order.

### **Aircraft, engine and propeller log books**

**16.—(1)** In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in the United Kingdom:

- (a) an aircraft log book;
- (b) a separate log book in respect of each engine fitted in the aircraft; and

- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in Schedule 6 to this Order and in the case of an aircraft having a maximum total weight authorised not exceeding 2730kg. shall be of a type approved by the Authority.

- (a) (2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to this Order, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force in respect of the aircraft at the time of the occurrence;
- (b) Each entry in the log book, being such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to this Order shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this article.

(5) Subject to the provisions of article 65 of this Order every log book shall be preserved by the operator of the aircraft until a date 2 years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

#### **Aircraft weight schedule**

17.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Authority may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing:

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Authority in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(3) Subject to the provisions of article 65 of this Order the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of 6 months following the next occasion on which the aircraft is weighed for the purposes of this article.

#### **Access and inspection for airworthiness purposes**

18. The Authority may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Authority may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

## PART IV

### AIRCRAFT CREW AND LICENSING

#### Composition of crew of aircraft

**19.**—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order, in respect of that aircraft.

- (a) (3) (a) A flying machine registered in the United Kingdom and flying for the purpose of public transport having a maximum total weight authorised exceeding 5700kg. shall carry not less than 2 pilots as members of the flight crew thereof.
- (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 the Instrument Flight Rules and having a maximum total weight authorised of 5700kg. 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 certificated to carry more than 9 passengers;
  - (iv) two or more turbine propeller engines and certificated to carry fewer than 10 passengers and not provided with a means of pressurising the personnel compartments, unless it is equipped with an autopilot which has been approved by the Authority for the purposes of this article and which is serviceable on take-off; or
  - (v) two or more piston engines, unless it is equipped with an autopilot which has been approved by the Authority for the purposes of this article and which is serviceable on take-off;

shall carry not less than 2 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 2 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.

(4) An aircraft registered in the United Kingdom engaged on a flight for the purpose of public transport shall carry:

- (a) a flight navigator as a member of the flight crew; or
- (b) navigational equipment approved by the Authority and used in accordance with any conditions subject to which that approval may have been given;

if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 7 to this Order.

The flight navigator carried in compliance with this article shall be carried in addition to any person who is carried in accordance with this article to perform other duties.

(5) An aircraft registered in the United Kingdom which is required by the provisions of article 14 of this Order to be equipped with radio communication apparatus shall carry a flight radio Operator as a member of the flight crew, who, if he is required to operate radiotelegraph apparatus, shall be carried in addition to any other person who is carried in accordance with this article to perform other duties.

(6) If it appears to it to be expedient to do so in the interests of safety, the Authority may direct any particular operator of any aircraft registered in the United Kingdom that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Authority may specify unless those aircraft carry in addition to the flight crew required to be carried therein by the foregoing provisions of this article such additional persons as members of the flight crew as it may specify in the direction.

- (a) (7) (a) This paragraph applies to any flight for the purpose of public transport by an aircraft registered in the United Kingdom:
- (i) on which is carried 20 or more passengers; or
  - (ii) which may in accordance with its certificate of airworthiness carry more than 35 passengers and on which at least one passenger is carried.
- (b) The crew of an aircraft on a flight to which this paragraph applies shall include cabin attendants carried for the purposes 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 members of the flight crew.
- (c) On a flight to which this paragraph applies, there shall be carried not less than one cabin attendant for every 50, or fraction of 50 passenger Seats installed in the aircraft:

Provided that the number of cabin attendants calculated in accordance with this sub-paragraph need not be carried where the Authority has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.

(8) If it appears to it to be expedient to do so in the interests of safety, the Authority may direct any particular operator of any aircraft registered in the United Kingdom that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Authority may specify unless those aircraft carry in addition to the cabin attendants required to be carried therein by the foregoing provisions of this article such additional persons as cabin attendants as it may specify in the direction.

### **Members of flight crew—requirement of licences**

**20.**—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order:

Provided that a person may within the United Kingdom, the Channel Islands, and the Isle of Man without being the holder of such a licence:

- (a) act as a flight radiotelephony operator if:
- (i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft;
  - (ii) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
  - (iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;

- (iv) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Authority for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (i) of this proviso;
  - (v) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency;
  - (vi) the operation of the transmitter requires the use only of external switches; and
  - (vii) the stability of the frequency radiated is maintained automatically by the transmitter;
- (b) subject to the provisions of article 21(9) of this Order, act as pilot in command of an aircraft 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) he is at least 17 years of age;
  - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act issued by a person approved by the Authority;
  - (iii) he complies with any conditions subject to which that medical certificate was issued;
  - (iv) no other person is carried in the aircraft;
  - (v) 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
  - (vi) 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;
- (c) subject to the provisions of article 21(9) 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;
  - (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 2 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 21(9) 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 13 months carried out as pilot in command not less than 5 takeoffs and landings at a time when the depression of the centre of the sun was not less than 120 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 21(9) 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 13 months carried out as pilot in command 5 flights each of not less than 5 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.
- (2) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the United Kingdom unless:
- (a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; or
  - (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Authority does not in the particular case give a direction to the contrary.
- (3) For the purposes of this article, a licence granted under the law of a Contracting State other than the United Kingdom or under the law of a relevant overseas territory purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Authority in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder:
- (a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
  - (b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.
- (4) Notwithstanding the provisions of paragraph (1) of this article, a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the following conditions are complied with:
- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with this Order, a person authorised by the Authority to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and

- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either:
- (i) within the period of 6 months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or
  - (ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 21 of this Order and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(5) Notwithstanding the provisions of paragraph (1) of this article, a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's, or a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or test is being trained or tested.

(6) Notwithstanding the provisions of paragraph (1) of this article, a person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(7) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(8) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless:

- (a) he acts as a flight radio operator; or
- (b) the flight is 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 in a glider owned or operated 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.

(9) Notwithstanding anything in this article:

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom except in accordance with permission granted by the competent authorities of that State;
- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the United Kingdom, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with permission granted by the Authority, whether or not the licence is or is deemed to be rendered valid under this Order.

### **Grant, renewal and effect of flight crew licences**

- (a) **21.** (1) (a) Subject to paragraph (2) of this article, the Authority shall grant licences, subject to such conditions as it thinks fit, of any of the classes specified in Part A of Schedule 8 to this order authorising the holder to act as a member of the flight crew of

an aircraft registered in the United Kingdom, upon its being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Authority may require of him.

- (b) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of the said Schedule.
- (c) A licence granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.
- (d) Subject to paragraph (2) of this article and to the provisions of article 66 of this Order, a licence shall remain in force for the period indicated in the licence, not exceeding the period specified in respect of a licence of that class in the said Schedule, and may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit person and qualified as aforesaid. If no period is indicated in the licence it shall remain in force, subject as aforesaid for the lifetime of the holder.
- (a) (2) (a) The Authority shall not on or after 4th December 1989 grant a Senior Commercial Pilot's Licence (Aeroplanes) to any person who was not on 3rd December 1989 the holder of such a licence.
- (b) A Senior Commercial Pilot's Licence (Aeroplanes) shall remain in force until either:
  - (i) the end of the period indicated in the licence, such period not exceeding 10 years; or
  - (ii) 3rd December 1994;whichever is the earlier.

(3) The Authority may include in a licence a rating, subject to such conditions as it thinks fit, of any of the classes Specified in Part B of the said Schedule, upon its being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(4) Subject to any conditions of the licence and to the provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the said Schedule under the heading "Privileges", and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of the said Schedule.

- (a) (5) (a) Subject to the provisions of sub-paragraph (c) of this paragraph, the holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Part C of the said Schedule and shall otherwise comply with that Part:

Provided that the holder of a Private Pilot's Licence (Balloons and Airships) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.

- (b) The holder of a flight navigator's licence shall not be entitled to perform functions on a flight to which article 19(4) of this Order applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Part C of Schedule 8 and shall otherwise comply with that Part.
- (c) The holder of a Private Pilot's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate

of experience required by sub-paragraph (a) of this paragraph is included in the personal flying log book required to be kept by him under article 23 of this Order.

(6) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), a flying instructor's rating, an assistant flying instructor's rating, or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of test which certificate shall be appropriate to the functions to which the rating relates in accordance with Part C of the said Schedule and shall otherwise comply with that Part.

