
STATUTORY INSTRUMENTS

2005 No. 1970

The Air Navigation Order 2005

PART 13

Aerodromes, Aeronautical Lights and Dangerous Lights

Aerodromes—public transport of passengers and instruction in flying

126.—(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 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) Subject to paragraph (4), paragraph (1) applies to—

- (a) any aeroplane of which the maximum total weight authorised exceeds 2,730 kg flying on a flight—
 - (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, a night rating or a night qualification 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) any aeroplane of which the maximum total weight authorised does not exceed 2,730 kg flying on a flight—
 - (i) which is a scheduled journey for the purpose of the public transport of passengers;
 - (ii) for the purpose of the public transport of passengers beginning and ending at the same aerodrome;
 - (iii) 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, a night rating or a night qualification 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, a night rating or a night qualification in a licence; or
 - (iv) for the purpose of the public transport of passengers at night;
- (c) any helicopter or gyroplane flying on a flight specified in sub-paragraph (b)(i) or (iii); and

- (d) any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying.
- (3) Subject to paragraph (4)—
 - (a) the person in charge of any area in the United Kingdom intended to be used for the take off or landing of helicopters at night other than such a place as is specified in paragraph (1) 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) applies unless there is in operation such lighting.
- (4) Paragraph (1) shall not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Use of Government aerodromes

127. With the concurrence of the Secretary of State, the CAA may cause to be notified subject to such conditions as it thinks fit, 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

128.—(1) The CAA shall grant a licence in respect of any aerodrome in the United Kingdom if it is satisfied that—

- (a) the applicant 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 under paragraph (6) is adequate.
- (2) If the applicant so requests or if the CAA 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 in addition to any other conditions which it may impose 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.
- (3) The holder of an aerodrome licence granted under this Order (in this article called “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.

(4) 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 an aircraft flying on a flight specified in article 126(2), but the licence shall not cease to be valid by reason only of such a contravention.

(5) 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.

(6) Upon making an application for an aerodrome licence the applicant shall submit to the CAA an aerodrome manual for that aerodrome.

(7) An aerodrome manual required under 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 13.

(8) Every aerodrome licence holder shall—

- (a) furnish to the CAA any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the CAA 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.

(9) 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.

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

- (a) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and
- (b) 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 39 of the Rules of the Air Regulations 1996(1), the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

Charges at aerodromes licensed for public use

129. 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

130. 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 of its air navigation facilities 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

131.—(1) The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, 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.

(2) Section 77(2) of the Civil Aviation Act 1982 shall apply to any aerodrome in relation to which the Secretary of State has prescribed conditions in accordance with paragraph (1).

Aeronautical lights

132.—(1) Except with the permission of the CAA and in accordance with any conditions 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; 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) 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 CAA shall not give its permission for the purpose of this article except with the consent of that authority.

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

Lighting of en-route obstacles

133.—(1) For the purposes of this article, an “en-route obstacle” means any building, structure or erection which is 150 metres or more above ground level, but it does not include a building, structure or erection—

- (a) which is in the vicinity of a licensed aerodrome; and
- (b) to which section 47 of the Civil Aviation Act 1982 applies.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) Subject to paragraph (4), the person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this article shall be displayed.

(4) In the event of the failure of any light which is required by this article to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the CAA may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(7) This article shall not apply to any en-route obstacle in respect of which the CAA has granted a permission for the purposes of this article to the person in charge.

(8) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

Lighting of wind turbine generators in United Kingdom territorial waters

134.—(1) This article shall apply to any wind turbine generator which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea and the height of which is 60 metres or more above the level of the sea at the highest astronomical tide.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator to which this article applies shall ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) Where four or more wind turbine generators to which this article applies are located together in the same group, with the permission of the CAA only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) The light or lights required by paragraph (2) shall, subject to paragraph (5), be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light shall be elevated to between 3 and 4 degrees above the horizontal plane;
- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type shall be visible at the horizontal plane;
- (c) not more than 10% of the minimum peak intensity specified for a light of this type shall be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) The person in charge of a wind turbine generator to which this article applies shall—

- (a) subject to sub-paragraph (b) ensure that by night, any light required to be fitted by this article shall be displayed;
- (b) in the event of the failure of the light which is required by this article to be displayed by night, repair or replace the light as soon as is reasonably practicable.

(7) When visibility in all directions from every wind turbine generator to which this article applies in a group is more than 5 km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(8) In any particular case the CAA may direct that a wind turbine generator to which this article applies shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(9) This article shall not apply to any wind turbine generator in respect of which the CAA has granted a permission for the purposes of this article to the person in charge.

(10) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

(11) In this article—

- (a) “wind turbine generator” is a generating station which is wholly or mainly driven by wind;
- (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and

- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—
 - (i) it is within 2 km of that other wind turbine generator; or
 - (ii) it is within 2 km of a wind turbine generator which is in the same group as that other wind turbine generator.

Dangerous lights

135.—(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 CAA to be such a light as aforesaid is exhibited the CAA may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has 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 CAA under this article shall not be exercised except with the consent of that authority.

Customs and Excise aerodromes

136.—(1) The Secretary of State may, with the concurrence of the Commissioners of Revenue and Customs 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 Revenue and Customs, by order revoke any designation so made.

Aviation fuel at aerodromes

137.—(1) Subject to paragraph (2), 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; and
- (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.

(2) Paragraph (1) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom paragraph (1) 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 CAA 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.

(4) 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.

(5) If it appears to the CAA or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the CAA 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 CAA or by an authorised person.

(6) In this article—

- (a) “aviation fuel” means fuel intended for use in aircraft; and
- (b) “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.