
STATUTORY INSTRUMENTS

1995 No. 2701

CIVIL AVIATION

The Air Navigation (Overseas Territories) (Amendment) Order 1995

<i>Made</i>	- - - -	<i>18th October 1995</i>
<i>Laid before Parliament</i>		<i>30th October 1995</i>
<i>Coming into force</i>	- -	<i>1st December 1995</i>

At the Court at Buckingham Palace, the 18th day of October 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(1), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(2), as amended by section 62 of the Civil Aviation Act 1971(3) as so extended by the Civil Aviation Act 1971 (Overseas Territories) Order 1976(4), and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

Citation and commencement

1.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) Order 1995.

(2) This Order shall come into force on 1st December 1995.

Amendment of the Air Navigation (Overseas Territories) Order 1989

2. The Air Navigation (Overseas Territories) Order 1989(5) as amended by the Air Navigation (Overseas Territories) (Amendment) Order 1991(6) and by the Air Navigation (Overseas Territories)

(1) 1949 c. 67.
(2) S.I.1969/592.
(3) 1971 c. 75.
(4) S.I. 1976/1912.
(5) S.I. 1989/2395.
(6) S.I. 1991/189.

(Amendment) (No. 2) Order 1991(7) and by the Air Navigation (Overseas Territories) (Amendment) Order 1992(8) shall be further amended as follows:

(1) In Article 5 for paragraph (2) there shall be substituted the following paragraph—

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

(2) In Article 25 for paragraph (1) there shall be substituted the following paragraph—

“(1) This Article shall apply to public transport aircraft registered in the Territory 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.”.

(3) In Article 30 for paragraph (1) there shall be substituted the following paragraphs—

“(1) This Article shall apply to public transport aircraft registered in the Territory.

- (a) (1A) The operator of every aircraft to which this Article applies shall establish and include in the operations manual relating to the aircraft the particulars (in this sub-paragraph of this Article referred to as ‘the said particulars’) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.

Provided that in relation to any flight wherein:

- (i) an operations manual is not required pursuant to Article 25(2)(a) of the Order; or
- (ii) it is not practicable to include the said particulars 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 the said particulars calculated in accordance with the required data and instructions (as defined in sub-paragraph (b)(i) (below)) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of three months.

- (b) (i) The operator of every aircraft to which this article applies for which an operations manual is required pursuant to Article 25(2)(a) of this Order, shall include in that operations manual such data and instructions (in this Article referred to as ‘the required data and instructions’) as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.
- (ii) The operator of every such aircraft to which this Article applies for which an operations manual is not required pursuant to Article 25(2)(a) of this Order shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions, and the operator shall cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.”.

(4) In Article 62A(4) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

(7) S.I. 1991/1697.

(8) S.I. 1992/3198.

“(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(9), as it applies in the United Kingdom or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned, or to the operator of an aircraft registered in and licensed to operate from any of the Territories by regulations made under section 13 of the Act in his operation of air services to or from points in the country concerned;”

(5) After Article 66 there shall be added the following new Article—

“Fatigue of the Air Traffic Controllers—Air Traffic Controllers' responsibilities

66A A person holding an air traffic controller’s licence shall not perform any of the functions specified in respect of a rating included in that licence if he knows or suspects that he is suffering from, or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.”

(6) For Article 73 there shall be substituted the following Article—

“Licensing of aerodromes

73.—(1) The Governor shall grant to any person applying therefor a licence in respect of any aerodrome in the Territory if he 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;
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
- (c) the aerodrome manual submitted pursuant to paragraph (7) of this Article is adequate.

(2) An aerodrome licence may be granted subject to such conditions as the Governor thinks fit and shall, subject to the provisions of Article 62 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 Governor considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, he 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 (in this Article referred to as ‘an aerodrome licence holder’) 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) An aerodrome licence holder 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 71(2) of this Order, but the licence shall not cease to be valid by reason only of such a contravention.

(6) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(a) (7) Upon making an application for an aerodrome licence the applicant shall submit to the Governor an aerodrome manual for that aerodrome.

(b) Unless previously submitted pursuant to sub-paragraph (a) of this paragraph, every aerodrome licence holder shall forthwith submit to the Governor an aerodrome manual for that aerodrome.

(8) An aerodrome manual required pursuant to this Article shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 17 to this Order.

(9) Every applicant for an aerodrome licence holder shall:

(a) furnish to the Governor any amendments or additions to the aerodrome manual before or immediately after they come into effect;

(b) without prejudice to the foregoing sub-paragraph, make such amendments or additions to the aerodrome manual as the Governor may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and

(c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(a) (10) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties; and shall ensure that each such copy is kept up to date.

(b) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff:

(i) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and

(ii) undertakes his duties as such in conformity with the relevant provisions of the manual.

(11) For the purposes of this Article:

(a) ‘aerodrome operating staff’ means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;

(b) ‘visual traffic pattern’ means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of Rule 35 of the Rules of

the Air contained in Schedule 13 to this Order, the air space which would comprise the aerodrome traffic zone of the aerodrome if it was notified.”