(7) A person who, on the last occasion when he took a test for the purposes of paragraphs (5) or (6) of this article, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

- (a) (8) (a) The holder of a licence, other than a flight radiotelephony operator's licence, granted under this article, shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.
- (b) Every applicant for or holder of such a 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 or class of case who shall make a report to the Authority in such form as the Authority may require.
- (c) On the basis of such medical examination, 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 it or he has assessed the holder of the licence as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to paragraph (9) of this article, be valid for such period as is therein specified and shall be deemed to form part of the licence.
- (a) (9) (a) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the United Kingdom if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform Such functions or to act in such capacity.
- (b) Every holder of a medical certificate issued under article 20 or 21 of this Order who:
  - (i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
  - (ii) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or
  - (iii) in the case of a woman, has reason to believe that she is pregnant;
 shall inform the Authority in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 20 days has elapsed in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness or the confirmation of the pregnancy, and:
  - (aa) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions as a member of the flight crew or upon the Authority exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination; and
  - (bb) in the case of pregnancy, the suspension may be lifted by the Authority for such period and subject to such conditions as it thinks fit and shall cease upon the holder being medically examined under arrangements made by the Authority after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(10) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the Authority, he is testing any person for the purposes of paragraphs (1), (3), (5) or (6) of this article, notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.

(11) Where any provision of Part C of Schedule 8 or Part B of Schedule 10 to this Order permits a test to be conducted in a flight simulator approved by the Authority, that approval may be granted subject to such conditions as the Authority thinks fit.

(12) Without prejudice to any other provision of this Order the Authority may, for the purpose of this article, either absolutely or subject to such conditions as it thinks fit:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide any course of training or instruction.

### **Validation of licences**

**22.** The Authority may issue a certificate of validation rendering valid for the purposes of this Order any licence as a member of the flight crew of aircraft granted under the law of any country other than the United Kingdom. A certificate of validation may be issued subject to such conditions and for such periods as the Authority thinks fit.

### **Personal flying log book**

**23.—(1)** Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded:

- (a) the name and address of the holder of the log book;
- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
- (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including:

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this article, a helicopter shall be deemed to be in a flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including:

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

### **Instruction in flying**

**24.—**(1) A person shall not give any instruction in flying to which this article applies unless:

- (a) he holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder to give the instruction.

(2) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for:

- (a) the grant of a pilot's licence; and
- (b) the inclusion or variation of any rating in his licence:

Provided that this article shall not apply to any instruction in flying to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft, or of an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 1 to this Order if that person has previously been entitled under the Order, or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of multi-engined aircraft, or of an aircraft of that class as the case may be.

### **Glider pilot—minimum age**

**25.** A person under the age of 16 years shall not act as pilot in command of a glider.

## **PART V**

### **OPERATION OF AIRCRAFT**

#### **Operations manual**

**26.—**(1) This article shall apply to public transport aircraft registered in the United Kingdom except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either:

- (a) flights solely for training persons to perform duties in an aircraft; or
  - (b) flights intended to begin and end at the same aerodrome.
- (a) (2) (a) The operator of every aircraft to which this article applies shall:
- (i) make available to each member of his operating staff an operations manual;
  - (ii) ensure that each copy of the operations manual is kept up to date; and
  - (iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.
- (b) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in

particular information and instructions relating to the matters specified in Part A of Schedule 10 to this Order:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

- (a) (3) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Authority a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.
- (b) Any amendments or additions to the operations manual shall be furnished to the Authority by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Authority.

- (c) Without prejudice to the foregoing sub-paragraphs the operator shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this article, article 45 of and Schedule 10 to this Order, “operating staff” means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner. and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in Scale O in paragraph 5 of Schedule 4 hereto is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

### **Training manual**

**27.—**(1) The operator of every aircraft registered in the United Kingdom and flying for the purpose of public transport shall:

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 28(2) of this Order; and
- (b) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 28(2) of this Order to a perform his duties as such including in particular information and instructions relating to the matters specified in Part C of Schedule 10 to this Order.

- (a) (3) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight the operator of the aircraft has furnished to the Authority a copy of the whole of his training manual relating to the crew of that aircraft.
- (b) Any amendments or additions to the training manual shall be furnished to the Authority by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Authority.

- (c) Without prejudice to the foregoing sub-paragraphs the operator shall make such amendments or additions to the training manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

### **Public transport—operator’s responsibilities**

**28.**—(1) The operator of an aircraft registered in the United Kingdom shall not permit the aircraft to fly for the purpose of public transport without first:

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and
- (c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take off or land and any alternate aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped (including such manning and equipment as may be prescribed) to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in the United Kingdom shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of Schedule 10 to this Order in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the said Schedule 10.

(3) The operator of an aircraft registered in the United Kingdom shall not permit any member of the flight crew thereof, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

### **Loading—public transport aircraft and suspended loads**

**29.**—(1) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the Supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that:

- (a) the load may safely be carried on the flight; and
- (b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in article 17 of this Order) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight:

Provided that this paragraph shall not apply in relation to a flight if:

- (a) the aircraft's maximum total weight authorised does not exceed 11 50kg.;
- (b) the aircraft's maximum total weight authorised does not exceed 2730kg. and the flight is intended not to exceed 60 minutes in duration and is either:
  - (i) a flight solely for training persons to perform duties in an aircraft; or
  - (ii) a flight intended to begin and end at the same aerodrome; or
- (c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3000kg., and the total seating capacity of which does not exceed 5 persons.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1) of this article.

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon:

Provided that the foregoing requirements of this paragraph shall not apply if:

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or
- (b) paragraph (2) of this article does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when article 61 of this Order so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this article shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft:

Provided that in the case of an aeroplane of which the maximum total weight authorised does not exceed 2730kg., or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the Authority for that purpose.

(6) The operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than 30 passengers, such baggage (other than baggage carried in accordance with a permission issued pursuant to article 37(2)(d) of this Order) shall not exceed the capacity of the spaces in the passenger compartment approved by the Authority for the purpose of stowing baggage.

### **Public transport—operating conditions**

**30.—**(1) An aircraft registered in the United Kingdom shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements as may be prescribed in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(2) The assessment of the ability of an aircraft to comply with paragraph (1) of this article shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) A flying machine registered in the United Kingdom when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft:

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft;

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(4) Without prejudice to the provisions of paragraph (3) of this article, an aeroplane in respect of which there is in force under this Order a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than 2 power units. For the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

(5) Without prejudice to the provisions of paragraph (3) of this article a helicopter, in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being performance group B shall not fly over water for the purpose of public transport:

- (a) so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing unless it is equipped with apparatus approved by the Authority enabling it to land safely on water but shall not so fly on any flight for more than 3 minutes except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been given; for the purpose of this sub-paragraph flying time shall be calculated on the assumption that the helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water;
- (b) over that part of the bed of the River Thames which lies between the following points:

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Hammersmith Bridge	(51°29' 16" N)
	(00°13' 45" W)
Greenwich Reach	(51°29' 03" N)
	(00°00' 37" W)

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between the ordinary high water marks on each of its banks unless it is equipped with apparatus approved by the Authority enabling it to land safely on water.

(6) Without prejudice to the provisions of paragraph (3) of this article, a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A2 shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with apparatus approved by the Authority enabling it to land safely on water.

(7) Notwithstanding the provisions of paragraph (1) of this article, a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A or group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters designated as being of:

- (a) performance group A (Restricted) in the case of a helicopter designated as being of performance group A if:

- (i) the maximum total weight authorised of the helicopter is less than 5700kg; and
- (ii) the total number of passengers carried on the helicopter does not exceed 15; or
- (b) performance group B if:
  - (i) the maximum total weight authorised of the helicopter is less than 2730kg; and
  - (ii) the total number of passengers carried does not exceed 9.

**Aircraft registered in the United Kingdom— aerodrome operating minima**

- (a) **31.** (1) (a) The operator of every aircraft to which article 26 of this Order applies shall establish and include in the operations manual relating to the aircraft such particulars of such aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished in writing, to the commander of the aircraft such particulars of the aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with the specified method; and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of 3 months.

