

2003 No. 777

CIVIL AVIATION

The Air Navigation (Amendment) Order 2003

Made - - - - - 20th March 2003

Laid before Parliament 1st April 2003

Coming into force - - 22nd April 2003

At the Court at Buckingham Palace the 20th day of March 2003

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of, and Schedule 13 to, the Civil Aviation Act 1982(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2003 and shall come into force on 22nd April 2003.

Amendment of the Air Navigation Order 2000

2. The Air Navigation Order 2000(b) shall be amended as follows.

Permits to fly

3.—(1) For article 8(2)(e) there shall be substituted:

“an aircraft flying in accordance with a permit to fly issued by the CAA under article 9A of this Order or with a certificate of validation issued by the CAA under article 9B of this Order.”

(2) After article 9 there shall be inserted:

“Issue renewal etc of permits to fly

9A.—(1) (a) Subject to sub-paragraph (b) the CAA shall issue in respect of any aircraft a permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(b) The CAA shall refuse to issue a permit to fly in respect of an aircraft if it appears to the CAA that the aircraft is eligible for and ought to fly under and in accordance with a certificate of airworthiness.

(a) 1982 c. 16; section 60 has been amended by the Airports Act 1986 (c. 31) Schedule 6 Part II, and by the Aviation and Maritime Security Act 1990 (c. 31), section 47 and Schedule 4.

(b) S.I. 2000/1562, amended by S.I. 2001/397.

- (2) (a) Subject to sub-paragraph (c), an aircraft flying in accordance with a permit to fly pursuant to article 8(2)(e) shall not fly for the purpose of public transport or aerial work other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.
- (b) No person shall be carried during flights for the purpose of flying displays or demonstration flying, except the minimum flight crew unless the prior permission of the CAA has been obtained.
- (c) With the permission of the CAA, an aircraft flying in accordance with a permit to fly pursuant to article 8(2)(e) may fly for the purpose of aerial work which consists of the giving of instruction in flying or the conduct of flying tests, subject to the aircraft being owned or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(3) The CAA may issue the permit to fly subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

(4) Subject to this article and article 81 of this Order, a permit to fly issued under this article shall remain in force for such periods as may be specified therein and may be renewed from time to time by the CAA for such further period as it thinks fit.

- (5) A permit to fly issued in respect of an aircraft shall cease to be in force:
 - (a) if any conditions associated with the permit are not complied with;
 - (b) until the completion of any inspection, modification or maintenance of the aircraft or any of its equipment, required for ascertaining whether the aircraft remains airworthy and:
 - (i) classified as mandatory by the CAA; or
 - (ii) required as a condition of the permit to fly;
 - (c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair, or modification has been approved by the CAA or by a person approved by the CAA for the purpose;
 - (d) unless the permit includes a current certificate of validity issued by the CAA or by a person approved by the CAA for the purpose.

(6) A placard shall be affixed to any aircraft flying in accordance with a permit to fly in full view of the occupants which shall be worded as follows:

“Occupant Warning

This aircraft has not been certificated to an International Requirement”

(7) An aircraft flying in accordance with a permit to fly shall only be flown by day and in accordance with the Visual Flight Rules unless the prior permission of the CAA has been obtained.

(8) Nothing in this Order shall oblige the CAA to accept an application for the issue, variation or renewal of a permit to fly when the application is not supported by such reports from such approved persons as the CAA may specify (either generally or in a particular case or class of cases).

(9) A permission granted for the purpose of paragraphs (2)(b), (2)(c) or (7) and an approval granted for the purpose of paragraph (5)(c) or (5)(d) shall be in writing and may be granted subject to such conditions as the CAA thinks fit.

Issue etc of certificates of validation of permits to fly or equivalent documents

9B.—(1) The CAA shall issue in respect of any aircraft registered elsewhere than the United Kingdom a certificate of validation if it is satisfied that there is in respect of the aircraft a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered which applies standards which are substantially equivalent to those required for the issue of a permit to fly by the CAA.