(7) In Article 86(1)—

(a) for sub-paragraph (e) there shall be substituted the following sub-paragraph—

“(e) is the licensee or manager of a licensed aerodrome; or”

(b) after sub-paragraph (e) there shall be added the following sub-paragraph—

“(f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of equipment on the ground which is used or intended to be used for the purpose of or in connection with the provision of an air traffic control service or navigational aid to an aircraft.”

(8) In Article 99(1)—

(a) after the definition of “Appropriate air traffic control unit” there shall be added the following new definition—

“‘apron’ means the part of the aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking.”

(b) after the definition of “Log book” there shall be added the following new definition—

“‘Manoeuvring Area’ means the part of the aerodrome provided for the take-off and landing of aircraft and for the manoeuvring of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft.”

(9) In Schedule 1 for Parts B1 and B2 there shall be substituted the following Part—

“PART B

nationality and registration marks of aircraft registered in the territory

General

1.—(1) The nationality mark of the aircraft shall be a group of two capital letters in Roman character and the registration mark shall be a group of three capital letters in Roman character assigned by the Governor on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(2) The nationality and registration marks shall be displayed to the best advantage, taking into consideration the construction features of the aircraft and shall always be kept clean and visible.

(3) The letters constituting each group of marks shall be of equal height and they, and the hyphen, shall all be of the same single colour which shall clearly contrast with the background on which they appear.

(4) The nationality and registration marks shall also be inscribed on a fire-proof metal plate affixed in a prominent position—

(a) in the case of a microlight aeroplane, either in accordance with sub-paragraph (c) of this paragraph or on the wing;

(b) in the case of a balloon, on the basket or envelope; or

(c) in the case of any other aircraft on the fuselage or car as the case may be.

(5) The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the manner specified in paragraphs 2 and 3 of this Part.

Position and Size of Marks

2.—(1) The position and size of marks on heavier than air aircraft (excluding kites) shall be as follows:

- (a) on the horizontal surfaces of the wings
 - (i) on aircraft having a fixed wing surface, the marks shall appear on the lower surface of the wing structure and shall be on the port wing unless they extend across the whole surface of both wings. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing;
 - (ii) the height of the letters shall be at least 50 centimetres.
Provided that if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed;
- (b) on the fuselage (or equivalent structure) and vertical tail surfaces
 - (i) the marks shall also appear either—
 - (aa) on each side of the fuselage (or equivalent structure), and shall, in the case of fixed wing aircraft be located between the wings and the horizontal tail surface; or
 - (bb) on the vertical tail surfaces.
 - (ii) when located on a single vertical tail surface, the marks shall appear on both sides. When located on multi-vertical tail surfaces the marks shall appear on the outboard sides of the outer surfaces. Subject to sub-paragraphs (iv) and (v) below, the height of the letters constituting each group of marks shall be at least 30 centimetres;
 - (iii) if one of the surfaces authorised to display the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with sub-paragraph (v) below) and the other is not, marks of 30 centimetres in height shall be placed on the largest authorised surface;
 - (iv) if neither authorised surface is large enough for marks of 30 centimetres in height (whilst complying with sub-paragraph (v) below), marks of the greatest height practicable in the circumstances shall be displayed on the larger of the two authorised surfaces;
 - (v) the marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface;
 - (vi) on rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the side of the fuselage (or equivalent structure) is less than 30 centimetres, the marks shall also appear on the lower surface of the fuselage as close to the line of symmetry as is practicable and shall be placed with the tops of the letters towards the nose. The height of the letters constituting each group of marks shall be at least 50 centimetres;
provided that if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed;

- (c) wherever in this paragraph marks of the greatest height practicable in the circumstances are required, that height shall be such as is consistent with compliance with paragraph 3 of this Part.
- (2) the position and size of marks on airships and free balloons shall be as follows:
 - (a) in the case of airships the marks shall be placed on each side of the airship. They shall be placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser;
 - (b) in the case of free balloons, the marks shall be in two places on diametrically opposite sides of the balloon;
 - (c) in the case of both airships and free balloons the side marks shall be placed as to be visible from the sides and from the ground. The height of the letters shall be at least 50 centimetres.