- (b) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate such aerodrome operating minima as are appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.
- (2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.
- (3) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft shall take into account the following matters:
  - (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
  - (b) the composition of its crew;
  - (c) the physical characteristics of the relevant aerodrome and its surroundings;
  - (d) the dimensions of the runways which may be selected for use; and
  - (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

- (4) An aircraft to which article 26 of this Order applies shall not commence a flight at a time when:
  - (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
  - (b) according to the information available to the commander of the aircraft it would not be able without contravening paragraphs (5) or (6) of this article, to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(5) An aircraft to which article 26 of this Order applies, when making a descent to an aerodrome, shall not descend below 1000 ft. above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(6) An aircraft to which article 26 of this Order applies, when making a descent to an aerodrome, shall not:

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(7) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(8) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to the proviso to paragraph (1)(a) of this article.

#### **Aircraft not registered in the United Kingdom—aerodrome operating minima**

**32.—(1)** A public transport aircraft registered in a country other than the United Kingdom shall not fly in or over the United Kingdom unless the operator thereof shall have furnished to the Authority such particulars as it may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in the United Kingdom for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not fly in or over the United Kingdom unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Authority may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(2) The aircraft shall not take off or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima or the specified instructions.

(3) Without prejudice to the provisions of paragraph (2) of this article, a public transport aircraft registered in a country other than the United Kingdom, when making a descent to an aerodrome, shall not descend below 1000 ft. above the height of an aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(4) Without prejudice to the provisions of paragraph (2) of this article, a public transport aircraft registered in a country other than the United Kingdom, when making a descent to an aerodrome, shall not:

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(5) In this article “specified” in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Authority pursuant to paragraph (1) of this article.

### **Pilots to remain at controls**

**33.**—(1) The commander of an aircraft registered in the United Kingdom, being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under this Order to carry 2 pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. If the aircraft carries 2 or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 13 of this Order to be provided.

### **Wearing of survival suits by crew**

**34.** Each member of the crew of an aircraft registered in the United Kingdom shall wear a survival suit if such a suit is required by article 13 of this Order to be carried.

### **Pre-flight action by commander of aircraft**

**35.** The commander of an aircraft registered in the United Kingdom shall reasonably satisfy himself before the aircraft takes off:

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (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 15 of this Order;
- (c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 9(1) of this Order to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination; and
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

### **Passenger briefing by commander**

36. 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, lifejackets and the floor path lighting system 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) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

### **Public transport of passengers—additional duties of commander**

37.—(1) This article applies to flights for the purpose of the public transport of passengers by aircraft registered in the United Kingdom.

(2) In relation to every flight to which this article applies the commander of the aircraft shall:

- (a) (i) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers;
- (ii) if the aircraft is not a seaplane but is required by article 19(7) of this Order to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight:
  - (aa) which is intended to proceed beyond gliding distance from land; or
  - (bb) on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water; all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers:

Provided that where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

- (b) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a demonstration of the method of use of the equipment referred to in the preceding sub-paragraph;
- (c) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 19(7) of this Order are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;
- (d) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:

- (i) take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device; and
  - (ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is either stowed in the passenger compartment stowage spaces approved by the Authority for the purpose or carried in accordance with the terms of a written permission granted by the Authority which permission may be granted subject to such conditions as the Authority thinks fit;
- (e) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:
- (i) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 13 of this Order is demonstrated to all passengers;
  - (ii) when flying above flight level 120 all passengers and cabin attendants are recommended to use oxygen; and
  - (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;
- (f) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) prior to 1st January 1989, except in the case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:
- (i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 13 of this Order is demonstrated to all passengers;
  - (ii) when flying above flight level 130 all passengers and cabin attendants are recommended to use oxygen; and
  - (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;

Provided that he need not comply with the provisions of this sub-paragraph (f) if he complies instead with the provisions of sub-paragraph (e) of this article.

### **Operation of radio in aircraft**

**38.**—(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft:

Provided that:

- (a) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits; and
  - (b) the watch may be kept by a device installed in the aircraft if:
    - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
    - (ii) that station is notified, or in the case of station situated in a country other suitable for that purpose.
- (3) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.
- (4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:
- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
  - (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
  - (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
  - (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1) of this article.
- (5) In every aircraft registered in the United Kingdom which is equipped with radio communications apparatus a telecommunication log book shall be kept in which the following entries shall be made:
- (a) the identification of the aircraft radio station;
  - (b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;
  - (c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress signals or distress messages sent or received;
  - (d) particulars of any action taken upon the receipt of a distress signal or distress message; and
  - (e) particulars of any failure or interruption of radio communications and the cause thereof:
- Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.
- (6) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.
- (7) The telecommunication log book shall be preserved by the operator of the aircraft until a date 6 months after the date of the last entry therein.
- (8) In any flying machine registered in the United Kingdom which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make a use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

### **Minimum navigation performance**

**39.**—(1) An aircraft registered in the United Kingdom shall not fly in airspace prescribed for the purposes of this article unless:

- (a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability;
- (b) the navigation systems required by paragraph (a) hereof are approved by the Authority and installed and maintained in a manner approved by the Authority;
- (c) the operating procedures for the navigation systems required by paragraph (a) hereof are approved by the Authority; and
- (d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said airspace.

(2) An approval granted by the Authority for the purposes of this article shall be in writing and may be subject to such conditions as the Authority thinks fit.

### **Use of flight recording systems and preservation of records**

**40.**—(1) On any flight on which a flight data recorder or a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by sub-paragraphs 4(4), (5), (6) or (7) of Schedule 4 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 65 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 12 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.

(3) On any flight on which a cockpit voice recorder or a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(14) of Schedule 4 to this Order to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(4) The operator of the helicopter shall at all times, subject to article 65 of this Order, preserve:

- (a) the last 8 hours of recording made by any flight data recorder specified at sub-paragraph (i) or (ii) of Scale 55 of paragraph 5 of Schedule 4 to this Order and required by or under this Order to be carried in the helicopter;
- (b) in the case of a combined cockpit voice recorder/flight data recorder specified at sub-paragraph (iii) of the said Scale 55 and required by or under this Order to be carried in a helicopter either:
  - (i) the last 8 hours of recording; or
  - (ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either:
    - (aa) the period immediately preceding the recording required to be retained pursuant to sub-paragraph (b)(ii) above; or
    - (bb) such period or periods as the Authority may permit in any particular case or class of cases or generally.

(5) The additional recording retained pursuant to sub-paragraphs (b)(ii)(aa) and (bb) above shall, together with the recording required to be retained pursuant to sub-paragraph (b)(ii) above, total a period of 8 hours and shall be retained in accordance with arrangements approved by the Authority.

(6) An approval granted by the Authority for the purposes of this article shall be in writing and may be subject to such conditions as the Authority thinks fit.

### **Towing of gliders**

**41.**—(1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself before the towing aircraft takes off:

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

### **Towing, picking up and raising of persons and articles**

**42.**—(1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

- (7) Nothing in this article shall:
- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
  - (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
  - (c) apply to any aircraft while it is flying in accordance with the “B Conditions” set forth in Schedule 2 to this Order; or
  - (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 41 of this Order.

### **Dropping of articles and animals**

**43.**—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Except under and in accordance with the terms of an aerial application certificate granted under article 45 of this Order, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom:

Provided that this paragraph shall not apply to the dropping of articles by, or with the authority of the commander of the aircraft in any of the following circumstances:

- (a) the dropping of articles for the purpose of saving life;
  - (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
  - (c) the dropping of ballast in the form of fine Sand or water;
  - (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
  - (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
  - (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given; or
  - (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.
- (3) For the purposes of this article dropping includes projecting and lowering.

(4) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

### **Dropping persons**

**44.**—(1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of a written permission granted by the Authority under this article.

- (2) For the purposes of this article dropping includes projecting and lowering.

(3) Notwithstanding the grant of a permission under paragraph (1) of this article, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Authority under this article.

(5) Every applicant for and every holder of a permission shall make available to the Authority if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Authority may require. The holder of a permission shall make available to every employee or person who is or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.

(7) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(8) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

#### **Issue of aerial application certificates**

**45.**—(1) An aircraft shall not be used for the dropping of articles for the purposes of a agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2) of this article.

