
STATUTORY INSTRUMENTS

1995 No. 1038

The Air Navigation Order 1995

PART VIII

MOVEMENT OF AIRCRAFT

Rules of the Air

74.—(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”) 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; and
- (d) 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 provision of paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air 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 Contrators (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft on which the commander is acting as such in the course of his duty as a member or any of Her Majesty’s naval, military or air forces.

(4) If any departure from the Rules of the Air 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 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.

Power to prohibit or restrict flying

- (a) 75. (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 or 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) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) 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) he shall, unless otherwise instructed pursuant to paragraph (4), 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.

(4) 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) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio 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

76.—(1) The provisions of this article shall apply only to or in relation to aircraft within the United Kingdom.

- (a) (2) (a) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.
- (b) (i) 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;
- (ii) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (iii) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
- (iv) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (v) a kite shall not be flown at a height of more than 60 metres above ground level; and
- (vi) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

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

(3) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(4) A controllable balloon shall not be flown in free controlled flight:

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

except during the day and in visual meteorological conditions.

(5) A controllable balloon shall not be flown in tethered flight:

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the appropriate air traffic control unit and in accordance with any conditions subject to which that permission may have been granted.

(6) A balloon when in captive 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.

(7) An airship with a capacity exceeding 3000 cubic metres shall not be moored other than at a notified aerodrome except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(8) An airship with a capacity not exceeding 3000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored:

- (a) within 2km of a congested area; or
- (b) within the aerodrome traffic zone of a notified aerodrome except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(9) An airship when moored in the open shall be securely moored and shall not be left unattended.

(10) (a) A person shall not cause or permit a group of small balloons exceeding 1000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the Authority not less than 28 days previous notice in writing of the release.

(b) A person shall not cause or permit a group of small balloons exceeding 2000 but not exceeding 10,000 in number to be simultaneously released at a single site:

- (i) within airspace notified for the purposes of this sub-paragraph without the permission in writing of the Authority; or
- (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome without the permission in writing of the Authority;

in either case other than in accordance with any conditions subject to which such a permission may have been granted.

(c) A person shall not cause or permit a group of small balloons greater than 10,000 in number to be simultaneously released at a single site without the permission in writing of the Authority and other than in accordance with any conditions subject to which such a permission may have been granted.

(d) For the purposes of sub-paragraphs (a), (b) and (c) “simultaneously released at a single site” shall mean the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

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

(11) For the purposes of this article a notified aerodrome is an aerodrome notified for the purposes of rule 39 of the Rules of the Air Regulations 1991(1) and the notified operating hours means the times notified in respect of an aerodrome during which that rule applies.