Width, Spacing and Thickness of Marks

- 3.—(1) For the purposes of this paragraph—
 - (a) “a standard letter” shall mean any letter other than the letters I, M and W;
 - (b) the width of each standard letter and the length of the hyphen between the nationality mark and the registration mark shall be two thirds of the height of a letter;
 - (c) the width of the letters M and W shall be neither less than two thirds of their height nor more than their height;
 - (d) the width of the letter I shall be one sixth of the height of the letter.
- (2) The thickness of the lines comprising each letter and hyphen shall be one sixth of the height of the letters forming the marks.
- (3) Each letter and hyphen shall be separated from the letter or hyphen which it immediately precedes or follows, by a space equal to either one quarter or one half of the width of a standard letter. Each such space will be equal to every other such space within the mark.”
- (10) In Schedule 10 in PART B—CREW TRAINING AND TESTS—
 - (a) in paragraph 1(2) for sub-paragraph (c) there shall be substituted the following sub-paragraph—
 - “(c) Every pilot included in the flight crew who is seated at the flying controls during take-off or landing and who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means of a flight simulator approved by the Governor.”
 - (b) in paragraph 1(2) after sub-paragraph (c) there shall be added the following new sub-paragraph—
 - “(d) Every pilot included in the flight crew and who is seated at the flying controls during take-off or landing shall within the relevant period have carried out, when seated at the flying controls, not less than three take-offs and three landings in aircraft of the type to be used on the flight.”
- (11) In Schedule 11 for the proviso to the definition of “B” there shall be substituted the following proviso—

“Provided that with the permission in writing of the Governor, which may be granted subject to such conditions as he thinks fit, an aircraft to which Article 25 of this Order applies need not carry the flight manual as part of this document.”

(12) In Schedule 13—

- (a) in Rule 1 the definition of “Apron” shall be deleted;
- (b) in Rule 1 the definition of “Manoeuvring Area” shall be deleted;
- (c) for Rule 5 there shall be substituted the following Rule—

“Low Flying

5.—(1) Subject to the provisions of paragraphs (2) and (3):

- (a) An aircraft other than a helicopter shall not fly over any congested area of a city, town or settlement below:
 - (i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit and if such an aircraft is towing a banner such height shall be calculated on the basis that the banner shall not be dropped within the congested area; or
 - (ii) a height of 1500 feet above the highest fixed object within 2000 feet of the aircraft:
- whichever is the higher.
- (b) A helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit.
 - (c) Except with the permission in writing of the Governor and in accordance with any conditions therein specified a helicopter shall not fly over a congested area of a city, town or settlement below a height of 1500 feet above the highest fixed object within 2000 feet of the helicopter.
 - (d) An aircraft shall not fly:
 - (i) over, or within 3000 feet of, any assembly in the open air of more than 1000 persons assembled for the purpose of witnessing or participating in any organised event, except with the permission in writing of the Governor and in accordance with any conditions therein specified and with the consent in writing of the organisers of the event; or
 - (ii) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit and if such an aircraft is towing a banner such height shall be calculated on the basis that the banner shall not be dropped within 3000 feet of the assembly:

Provided that where a person is charged with an offence under the Order by reason of a contravention of this sub-paragraph, it shall be a good defence to prove that the flight of the aircraft over, or within 3000 feet of, the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly.

- (e) An aircraft shall not fly closer than 500 feet to any person, vessel, vehicle or structure.
- (a) (2) The provision of paragraphs (1)(a)(ii) and (1)(c)(i) shall not apply to an aircraft flying:

- (i) on a route notified for the purposes of this Rule; or
 - (ii) on a special VFR flight.unless the aircraft is landing or taking off.
- (b) Paragraphs (1)(a)(ii), (1)(c), (1)(d) and (1)(e) shall not apply to an aircraft which is being used for police purposes.
- (c) Paragraphs (1)(d) and (e) of this Rule shall not apply to an aircraft over or within 3000 feet of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race or contest or an exhibition of flying, if the aircraft is taking part in such race, contest or exhibition or is engaged on a flight arranged by, or made with the consent in writing of, the organisers of the event.
- (d) Paragraph (1)(e) shall not apply to:
 - (i) any aircraft while it is landing or taking off in accordance with normal aviation practice;
 - (ii) any glider while it is hill-soaring;
 - (iii) any aircraft while it is flying in accordance with proviso (f) of Article 40(2) of the Order;
 - (iv) any aircraft while it is flying under and in accordance with the terms of an aerial application certificate granted to the operator thereof under Article 42 of the Order; or
 - (v) any aircraft while it is flying for the purpose of picking up or dropping tow ropes, banners or similar articles at an aerodrome in accordance with Article 39(2) or proviso (e) of Article 40(2) of the Order.
- (3) Nothing in this Rule shall prohibit an aircraft from flying in such a manner as is necessary for the purpose of saving life.
- (4) Nothing in this Rule shall prohibit any aircraft from flying in accordance with normal aviation practice, for the purpose of taking off from, landing at or practising approaches to landing at, or checking navigational aids or procedures at, a Government aerodrome or a licensed aerodrome in the Territory or at any aerodrome in any other country:

Provided that the practising of approaches to landing shall be confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.
- (5) Nothing in this Rule shall apply to any captive balloon or kite.”
- (d) at the end of Rule 7 there shall be added—

“For the purposes of this Rule the expression ‘simulated instrument flight’ shall have the same meaning as in Rule 6.”
- (e) for Rule 23 there shall be substituted the following Rule—

“23. The Visual Flight Rules shall be as follows:

 - (1) *Flight outside controlled airspace*
 - (a) An aircraft flying outside controlled airspace at or above flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 kilometres;

- (b) An aircraft flying outside controlled airspace below flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres:

Provided that this sub-paragraph shall be deemed to be complied with if:

- (i) the aircraft is flying at or below 3000 feet above mean sea level and remains clear of cloud and in sight of the surface and in a flight visibility of at least 5 kilometres;
- (ii) the aircraft, other than a helicopter, is flying at or below 3000 feet above mean sea level at a speed which according to its air speed indicator is 140 knots or less and remains clear of cloud and in sight of the surface and in flight visibility of at least 1500 metres; or
- (iii) in the case of a helicopter, the helicopter is flying at or below 3000 feet above mean sea level flying at a speed which, having regard to the visibility, is reasonable and remains clear of cloud and in sight of the surface.

(2) *Flight within controlled airspace*

(a) Within Class B airspace:

- (i) an aircraft flying within Class B airspace at or above flight level 100 shall remain clear of cloud and in a flight visibility of at least 8 kilometres;
- (ii) an aircraft flying within Class B airspace below flight level 100 shall remain clear of cloud and in a flight visibility of at least 5 kilometres;

(b) Within Class C, Class D or Class E airspace;

- (i) an aircraft flying within Class C, Class D or Class E airspace at or above flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 kilometres;
- (ii) subject to sub-paragraph (iii), an aircraft flying within Class C, Class D or Class E airspace below flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres;
- (iii) sub-paragraph (ii) shall be deemed to be complied with if:

- (aa) the aircraft is not a helicopter and is flying at or below 3000 feet above mean sea level at a speed which, according to its airspeed indicator, is 140 knots or less and it remains clear of cloud in sight of the surface and in a flight visibility of at least 5 kilometres; or
- (bb) the aircraft is a helicopter flying at or below 3000 feet above mean sea level and it remains clear of cloud and in sight of the surface.”

- (f) for Rule 39 there shall be substituted the following Rule—

“39.—(1) Two or more white crosses, as illustrated in this paragraph,

Fig. 11

Fig. 11

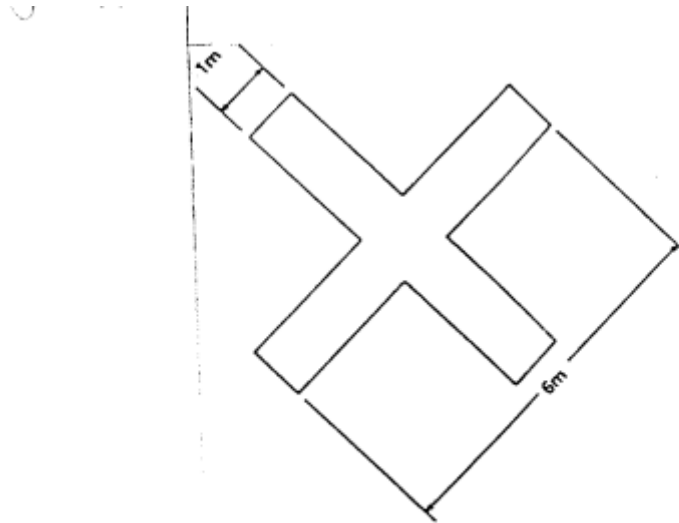


Fig. 11

displayed on a runway or taxiway, with the arms of the crosses at an angle of 45° to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

- (a) (2) two yellow broken lines and two continuous lines, as illustrated in this paragraph,

Fig. 12(a)

Fig. 12(a)

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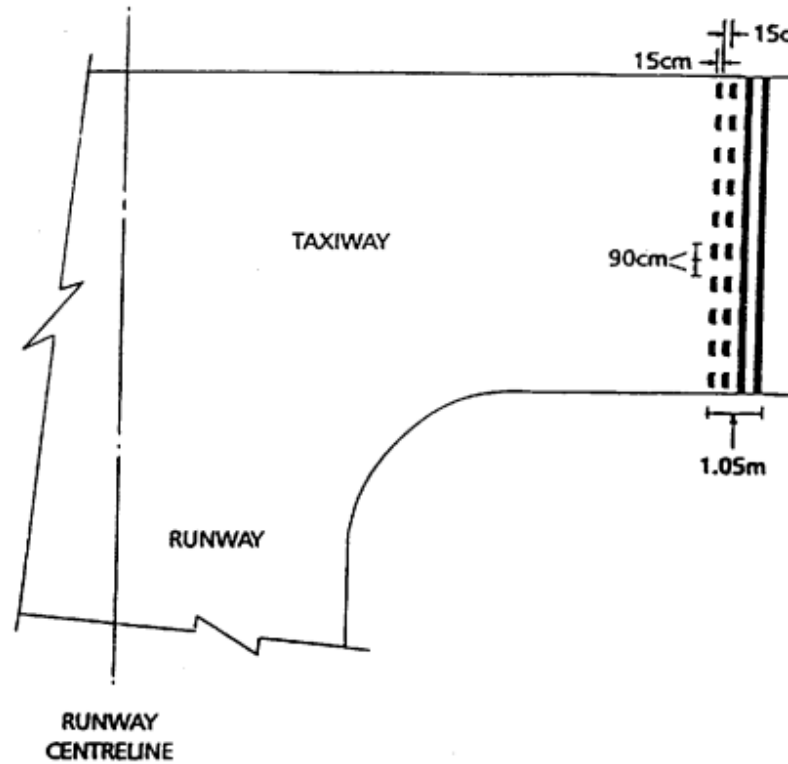