(2) The Authority shall grant to any person applying therefor an aerial application certificate if it is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this article. The certificate may be granted subject to such conditions as the Authority thinks fit including without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere. and shall, subject to the provisions of article 66 of this Order, remain in force for the period specified in the certificate.

(3) Every applicant for and holder of an aerial application certificate shall make available to the Authority upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to a perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Authority may require.

(4) For the purposes of this article “operating staff” has the meaning ascribed to it in article 26(4) of this Order.

#### **Carriage of weapons and of munitions of war**

**46.**—(1) An aircraft shall not carry any munition of war unless:

- (a) such munition of war is carried with the written permission of the Authority and in accordance with any conditions relating thereto; and
  - (b) the commander of an aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Authority.
- (2) Notwithstanding paragraph (1) of this article it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment or apparatus to which passengers have access.
- (3) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless:
- (a) the weapon or munition of war:
    - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
    - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
    - (iii) in the case of a firearm, is unloaded;
  - (b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
  - (c) without prejudice to paragraph (1) of this article the operator consents to the carriage of such weapon or munition of war by the aircraft.
- (4) Nothing in this article shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom, if the weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.
- (5) For the purposes of this article a “munition of war” means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

### **Carriage of dangerous goods**

- 47.—(1) Without prejudice to any other provisions of this Order, the Secretary of State may make regulations prescribing:
- (a) the classification of certain articles and substances as dangerous goods;
  - (b) the categories of dangerous goods which an aircraft may not carry;
  - (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
  - (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
  - (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
  - (f) the persons to whom information about the carriage of dangerous goods must be provided; and
  - (g) the documents relating to the carriage of dangerous goods by an aircraft which must be produced to the Authority or an authorised person on request.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) The provisions of this article and of any regulations made thereunder shall be additional to and not in derogation from the provisions of article 46 of this Order.

### **Method of carriage of persons**

**48.** A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to:

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

### **Exits and break-in markings**

**49.—**(1) This article shall apply to every public transport aircraft registered in the United Kingdom.

(2) Whenever an aircraft to which this article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers:

Provided that:

- (a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Authority either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment; and
- (c) nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft shall be marked with the words “Exit” or “Emergency Exit” in capital letters.

- (a) (4) (a) Every exit from the aircraft shall be marked with instructions in English and with diagrams, to indicate the correct method of opening the exit.
- (b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.
- (a) (5) (a) Every aircraft to which this article applies, being an aircraft of which the maximum total weight authorised exceeds 3600kg., shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as “break-in areas”) which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

- (b) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.
- (c) The words “Cut Here in Emergency” shall be marked across the centre of each break-in area in capital letters.

(6) On every flight by an aircraft to which this article applies, being an aircraft of which the maximum total weight authorised exceeds 5700kg, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

(7) The markings required by this article shall:

- (a) be painted, or affixed by other equally permanent means;
- (b) except in the case of the markings required by paragraph (6) of this article, be red in colour, and in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;
- (c) in the case of the markings required by paragraph (6) of this article, be of a colour clearly contrasting with the background on which it appears; and
- (d) be kept at all times clean and unobscured.

(8) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that:

- (a) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Authority either in relation to the particular aircraft or to a class of aircraft; and
- (b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words “Exit” or “Emergency Exit” are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

### **Endangering safety of an aircraft**

**50.** A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

### **Endangering safety of any person or property**

**51.** A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

### **Drunkenness in aircraft**

**52.—(1)** A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

### **Smoking in aircraft**

**53.**—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

### **Authority of commander of aircraft**

**54.** Every person in an aircraft registered in the United Kingdom shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

### **Stowaways**

**55.** A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

### **Exhibitions of flying**

**56.**—(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 7 days before the intended date of the event that it would be likely to be attended by more than 500 persons.

- (a) (2) (a) 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 66 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; and

(b) authorise a person to conduct such examinations or tests as it may specify.

(6) A display authorisation granted in accordance with this article shall, subject to the provisions of article 66 of this Order, remain in force for the period indicated in the display authorisation, which period shall not exceed 2 years.

(7) Paragraph (1) of this article 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.

## PART VI

### FATIGUE OF CREW

#### **Application and interpretation of Part VI**

**57.**—(1) Articles 58 and 59 of this Order apply in relation to any aircraft registered in the United Kingdom which is either:

- (a) engaged on a flight for the purpose of public transport; or
- (b) operated by an air transport undertaking:

Provided that the said articles shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(2) In this Part of this Order, the following expressions shall, except where the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say:

- (a) “flight time”, in relation to any person, means all time spent by that person in an aircraft whether or not registered in the United Kingdom (other than an aircraft of which the

maximum total weight authorised does not exceed 1 600kg. and which is not flying for the purpose of public transport or aerial work) while it is in flight and he is carried therein as a member of the crew thereof,

- (b) “day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time.

(3) For the purposes of this Part of this Order, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

### **Fatigue of crew—operator’s responsibilities**

**58.**—(1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless:

- (a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the Authority subject to such conditions as it thinks fit;
- (c) either:
  - (i) the scheme is incorporated in the operations manual required by article 26 of this Order; or
  - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and
- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:

- (a) all his flight times; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) of this article shall, subject to the provisions of article 65, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

### **Fatigue of crew—responsibilities of crew**

**59.**—(1) A person shall not act as a member of the crew of an aircraft to which this article applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

**Flight times—responsibilities of flight crew**

**60.** A person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom if at the beginning of the flight the aggregate of all his previous flight times:

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours:

Provided that this article shall not apply to a flight made:

- (i) in an aircraft of which the maximum total weight authorised does not exceed 1600 kg. and which is not flying for the purpose of public transport or aerial work; or
- (ii) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Authority for the purpose of article 21(8) does not exceed 25 hours.

## PART VII

### DOCUMENTS AND RECORDS

**Documents to be carried**

**61.—(1)** An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom shall, when in flight, carry documents in accordance with Schedule 11 to this Order:

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents may be kept at that aerodrome instead of being carried in the aircraft.

**Records to be kept**

**62.** The operator of a public transport aircraft registered in the United Kingdom shall, in respect of any flight by that aircraft during which it may fly at an altitude of more than 49000ft., keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

**Production of documents and records**

**63.—(1)** The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person:

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and

(c) such other documents as the aircraft is required by article 61 of this Order to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Order, to be in force to be carried, preserved or made available:

- (a) the documents referred to in Schedule 11 to this Order as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 17 of this Order;
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 11 to this Order as Documents D, E, F and H;
- (e) any records of flight times, duty periods and rest periods which he is required by article 58(4) of this Order to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under article 26(2)(a)(i) of this Order;
- (g) the record made by any flight data recorder required to be carried by or under this Order; or
- (h) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under article 62 of this Order.

(a) (3) (a) The holder of a licence granted or rendered valid under this Order shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation. The requirements of this paragraph shall be deemed to have been complied with, except in relation to licences required by article 61 of this Order to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within 5 days after the request has been made at a police station in the United Kingdom specified, at the time of the request, by the person to whom the request is made.

(b) The foregoing provisions of this paragraph shall apply to a medical certificate issued pursuant to article 20(1)(b)(ii) of this Order as they apply to a licence granted or rendered valid under this Order.

(4) Every person required by article 23 of this Order to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within 2 years after the date of the last entry therein.

#### **Power to inspect and copy documents and records**

**64.** An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power pursuant to this Order and any regulations made thereunder to require to be produced to him.

#### **Preservation of documents, etc.**

**65.** A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve

the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative:

Provided that if:

- (a) another person becomes the operator of the aircraft he or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 40(2) of this Order which are in force or required to be preserved in respect of that aircraft;
- (b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person he or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller; or
- (c) any person in respect of whom a record has been kept by him in accordance with article 58(4) of this Order becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person he or his personal representative shall deliver those records to that other person upon demand;

and it shall be the duty of that other person to deal with the document or record delivered to him as if he were the first-mentioned operator.

#### **Revocation, suspension and variation of certificates, licences and other documents**

**66.**—(1) Subject to paragraph (4) of this article the Authority may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case. The Authority may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Authority within a reasonable time after being required to do so by the Authority.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(4) The provisions of article 67 of this Order shall have effect, in place of the provisions of this article, in relation to permits to which that article applies.