(2) An aircraft flying in accordance with a certificate of validation pursuant to article 8(2)(e) shall not fly for the purpose of public transport or aerial work other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(3) The CAA may issue a certificate of validation subject to such other conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

(4) Subject to this article and article 81 of this Order, a certificate of validation issued under this article shall remain in force for such periods as may be specified therein and may be renewed from time to time by the CAA for such further period as it thinks fit.”.

Self-sustaining gliders

4.—(1) After Article 54 there shall be inserted:

“Operation of self-sustaining gliders

54A. A self-sustaining glider shall not take-off under its own power.”.

(2) In Article 129 after the definition of “General lighthouse authority” there shall be inserted:

“ ‘Glider’ means:

- (i) a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight; and
- (ii) a self-sustaining glider;

and a reference in this Order to a glider shall include a reference to a self-sustaining glider;”.

(3) In Article 129 after the definition of “Self-launching motor glider” there shall be inserted:

“ ‘Self-sustaining glider’ means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;”.

Carriage of secondary surveillance radar equipment with a pressure altitude reporting transponder

5.—(1) In Schedule 5, paragraph 2 after sub-paragraph (1)(c) in the column headed “Aircraft and circumstances of flight” there shall be inserted “(d) when flying for the purpose of public transport on and after 1st January 2004” and adjacent thereto in the column headed “Scale of equipment required” there shall be inserted “E*”.

(2) In Schedule 5, paragraph 2 after sub-paragraph (4)(a) in the column headed “Aircraft and circumstances of flight” there shall be inserted “(aa) when flying for the purpose of public transport on and after 1st January 2004” and adjacent thereto in the column headed “Scale of equipment required” there shall be inserted “E*”.

(3) In Schedule 5 paragraph 3 for “*Scale E* Secondary surveillance radar equipment” there shall be substituted

“

Scale E

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.”.

(4) In Schedule 5, paragraph 4 after sub-paragraph (5) there shall be inserted:

“(6) “Mode A” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a 4 digit identity code;

(7) “Mode C” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance.”.

Drafting change

6. In Schedule 8 Part A Section 3 in the Privileges and conditions of the National Private Pilot's Licence (Aeroplanes) in paragraph (2)(d) the words "on a flight outside controlled airspace" shall be omitted.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation Order 2000 ("the ANO"). In addition to a drafting amendment the following changes are made:

(1) The manner in which the CAA may issue a permit to fly or issue a certificate of validation in respect of a permit to fly issued by another state is specified. The CAA shall refuse to issue a permit to fly in respect of an aircraft if it appears that the aircraft is eligible for the issue of a certificate of airworthiness. An aircraft with a permit to fly shall not fly for the purpose of public transport or aerial work other than aerial work connected with flying displays and demonstration flights. No persons may be carried during flying display or demonstration flight other than minimum flight crew except with the permission of the CAA. With the permission of the CAA an aircraft with a permit may fly for the purpose of aerial work which consists of the giving of instruction or flying or the conduct of flying tests within a club environment. A permit to fly shall cease to be in force until the completion of an inspection, modification or maintenance mandated by the CAA. A permit aircraft must have a placard visible to its occupants stating that the aircraft has not been certificated to an international requirement. A permit aircraft may fly only by day and in accordance with the visual flight rules unless the prior permission of the CAA has been obtained (article 3).

(2) Simple engines and propellers have been fitted to some gliders thereby affording the ability to sustain flight in the absence of atmospheric lift. Such aircraft are known as self-sustaining gliders. For the avoidance of doubt, the definition of glider is amended to include self-sustaining gliders. A self-sustaining glider is not permitted to take off under its own power (article 4).

(3) All aircraft flying within the United Kingdom for the purpose of public transport and all aircraft registered in the United Kingdom flying for the purpose of public transport wherever they are, are required to be fitted with secondary surveillance radar equipment which includes a pressure altitude reporting transponder by 1st January 2004 (article 5).

Regulatory impact assessments have been prepared in connection with this Order. They have been placed in the libraries of each of the Houses of Parliament. Copies of the same can be obtained from the Secretary and Legal Adviser, Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE.

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