Fig. 12(a)

signifies the holding position closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit. Outside the notified hours of that unit or where there is no air traffic control unit at the aerodrome the markings signify the position closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway when the flying machine or vehicle is required by virtue of Rule 37(3)(a) of these rules to give way to aircraft which are taking off from or landing on that runway.

(b) A yellow marking, as illustrated in this paragraph,

Fig. 12(b)

Fig. 12(b)

(b) A yellow marking, as illustrated in this paragraph,

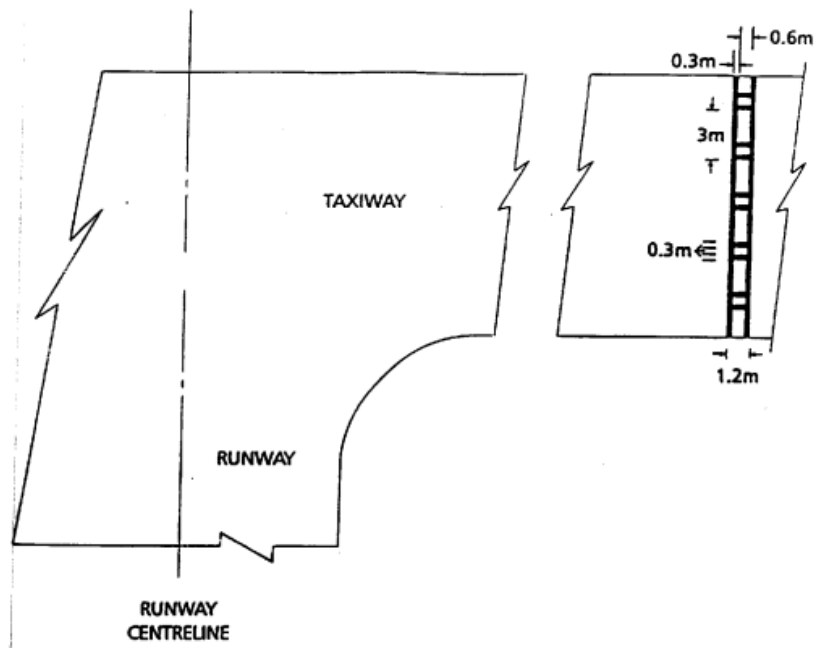


Fig. 12(b)

signifies a holding position other than that closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit. Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the marking may be disregarded.”

(13) In Schedule 14—

(a) in Regulation 1(2)(a) for Table 1 shall be substituted the following Table—

“Table 1

Males over 12 years of age	75 kg
Save that on journeys by helicopters in support of or in connection with the exploitation of or exploration for mineral resources (including gas) and:	
(i) between the Territory and any vessel or structure located at sea; or	
(ii) between any two such vessels or structures where the last preceding journey from land or the next subsequent journey to land was from or is intended to be as the case may be, the Territory:	
the appropriate weight for male passengers over 12 years shall be	83 kg
Females over 12 years of age	65 kg
On journeys within the Territory:	40 kg

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Children aged 3 years or more, but not over 12 years of age	
Infants under 3 years of age	10 kg
On any other journey:	39 kg
Children aged 2 years or more but not over 12 years of age	
Infants under 2 years of age	8 kg”

(b) in Regulation 1(3)(a) for Table 2 there shall be substituted the following table—

“Table 2

1 Journey made by the aeroplane	2 Cabin baggage per passenger*	3 Hold baggage per piece	
		Scheduled Journey	Holiday Journey
Domestic	3 kg	10 kg	13 kg
International	3 kg	14 kg	16 kg

* Not infants under 2 years of age.

(b) If Table 2 has been used, subject to the provisions of paragraph (4) for determining the weight of hold baggage, it shall also be used, subject as aforesaid, for determining the weight of the cabin baggage.

(c) For the purposes of this Regulation:

- (i) A journey made by an aeroplane shall be treated as domestic if it is confined within the Territory or within such an area as may be prescribed by the Governor.
- (ii) A journey made by an aeroplane shall be treated as international if it is not domestic nor within any area prescribed by the Governor as domestic.
- (iii) A journey made by an aeroplane shall be treated as a holiday journey and not as a scheduled journey if it is made for the carriage of passengers each of whom is carried pursuant to an agreement which provides for carriage by air to a place outside the Territory, and back from that place or from another place to the Territory (whether or not on the same aeroplane) and for accommodation at a place outside the Territory.”