(5) Notwithstanding paragraph (1) of this article, a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Authority, whether or not after due inquiry.

#### **Revocation, suspension or variation of permissions, etc. granted under article 88 or article 92**

**67.**—(1) Subject to the provisions of this article, the Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3) of this article, the Secretary of State may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2) of this article; but he shall in any such case, comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either:

- (a) revoke the provisional Suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive Suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) of this article may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine. In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if:

- (a) it appears to him that the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) it appears to him that any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof,
- (c) it appears to him that the person to whom the permit was granted, or such other Government as aforesaid (that is to say, a Government which is a party to such an agreement as aforesaid with Her Majesty's Government in the United Kingdom), or the aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid, or have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982<sup>(9)</sup> in his operation of air services to or from points in the country concerned; and
- (d) it appears to him that the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of any such agreement as aforesaid, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(5) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.

(6) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.

(7) The permits to which this article applies are permissions granted by the Secretary of State under article 88 or article 92 of this Order and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

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(9) 1982 c. 16

(8) References in this article to the “permit-holder” are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

### **Offences in relation to documents and records**

**68.**—(1) A person shall not with intent to deceive:

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under this Order to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) of this article shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order or the regulations made thereunder unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

## **PART VIII**

### **CONTROL OF AIR TRAFFIC**

#### **Rules of the air and air traffic control**

**69.**—(1) Without prejudice to any other provision of this Order, the Secretary of State may make regulations (hereinafter referred to in this Order as the Rules of the Air and Air Traffic Control) prescribing:

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes;
- (d) the air traffic control services to be provided at aerodromes; and
- (e) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to the provisions of paragraph (3) of this article, it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary:

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 318) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Authority.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

#### **Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers**

**70.**—(1) The Authority shall grant a licence subject to such conditions as it thinks fit to any person to act as an air traffic controller, as a student air traffic controller, or as an aerodrome flight information service officer upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Authority may require of him:

Provided that the Authority shall not grant:

- (a) a student air traffic controller's licence or an aerodrome flight information service officer's licence to a person under the age of 18 years;
- (b) an air traffic controller's licence which includes an aerodrome control rating, an approach control rating or an area control rating, to a person under the age of 20 years; or
- (c) an air traffic controller's licence which includes any other rating, to a person under the age of 21 years.

(2) Every licence to act as an air traffic controller shall include:

- (a) ratings of one or more of the classes set forth in Schedule 9 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide;
- (b) a list of the places at which he may provide the service; and
- (c) the type of radar equipment, if any, with the aid of which he may provide the service.

If throughout any period of 90 days, the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Authority's powers under article 66 of this Order, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Authority to that effect and shall forward the licence to the Authority to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and who is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.

(4) Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence. If, throughout any period of 180 days the holder of the licence has not at any time provided such a service at a particular aerodrome, the licence shall cease to be valid for that aerodrome at the end of that period.

(5) A licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(6) Subject to the provisions of article 66 of this Order, a licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall remain in force for the period indicated in the licence 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. If no period is indicated in the licence, it shall remain in force, subject as aforesaid for the lifetime of the holder.

(7) 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:

- (a) 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; and
- (b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill, as the Authority may require and such examinations and tests may be conducted by the Authority or by a person approved by the Authority.

(8) Every applicant for and holder of an aerodrome flight information service officer's licence shall upon such occasions as the Authority may require, subject himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Authority may require and such examinations and tests may be conducted by the Authority or by a person approved by the Authority.

(9) On the basis of the medical examination referred to in paragraph (7) 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 73 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(10) The holder of an air traffic controller's licence or a 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 71(1) of this Order unless his licence includes a medical certificate issued and in force under paragraph (9) of this article.

### **Prohibition of unlicensed air traffic controllers, student air traffic controllers and aerodrome flight information service officers**

**71.—(1)** A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless:

- (a) in the case of an air traffic control service, he is the holder of, and complies with the terms of:
  - (i) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with article 70(3) of this Order;
  - (ii) a valid air traffic controller's licence so granted authorising him to provide that type of service at that place; or
  - (iii) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at that place, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorises him to provide at that place the type of air traffic control service which is being provided; or
- (b) in the case of an aerodrome flight information service, he is the holder of and complies with the terms of an aerodrome flight information service officer's licence granted under this Order authorising him to provide such a service at that place:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

(2) The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in Schedule 9 to this Order in respect of a rating at any place unless:

- (a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed; or
- (b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under this Order which authorises him to provide at that place the type of air traffic control service which is being provided.

(3) A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he has identified himself in such a manner as may be notified.

(4) Nothing in a licence granted under article 70 of this Order shall permit any person to operate manually any direction-finding equipment for the purpose of providing air traffic control service to an aircraft at a time when he is providing air traffic control service or making signals to that aircraft or to another aircraft.

(5) Nothing in this article shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

### **Flight Information Service Manual**

72. A person shall not provide an aerodrome flight information service at any aerodrome unless:

- (a) the service is provided in accordance with the standards and procedures specified in an aerodrome information service manual in respect of that aerodrome;
- (b) the manual is produced to the Authority within a reasonable time after a request for its production is made by the Authority; and
- (c) such amendments or additions have been made to the manual as the Authority may from time to time require.

### **Incapacity of air traffic controllers**

73.—(1) Every holder of an air traffic controller's licence granted under article 70 of this Order who:

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
  - (b) in the case of a woman, has reason to believe that she is pregnant;
- shall inform the Authority in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended upon the elapse of such period of injury or illness as is referred to in paragraph (1)(a) of this article. The suspension of the licence shall cease:

- (a) upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions under the licence; or
- (b) upon the Authority exempting the holder from the requirement of a medical examination subject to such conditions as the Authority may think fit.

### **Power to prohibit or restrict flying**

- (a) **74.** (1) (a) Where the Secretary of State deems it necessary in the public interest to restrict or prohibit flying by reason of:

- (i) the intended gathering or movement of a large number of persons;
- (ii) the intended holding of an aircraft race or contest or of an exhibition of flying; or
- (iii) national defence or any other reason affecting the public interest;

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flight:

- (aa) by any aircraft, whether or not registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
  - (bb) by aircraft registered in the United Kingdom, in any other airspace, being airspace in respect of which Her Majesty's Government in the United Kingdom has in pursuance of international arrangements undertaken to provide navigation services for aircraft.
- (b) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this article he shall, unless otherwise instructed pursuant to paragraph (3) of this article, cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(3) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this article or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio or by one of the prescribed visual signals by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

### **Balloons, kites, airships, gliders and parascending parachutes**

**75.**—(1) Within the United Kingdom:

- (a) a captive balloon or kite shall not be flown at a height of more than 60 metres above ground level or within 60 metres of any vessel, vehicle or structure;
- (b) a captive balloon shall not be flown within 5km. of an aerodrome;

- (c) a balloon exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled airspace;
- (d) a kite shall not be flown within 5km. of an aerodrome;
- (e) an airship shall not be moored; and
- (f) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;

without the permission in writing of the Authority and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

## PART IX

### AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

#### **Aerodromes—public transport of passengers and instruction in flying**

**76.**—(1) An aircraft to which this paragraph applies shall not take off or land at a place in the United Kingdom other than:

- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or
- (b) a Government aerodrome, or an aerodrome owned or managed by the Authority, notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be;

and in accordance with any conditions subject to which the aerodrome may have been licensed or notified, or subject to which such permission may have been given.

(2) Paragraph (1) of this article applies to:

- (a) aeroplanes of which the maximum total weight authorised exceeds 2730kg. and which are flying:
  - (i) for the purpose of the public transport of passengers;
  - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
  - (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (b) aeroplanes of which the maximum total weight authorised does not exceed 2730kg. engaged on either:
  - (i) scheduled journeys for the purpose of the public transport of passengers;
  - (ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome;
  - (iii) flights for the purpose of:
    - (aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
    - (bb) a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or

- (iv) flights for the purpose of the public transport of passengers at night;
- (c) helicopters and gyroplanes engaged on such flights as are specified in sub-paragraphs (b) (i) and (iii) above; and
- (d) gliders (other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club) which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.
- (a) (3) (a) The person in charge of any area in the United Kingdom intended to be used for the taking off or landing of helicopters at night other than such a place as is specified in paragraph (1) of this article shall cause to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area by night such lighting as will enable the pilot of the helicopter:
  - (i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
  - (ii) in the case of taking off, to make a safe take-off.
- (b) a helicopter flying for the purpose of the public transport of passengers at night shall not take off or land at a place to which sub-paragraph (a) of this paragraph applies unless there is in operation such lighting.