(c) for Regulation 4 there shall be substituted the following Regulation—

“4. For the purposes of Article 29(1), an aeroplane registered in the Territory in respect of which there is in force under the Order a certificate of airworthiness in which the aeroplane is designated as being of Performance Group A or Performance Group B shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

(1) That weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(2) The take-off run, take-off distance and the emergency distance respectively required for take-off, specified as being appropriate to—

- (a) the weight of the aeroplane at the commencement of the take-off run;
- (b) the altitude at the aerodrome;

- (c) the air temperature at the aerodrome;
- (d) the condition of the surface of the runway from which the take-off will be made;
- (e) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available, the take-off distance available and the emergency distance available, respectively; and
- (f) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off:

do not exceed the take-off run, the take-off distance and the emergency distance available, respectively, at the aerodrome at which the take-off is to be made; in ascertaining the emergency distance required, the point at which the pilot is assumed to decide to discontinue the take-off shall not be nearer to the start of the take-off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he is assumed to decide to continue the take-off, in the event of power unit failure.

- (a) (3) The net take-off flight path with one power unit inoperative, specified as being appropriate to—
 - (i) the weight of the aeroplane at the commencement to the take-off run;
 - (ii) the altitude at the aerodrome;
 - (iii) the air temperature at the aerodrome; and
 - (iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off:

and plotted from a point 35 feet or 50 feet as appropriate, above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shows that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet, and if it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet the vertical interval shall not be less than 50 feet during the change of direction.

- (b) For the purpose of sub-paragraph (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed—
 - (i) a distance of 60 metres plus half the wing span of the aeroplane plus one eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aeroplane; or
 - (ii) 900 metres,whichever is the less.
- (c) In assessing the ability of the aeroplane to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(4) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power unit or units operating within the maximum continuous power conditions specified, be capable of continuing the flight, clearing by a vertical interval of at least 2,000 feet obstacles within 10 nautical miles either side of the intended track, to an aerodrome at which it can comply with condition (7), relating to an alternate aerodrome, and on arrival over such aerodrome the gradient of

the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the aerodrome, and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting:

Provided that where the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this paragraph shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

- (a) (5) In the case of an aeroplane having three or more power units, it will, in the meteorological conditions expected for the flight, in the event of any two power units becoming inoperative at any point along the route or on any planned diversion therefrom more than 90 minutes flying time in still air at the all power units operating economical cruise speed from the nearest aerodrome at which it can comply with condition (7), relating to an alternate aerodrome, be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions, clearing by a vertical interval of at least 2,000 feet obstacles within 10 nautical miles either side of the intended track to such an aerodrome, and on arrival over such an aerodrome the gradient of the specified net flight path with two power units inoperative shall not be less than zero at 1,500 feet above the aerodrome, and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting:

Provided that where the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this paragraph shall have effect as if 5 nautical miles were substituted for 10 nautical miles; or

- (b) In the case of an aeroplane having two power units and a maximum total weight authorised which exceeds 5,700 kg and which is not limited by its certificate of airworthiness to the carriage of less than 20 passengers, it will, in the meteorological conditions expected for the flight, at any point along the route or on any planned diversion therefrom, not be more than 60 minutes flying time at the normal one engine inoperative cruise speed in still air from the nearest aerodrome at which it can comply with condition (7), relating to an alternative aerodrome, unless it is flying under and in accordance with the terms of any written permission granted by the Governor to the operator under this regulation; or
- (c) In the case of an aeroplane having two power units and a maximum total weight authorised of 5,700 kg or less or in the case of an aeroplane having two power units and a maximum total weight authorised of more than 5,700 kg but which is limited by its certificate of airworthiness to the carriage of less than 20 passengers the aeroplane will, in the meteorological conditions expected for the flight, not be more than 90 minutes flying time in still air at the all power units operating economical cruise speed from the nearest aerodrome at which it can comply with condition (7), relating to an alternate aerodrome.

(6) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

- (a) (i) In the case of a turbine-jet powered aeroplane, the landing distance required does not exceed at the aerodrome at which it is intended to land or any alternate aerodrome, as the case may be, the landing distance available on—
 - (aa) the most suitable runway for a landing in still air conditions; and
 - (bb) the runway that may be required for landing because of the forecast wind conditions.
- (ii) In the case of an aeroplane powered by turbine propeller or piston engines, respectively specified as being appropriate to aerodromes of destination and alternate aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on—
 - (aa) the most suitable runway for a landing in still air conditions; and
 - (bb) the runway that may be required for landing because of the forecast wind conditions.
- (b) For the purposes of sub-paragraph (a) the landing distance required shall be that specified as being appropriate to—
 - (i) the landing weight;
 - (ii) the altitude of the aerodrome;
 - (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
 - (iv) (aa) a level surface in the case of runways usable in both directions;
(bb) the average slope of the runway in the case of runways usable in only one direction; and
 - (v) (aa) still air conditions in the case of the most suitable runway for a landing in still air conditions; and
(bb) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.”
- (d) After Regulation 7 there shall be added the following new Regulation—

“Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group F in their Certificates of Airworthiness.