#### **Use of Government and Authority aerodromes**

77. The Authority may cause to be notified subject to such conditions as it thinks fit:

- (a) any aerodrome owned or managed by it; and
- (b) with the concurrence of the Secretary of State, any Government aerodrome;

as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

#### **Licensing of aerodromes**

78.—(1) The Authority shall grant to any person applying therefor a licence in respect of any aerodrome in the United Kingdom if it is satisfied that:

- (a) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft; and
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.

(2) An aerodrome licence may be granted subject to such conditions as the Authority thinks fit and shall, subject to the provisions of article 66 of this Order, remain in force for the period specified in the licence.

(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 aerodrome 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.

(4) The holder of an aerodrome licence granted under this Order shall:

- (a) furnish to any person on request information concerning the terms of the licence; and

(b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instruction in flying.

(5) The holder of an aerodrome licence granted under this Order shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are specified in article 76(2) of this Order, but the licence shall not cease to be valid by reason only of such a contravention.

### **Aeronautical radio stations**

**79.**—(1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Authority and the equipment thereof is of a type the specification of which is approved by the Authority in relation to the purpose for which it is to be used.

(2) The person in charge of an aeronautical radio station the purpose of which is to provide a navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are:

- (a) installed, modified and maintained in a manner approved by the Authority; and
- (b) flight checked by the Authority or by a person approved by the Authority for that purpose on such occasions as the Authority may require:

Provided that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Authority may if it thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) 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.

(5) The provisions of this article shall not apply in respect of any aeronautical radio station of which the person in charge is the Authority or the Secretary of State.

### **Aeronautical radio station records**

**80.**—(1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome:

- (a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof, and
- (b) preserve the written record for a period of one year or such longer period as the Authority may in a particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

- (3) The apparatus provided in compliance with paragraph (2) of this article shall be:
- (a) of a type the specification of which is approved by the Authority in relation to the particular aeronautical radio station;
  - (b) installed, modified and maintained in a manner approved by the Authority; and
  - (c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service;

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.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of this article includes:

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) of this article ceases to be capable of recording the matters required by this article to be included in the record the person in charge of the aeronautical radio station shall ensure that a written record is kept in which the particulars specified in paragraph (4) of this article are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with paragraphs (2) and (5) of this article for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Authority may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) A person required by this article to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this article shall not apply in respect of any aeronautical radio station of which the person in charge is the Authority or the Secretary of State.

### **Charges at aerodromes licensed for public use**

**81.** The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Secretary of State, furnish to the Secretary of State such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

### **Use of aerodromes by aircraft of Contracting States and of the Commonwealth**

**82.** The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom (whether or not the aerodrome is a licensed aerodrome)

shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom.

### **Noise and vibration caused by aircraft on aerodromes**

**83.** The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, aerodromes owned or managed by the Authority, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, and section 77(2) of the Civil Aviation Act 1982(10) shall apply to any aerodrome in relation to which the Secretary of State has prescribed conditions as aforesaid.

### **Aeronautical lights**

**84.—(1)** Except with the permission of the Authority and in accordance with any condition subject to which the permission may be granted, a person shall not establish, maintain or alter the character of:

- (a) an aeronautical beacon within the United Kingdom:

Provided that, in the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the Authority shall not give its permission for the purpose of this article except with the consent of that authority; or

- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Authority.

### **Dangerous lights**

**85.—(1)** A person shall not exhibit in the United Kingdom any light which:

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Authority to be such a light as aforesaid is exhibited the Authority may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the Authority under this article shall not be exercised except with the consent of that authority.

### **Customs and Excise airports**

**86.**—(1) The Secretary of State may, with the concurrence of the Commissioners for Customs and Excise and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Secretary of State may, with the concurrence of the Commissioners of Customs and Excise, by order revoke any designation so made.

### **Aviation fuel at aerodromes**

**87.**—(1) A person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless:

- (a) when the aviation fuel is delivered into the installation he is satisfied that:
  - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
  - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
  - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft:

Provided that this paragraph shall not apply in respect of fuel which has been removed from an aircraft and it is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom paragraph (1) of this article applies shall keep a written record in respect of each installation of which he has the management, which record shall include:

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation;

and he shall preserve the written record for a period of 12 months or such longer period as the Authority may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

- (a) (3) (a) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
  - (b) If it appears to the Authority or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the Authority or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Authority or by an authorised person.
- (4) For the purpose of this article:
- “aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

## PART X

### GENERAL

#### **Restriction with respect to carriage for valuable consideration in aircraft registered outside the United Kingdom**

**88.**—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in the United Kingdom, where valuable consideration is given or promised in respect of the carriage of such passengers or cargo, except with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of article 67 of this Order or of paragraph (1) of this article, any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

#### **Filing and approval of tariffs**

**89.**—(1) Where a permission granted under article 88(1) of this Order contains a tariff provision, the operator or charterer of the aircraft concerned shall file with the Authority the tariff which it proposes to apply on flights to which the said permission relates and the Authority shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it.

(2) For the purposes of this article, “tariff provision” means a condition as to any of the following matters:

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 88(1) of this Order relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

(3) The Authority shall act on behalf of the Crown in performing the functions conferred on it by this article.

#### **Permissions for inter-regional scheduled air services within the European Community**

**90.**—(1) Subject to paragraph (3) of this article the Secretary of State shall grant permission pursuant to article 88 to the operator of an aircraft (where such permission is required) so as to authorise an inter-regional air service within the meaning of Council Directive [83/416/EEC\(11\)](#) as amended by Council Directives [86/216/EEC\(12\)](#) and [89/463/EEC\(13\)](#) where the operator is an air

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(11) OJNo. L237 of 26th August 1983, page 19.

(12) OJ No. L152 of 6th June 1986, page 47.

carrier within the meaning of that Directive and pursuant to the Directive the United Kingdom is obliged to authorise him to operate Such a service.

(2) Any such permission may contain conditions, but these may not be such as to give the operator a lesser authorisation than that to which he is entitled under article 5 of the Directive and may not entitle the Authority to disapprove the tariffs charged by the operator if the conditions set out in article 7 of the Directive are met.

(3) The Secretary of State may refuse to grant such a permission on any of the grounds set out in article 6 of the Directive.

(4) A decision of the Secretary of State to grant or to refuse to grant such a permission shall be notified to the Member State which forwards the application for the said permission and to the European Commission within 3 months of his receipt of that application. The reasons for any refusal to grant such a permission shall be provided in writing upon request made by that State or by the European Commission.

### **Tariffs for scheduled air services between Member States of the European Community**

**91.**—(1) Paragraph (2) of this article applies where, in accordance with the conditions of a permission granted by the Secretary of State pursuant to article 88, the operator of an aircraft may only charge approved tariffs on a route between the United Kingdom and another Member State of the European Community and the United Kingdom is under any obligation in relation to the approval of such a tariff pursuant to Council Directive [87/601/EEC](#)(14).

(2) Where this paragraph applies, the Authority shall upon receipt of an application for the approval of a tariff approve that tariff if the tariff satisfies the criteria established by article 3 of the Directive, shall observe the procedures established by article 4 of the Directive, and shall approve a tariff falling within a zone of flexibility, or the additional flexibility, as described in article 5 of the Directive if required by that article.

(3) The requirement in paragraph (2) to observe the procedures established by article 4 of the Directive or to approve a tariff falling within a zone of flexibility, or additional flexibility, as described in article 5 of the Directive does not apply in any case where the United Kingdom Government has agreed more flexible arrangements with the Government of the other Member State concerned either as to the procedures to be adopted for the approval of tariffs in relation to air services between the United Kingdom and that Member State or, as the case may be, as to the circumstances in which discounted tariffs will be permitted on such services, and is operating those arrangements.

(4) Where a tariff to which paragraph (2) applies has not been approved by the Authority the Secretary of State shall notify the other Member State concerned and if required to do so shall adopt the consultation and arbitration procedure prescribed in article 7 of the Directive; the aircraft operator may charge the relevant existing tariff (notwithstanding any condition in its permission to the contrary) for so long as that procedure is still being implemented and where following that procedure the European Commission confirms an arbitration award that a tariff may be charged, or is deemed to have confirmed the award, the tariff shall be treated as an approved tariff.

### **Restriction with respect to aerial photography, aerial survey and aerial work in aircraft registered outside the United Kingdom**

**92.**—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not fly over the United Kingdom for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission

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(13) OJ No. L226 of 3rd August 1989, page 14.

(14) OJ No. L374 of 31st December 1987, page 12.

of the Secretary of State granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of article 67 of this Order or of paragraph (1) of this article, any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

### **Flights over any foreign country**

**93.**—(1) The operator or commander of an aircraft registered in the United Kingdom (or, if the operator’s principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) of this article if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).

(3) The operator or commander of an aircraft registered in the United Kingdom (or, if the operator’s principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever:

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country;

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene paragraph (3) of this article if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) of this article is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article “appropriate aeronautical authorities” includes any person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

### **Mandatory reporting**

**94.**—(1) Subject to the provisions of this article, every person who:

- (a) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2300kg.;
- (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof;
- (c) signs a certificate of maintenance review, or of release to service in respect of such an aircraft, part or equipment;
- (d) performs a function for which he requires an air traffic controller’s licence; or
- (e) is the licensee or manager of a licensed aerodrome, shall:
  - (i) make a report to the Authority of any reportable occurrence of which he knows and which is of such a description as may be prescribed; the report shall be made within such time, by such means, and shall contain such information as may be prescribed and it shall be presented in such form as the Authority may in any particular case approve; and

(ii) make a report to the Authority, within such time, by such means, and containing such information as the Authority may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this article.

(2) In this article “reportable occurrence” means:

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person; and
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident notified to the Secretary of State in pursuance of regulations made under section 75 of the Civil Aviation Act 1982(15) shall not constitute a reportable occurrence for the purposes of this article.

(3) Subject to paragraph (1)(ii) of this article, nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this article.

(4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to article 40(2),(4) and (5) and subject to the provisions of article 65 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct:

Provided that the record may be erased if the aircraft is outside the United Kingdom and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom.

### **Power to prevent aircraft flying**

**95.**—(1) If it appears to the Authority or an authorised person that any aircraft is intended or likely to be flown:

- (a) in such circumstances that any provision of article 3, 5, 6, 7, 19, 20, 29, 40, 46 or 47 of this Order would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order or any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order or of any regulation made thereunder;

the Authority or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Authority or by an authorised person, and the Authority or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this article the Authority or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of article 88, 92 or 93 of this Order would be contravened in relation to the flight, the Secretary of State or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) of this article the Secretary of State or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

### **Right of access to aerodromes and other places**

**96.** The Authority and any authorised person shall have the right of access at all reasonable times:

- (a) to any aerodrome, for the purpose of inspecting the aerodrome;
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order; and
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order:

Provided that access to a Government aerodrome or aerodrome owned or managed by the Authority shall only be obtained with the permission of the person in charge of the aerodrome.

### **Obstruction of persons**

**97.** A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

### **Enforcement of directions**

**98.** Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

### **Penalties**

**99.—(1)** If any provision of this Order or of any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the

liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, other than articles 90 or 91, or of any regulations made thereunder, not being a provision referred to in paragraphs (5) or (6) of this article, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(5) If any person contravenes any provision specified in Part A of Schedule 12 to this Order he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2000 and on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years or both.

### **Extra-territorial effect of the Order**

**100.**—(1) Except where the context otherwise requires, the provisions of this Order:

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the United Kingdom, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be;
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the United Kingdom by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (e) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft on or in the neighbourhood of an offshore installation, shall apply to every person irrespective of his nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948<sup>(16)</sup> (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

### **Aircraft in transit over certain United Kingdom territorial waters**

**101.**—(1) Where an aircraft, not being an aircraft registered in the United Kingdom, is flying over the territorial waters adjacent to the United Kingdom within part of a strait referred to in paragraph (4) of this article solely for the purpose of continuous and expeditious transit of the strait, only the following articles of and Schedules to this Order shall apply to that aircraft:

article 14 and Schedule 5, to the extent necessary for the monitoring of the appropriate radio frequency, article 69(1)(a), (b) and (e), article 69(2), (3) and (4), together with the regulations made thereunder, article 104 and Part A of Schedule 12.

(2) The powers conferred by the provisions referred to in paragraph (1) of this article shall not be exercised in a way which would hamper the transit of the strait by an aircraft not registered in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

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(16) 1948 c. 56

(3) In this article “transit of the strait” means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait and “an area of high seas” means any area outside the territorial waters of any State.

(4) The parts of the straits to which this article applies are specified in Schedule 13 to this Order.

#### **Application of Order to British-controlled aircraft not registered in the United Kingdom**

**102.** The Authority may direct that such of the provisions of this Order and of any regulations made or having effect thereunder as may be specified in the direction Shall have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

#### **Application of Order to the Crown and visiting forces, etc.**

**103.—**(1) Subject to the following provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other aircraft and for the purposes of such application the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft:

Provided that nothing in this article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

(2) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(3) Save as otherwise provided by paragraph (4) of this article, article 56(4) and (8), article 69(1) (a) and article 83 of this Order. nothing in this Order shall apply to or in relation to any military aircraft.

(4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty’s naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of this Order shall apply on the occasion of that flight, that is to say, articles 50, 51, 52 and 74 and in addition article 69 (so far as applicable) shall apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 318) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

#### **Exemption from Order**

**104.** The Authority may exempt from any of the provisions of this Order (other than articles 67, 88, 89, 92, 93 or 105 thereof) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

#### **Appeal to County Court or Sheriff’s Court**

**105.—**(1) Subject to paragraph (2) of this article, an appeal shall lie to a county court from any decision of the Authority that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller, student air

traffic controller or aerodrome flight information service officer, and if the court is satisfied that on the evidence submitted to the Authority it was wrong in so deciding, the court may reverse the Authority's decision and the Authority shall give effect to the court's determination:

Provided that an appeal shall not lie from a decision of the Authority that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

- (a) (2) (a) If the appellant resides or has his registered or principal office in Scotland the appeal shall lie to the Sheriff within whose jurisdiction he resides and the appeal shall be brought within 21 days from the date of the Authority's decision or within such further period as the sheriff may in his discretion allow.
  - (b) Notwithstanding any provision to the contrary in rules governing appeals to a county court in Northern Ireland, if the appellant resides or has his registered or principal office in Northern Ireland the appeal shall lie to the county court held under the County Courts (Northern Ireland) Order 1980(17).
- (3) The Authority shall be a respondent to any appeal under this article.
- (4) For the purposes of any provision relating to the time within which an appeal may be brought, the Authority's decision shall be deemed to have been taken on the date on which the Authority furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder of former holder of it.
- (5) In the case of an appeal to the sheriff:
- (a) the sheriff may, if he thinks fit, and shall on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor, but where it is proposed to appoint any person as an assessor objection to him either personally or in respect of his qualification may be stated by any party to the appeal and shall be considered and disposed of by the sheriff;
  - (b) the assessors for each sheriffdom shall be appointed from a list of persons approved for the purposes by the sheriff principal and such a list shall be published in such manner as the sheriff principal shall direct and shall be in force for 3 years only, but persons entered in any such list may be again approved in any subsequent list; it shall be lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in his sheriffdom;
  - (c) the sheriff before whom an appeal is heard with the assistance of an assessor shall make a note of any question submitted by him to such assessor and of the answer thereto;
  - (d) an appeal shall lie on a point of law from any decision of a sheriff under this article to the Court of Session.