7A. For the purposes of Article 29(1), an aeroplane registered in the Territory in respect of which there is in force under the Order a certificate of airworthiness in which the aeroplane is designated as being of Performance Group F shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied—

- (1) that weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made;
- (2) the take-off distance required specified as being appropriate to—
 - (a) the weight of the aeroplane at the commencement of the take-off run;
 - (b) the altitude at the aerodrome;
 - (c) the air temperature at the aerodrome; and

- (d) the average slope of the surface of the aerodrome in the direction of take-off over the take-off run available; and not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(3) The aeroplane, at any time after it reaches a height of 1,000 feet above the aerodrome from which take-off is to be made, will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units, if any, operating within the specified maximum, continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in the operations manual relating to the aeroplane to a point 1,000 feet above—

- (a) in the case of an aeroplane having one power unit, a place at which a safe landing can be made; and
- (b) in the case of an aeroplane having two or more units, an aerodrome at which it can comply with condition (5):

Provided that, in assessing the ability to satisfy this condition—

- (i) the aeroplane shall not be assumed to be capable of flying, at any point on its route or on any planned diversion therefrom at an altitude exceeding that at which it is capable of a gradient of climb, with all power units operating within maximum continuous power conditions specified, of 2 per cent; and
- (ii) over those parts of the route or any planned diversion therefrom, where in the meteorological conditions expected for the flight it is expected that the aeroplane will be out of sight of the surface due to cloud cover at or below the relevant minimum safe altitude, the aeroplane shall be required to be capable of a gradient of climb, with one power unit inoperative and with the other power unit or power units operating within the specified maximum continuous power conditions, at the relevant minimum safe altitude, of 1 per cent.

(4) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

- (a) (5) The landing distance required does not exceed at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on the most suitable runway for a landing in still air conditions.
- (b) For the purposes of sub-paragraph (a) the landing distance required shall be that specified as being appropriate to—
 - (i) the landing weight;
 - (ii) the altitude at the aerodrome;
 - (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
 - (iv) a runway with a level surface; and
 - (v) still air conditions.

- (6) A single-engined aeroplane designated as aforesaid as an aeroplane of Performance Group F shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively.”
- (14) in Schedule 15—
- (a) in Regulation 2(1) for the definition of “Technical Instructions” there shall be substituted the following definition—
- ““Technical Instructions” means the 1995—1996 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation.”
- (b) in Regulation 3 for paragraph (2) there shall be substituted the following paragraph—
- “(2) A person shall not:
- (a) take or cause to be taken on board,
- (b) suspend or cause to be suspended beneath, or
- (c) deliver or cause to be delivered for loading on or suspension beneath; an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing significant risk to health, safety or property when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.”
- (c) in Regulation 4 for paragraph (3) there shall be substituted the following paragraph—
- “(3) The shipper of dangerous goods shall furnish the operator of the aircraft with such other documents in respect of dangerous goods as are required by Part 3 and Chapters 4.3 and 4.5 of Part 4 of the Technical Instructions.”
- (d) in Regulation 9 after paragraph (d) there shall be added the following new paragraph—
- “(e) any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.”
- (e) after Regulation 9 there shall be added the following new Regulation—

“Powers in Relation to Enforcement of the Regulations

9A.—(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

- (a) (3) Any sample taken or goods seized by an authorised person under this Regulation shall be retained or detained respectively for so long as the Governor considers necessary in all the circumstances and shall be disposed of in such manner as the Governor considers appropriate in all the circumstances.
- (b) Without prejudice to the generality of sub-paragraph (a) above, any sample taken or goods seized under this regulation may be retained or detained respectively:
- (i) for use as evidence at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence.”

(15) After Schedule 16 there shall be added the following new Schedule—

“SCHEDULE 17

Article 73

AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in Article 73 of this Order:

- (i) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge;
- (ii) the system of aeronautical information service available;
- (iii) procedures for promulgating information concerning the aerodrome’s state;
- (iv) procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron;
- (v) procedures for complying with Article 86 of this Order and for the removal of disabled aircraft;
- (vi) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with Article 82 of this Order;
- (vii) plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runways strip:

Provided that in the case of copies of the manual or extracts thereof provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of Article 73(10) of this Order;

- (viii) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome;
- (ix) description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit;
- (x) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance;
- (xi) method of calculating reduced declared distances and the procedure for their promulgation;
- (xii) details of surfaces and bearing strengths of runways, taxiways and aprons;
- (xiii) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the coordination of traffic with adjacent aerodromes, except any such information or procedures already published in any manual of air traffic services;
- (xiv) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons;
- (xv) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods;
- (xvi) procedures for the safe integration of all aviation activities undertaken at the aerodrome;
- (xvii) procedures for the control of bird hazards;
- (xviii) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided; and

(xix) the scale of rescue, first aid and fire service facilities the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.”