## Interpretation

**106.**—(1) In this Order, unless the context otherwise requires:

“Aerial work” has the meaning assigned to it by article 107 of this Order;

“Aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“Aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“Aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“Aerodrome flight information unit” means a person appointed by the Authority or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and “aerodrome flight information service” shall be construed accordingly;

“Aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“Aerodrome traffic zone” means the airspace specified below, being airspace in the vicinity of an aerodrome which is notified for the purposes of rule 35 of the Rules of the Air and Air Traffic Control Regulations 1985(18):

- (a) in relation to such an aerodrome other than one which is on an offshore installation:
- (i) at which the length of the longest runway is notified as 1850 metres or less, the airspace extending from the surface to a height of 2000ft. above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles:  
  
Provided that where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this proviso is notified as being applicable, sub-paragraph (ii) hereof shall apply as though the length of the longest runway is notified as greater than 1850 metres;
  - (ii) at which the length of the longest runway is notified as greater than 1850 metres, the airspace extending from the surface to a height of 2000ft. above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles;
- (b) in relation to such an aerodrome which is on an offshore installation, the airspace extending from mean sea level to 2000ft. above mean sea level and within 1½ nautical miles of the offshore installation;

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this order as being the controlling aerodrome;

“Aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“Aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“Aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“Air traffic control unit” means a person appointed by the Authority or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to give information to aircraft, and “Air traffic control service” shall be construed accordingly;

“Air transport undertaking” means an undertaking whose business includes the carriage by air of passengers or cargo for valuable consideration;

“Annual costs” in relation to the operation of an aircraft means the best estimate reasonably practicable 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 reasonably practicable 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;

“Approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000ft. above the relevant specified decision height or minimum descent height;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

“Appropriate air traffic control unit” means in relation to an aircraft the air traffic control unit serving the area in which the aircraft is for the time being;

“Authorised person” means:

- (a) any constable;
- (b) in article 95(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and
- (c) in article 95(1) and (2) and in any article other than article 95, any person authorised by the Authority (whether by name or by class description) either generally or in relation to a particular case or class of cases;

“the Authority” means the Civil Aviation Authority;

“Beneficial interest” has the same meaning as in section 57 of the Merchant Shipping Act 1894(19);

“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;

“Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“Cargo” includes mail and animals;

“Certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“Certificate of maintenance review” and “certificate of release to service” have the meanings respectively assigned to them by articles 9(1) and 11(5) of this Order;

“Certificated for single pilot operation” means an aircraft which is not required to carry more than one pilot by virtue of any one or more of the following:

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered;

- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft; or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the Authority, that permit to fly;

“Cloud ceiling” in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

“Commander” in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“the Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981(20) and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction;

“Competent authority” means in relation to the United Kingdom, the Authority, and in relation to any other country, the authority responsible under the law of that country for promoting the safety of civil aviation;

“Conditional sale agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974(21);

“Congested area” in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State (including the United Kingdom) which is party to the Convention on International Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on 7th December 1944;

“Controlled airspace” means control areas and control zones;

“Control area” means airspace which has been notified as such and which extends upwards from a notified altitude or flight level;

“Control zone” means airspace which has been notified as such and which extends upwards from the surface;

“Co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“Country” includes a territory;

“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 28(2) of this Order or a cabin attendant;

“Danger area” shall mean airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

“Decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

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(20) 1981 c. 61  
(21) 1974 c. 39

“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;

“Flight” and “to fly” have the meanings respectively assigned to them by paragraph (2) of this article;

“Flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

“Flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 millibars;

“Flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

“Flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

“Flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“Foreign country” shall, for the purposes of articles 88 and 92, include Hong Kong;

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

“General lighthouse authority” has the same meaning as in section 634 of the Merchant Shipping Act 1894(22);

“Government aerodrome” means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

“Hire-purchase agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974(23);

“Instrument Flight Rules” means Instrument Flight Rules prescribed under article 69(1) of this Order;

“Instrument Meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules;

“International headquarters” means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(24);

“to land” in relation to aircraft includes alighting on the water;

“Legal personal representative” has the same meaning as in section 742 of the Merchant Shipping Act 1894(25);

“Licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“Licence for public use” has the meaning assigned to it by article 78(3) of this Order;

“Licensed aerodrome” means an aerodrome licensed under this Order;

“Lifejacket” includes any device designed to support a person individually in or on the water;

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(22) 1894 c. 60

(23) 1974 c. 39

(24) 1964 c. 5

(25) 1894 c. 60

“Log book” in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the Authority in the particular case;

“Maximum total weight authorised” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

“Microlight aeroplane” means an aeroplane having a maximum total weight authorised not exceeding 390kg., a wing loading at the maximum total weight authorised not exceeding 25kg. per square metre, a maximum fuel capacity not exceeding 50 litres and which has been designed to carry not more than 2 persons;

“Military aircraft” includes the naval, military or air force aircraft of any country and:

- (a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“Minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

“Nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 metres;

“Night” means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being determined at surface level;

“Non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“Notified” means set forth in a document published by the Authority and entitled “United Kingdom Notam” or “United Kingdom Air Pilot” and for the time being in force;

“Offshore installation” has the same meaning as in section 1 of the Mineral Workings (Offshore Installations) Act 1971(26);

“Operator” has the meaning assigned to it by paragraph (3) of this article;

“Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

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

“Pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“Precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

“Prescribed” means prescribed by regulations made by the Secretary of State under this Order, and the expression “prescribe” shall be construed accordingly;

“Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

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

“Public transport” has the meaning assigned to it by article 107 of this Order;

“Public transport aircraft” means an aircraft flying, or intended by the Operator of the aircraft to fly, for the purpose of public transport;

“Record” has the same meaning as in section 73 of the Civil Aviation Act 1982<sup>(27)</sup>;

“Relevant overseas territory” means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

“Replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“Rules of the Air and Air Traffic Control” has the meaning assigned to it by article 69(1) of this Order;

“Runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the mid-point of the runway; and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

“Scheduled journey” means one of a series of journeys which are undertaken between the same 2 places and which together amount to a systematic service;

“Seaplane” has the same meaning as for the purpose of section 97 of the Civil Aviation Act 1982;

“Special VFR flight” means a flight which is a special VFR flight for the purposes of the rules prescribed under article 69(1) of this Order;

“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;

“Visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of the provisions of the Visiting Forces Act 1952<sup>(28)</sup>:

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) which from time to time apply to that country by virtue of paragraph (b) of the said section 1(1) and of any Order in Council made or hereafter to be made under the said section 1 designating that country for the purposes of all the provisions of that Act following the said section 1(2);

“Visual Flight Rules” means Visual Flight Rules prescribed under article 69(1) of this Order;

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(2) An aircraft shall be deemed to be in flight:

- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

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<sup>(27)</sup> 1982 c. 16

<sup>(28)</sup> 1952. c.67.

- (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; and
- (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;

and the expressions “a flight” and “to fly” shall be construed accordingly.

(3) References in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly:

Provided that, for the purposes of the application of any provision in Part III of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.

(4) The expressions appearing in the “General Classification of Aircraft” set forth in Part A of Schedule 1 to this Order shall have the meanings thereby assigned to them.

(5) A power to make regulations under this Order shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of the Order.

### **Public transport and aerial work**

**107.**—(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 purpose 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;
- (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 total weight authorised does not exceed 910kg.) 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:

Provided also that a glider shall not be deemed to fly for the purpose of public transport for the purposes of Part III of this Order by virtue of sub-paragraph (2)(c) of this article if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club:

And provided further that notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (2)(c) of this article in respect of the flight or the purpose of the 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) 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;
- (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 or the purpose 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 either:

- (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) one or more 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;

or falls within both sub-paragraphs (cc) and (dd).

(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 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 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 4 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 18 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 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 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 either:
    - (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);
- or falls within both sub-paragraphs (i) and (ii).
- (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 44 of this Order;
  - (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 44 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.

### **Saving**

**108.**—(1) Subject to the provisions of articles 78 and 82 of this Order, nothing in this Order or the regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the Authority to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

### **Small aircraft**

**109.** The provisions of this Order, other than articles 51, 75, 106(1) and 106(4), shall not apply to or in relation to:

- (a) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2kg.;
- (c) any other aircraft weighing not more than 7kg. without its fuel; or
- (d) any parachute including a parascending parachute.

### **Approval of persons to furnish reports**

**110.** In relation to any of its functions pursuant to any of the provisions of this Order the Authority may, either absolutely or subject to such conditions as it thinks fit, approve a person as qualified to furnish reports to it and may accept such reports.

*G I de Deney*  
Clerk of the Privy Council