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation (Overseas Territories) Order 1989 as amended by the Air Navigation (Overseas Territories) (Amendment) Order 1991, the Air Navigation (Overseas Territories) (Amendment) (No. 2) Order 1991 and the Air Navigation (Overseas Territories) (Amendment) Order 1992. Many of the amendments effected by this Order are made in order to reflect changes made to the law applicable to the United Kingdom. In addition to minor and drafting amendments the following changes are made—

(1) The scope of the requirement to make available and keep up to date an Operations Manual is extended so as to include aircraft of a maximum total weight authorised of 2730 kg or less (Article 25 (1)).

(2) The requirement to establish and comply with aerodrome operating minima is extended to all public transport aircraft registered in the Territory whether or not an Operations Manual is required for such aircraft. A means of calculating and recording appropriate aerodrome operating minima is to be provided for public transport aircraft which are not required to have an Operations Manual (Article 30(1)).

(3) For the avoidance of doubt, the circumstances in which the Secretary of State may exercise his power to revoke, suspend or vary certain permits is extended to include the circumstances in which unfair, discriminatory or restrictive practices have prejudiced the holder of a route licence granted under section 65 of the Civil Aviation Act 1982 (Article 62A(4)(c)).

(4) The holder of an Air Traffic Controllers Licence is prohibited from acting as an Air Traffic Controller when suffering from fatigue (Article 66A).

(5) The holder of, or applicant for, an aerodrome licence, must submit to the Governor an Aerodrome Manual which contains specified information and must make available relevant parts of the Manual to aerodrome operating staff and take reasonable steps to ensure that the provisions of the Manual are complied with. He must take all reasonable steps to ensure that the aerodrome and its airspace are safe for use by aircraft. He must keep the aerodrome Manual up to date, must furnish any amendments to the Governor, and must make any amendments required by the Governor (Article 73).

(6) Air traffic engineers are required to submit reports of reportable occurrences (Article 86).

(7) Pilots of aircraft flying for the purposes of public transport are required to undergo tests of proficiency in using instrument approach-to-land systems only if intended by the operator to fly as a pilot in circumstances requiring compliance with the Instrument Flight Rules (Schedule 10 Part B).

(8) Permission granted by the Governor allowing an aircraft not to carry the flight manual referred to in its Certificate of Airworthiness may be granted subject to such conditions as the Governor thinks fit (Schedule 11).

(9) Schedule 13, which sets out the Rules of the Air, and has been amended in the following major respects: an aircraft flying on a route notified for the purposes of Rule 5(2)(a) or on a special VFR flight must nevertheless comply with Rules 5(1)(a)(ii) and (1)(c) if it is landing or taking off (Rule 5(2)(a)); an aircraft may fly in accordance with the visual Flight Rules within class C, D or E airspace at or below 3,000 feet above mean sea level if, in the case of a helicopter, it remains clear of cloud and in sight of the surface and, in the case of any other aircraft, it flies at 140 knots or less and remains clear of cloud in sight of the surface and in a flight visibility of at least 5 kilometres (Rule 23); new markings are introduced to identify taxi-holding positions (Rule 39); there are no

longer specified projectile warning signals to indicate that an aircraft is flying in or near any active danger area or prohibited airspace (Rule 46).

(10) Schedule 14, which sets out the Air and Navigation (General) Regulations, has been amended so that Performance Group B public transport aeroplanes are brought within the weight and performance requirements for Performance Group A aeroplanes (Regulation 4) and weight and performance requirements for Performance Group F aeroplanes are introduced (Regulation 7A).

(11) Schedule 15, which sets out the Air Navigation (Dangerous Goods) Regulations, is amended in the following major respects: the definition of “Technical Instructions” has been updated to refer to the latest English language edition which took effect on 1 January 1995 (Regulation 1(2)); a person who causes dangerous goods to be carried by air is required to comply with the Technical Instructions and to ensure that the package is in a fit condition for carriage by air when he knows or ought to know or suspects that he is dealing with goods which are capable of posing a significant risk to health, safety or property, when carried by air (Regulation 3(2)); a shipper of dangerous goods must furnish the operator of the aircraft with certain additional documents of approval referred to in the Technical Instructions (Regulation 4(3)); an operator must within a reasonable time after being requested to do so by an authorised person produce any documents which relate to dangerous goods in respect of which an authorised person has reasonable grounds to suspect do not comply with the regulations (Regulation 9(e)); an authorised person may examine, seize, retain or detain, and dispose of, any goods, baggage, package or sample taken from any goods, baggage, or package which he has reasonable grounds to suspect may contain goods which do not comply with the provisions of the Regulations (Regulation 10A).