STATUTORY INSTRUMENTS

2005 No. 1970

The Air Navigation Order 2005

PART 14

General

Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom

138.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in the United Kingdom where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless—

(a) it does so with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject; or

(b) it is exercising traffic rights permitted by virtue of Council Regulation 2408/92 [M1] on access for Community air carriers to intra-Community air routes (as that Regulation has effect in accordance with the EEA Agreement [M2] as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 [M3]).

(2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

Marginal Citations

M1 O.J. No. L 240, 24.8.92, p. 8.

M2 Cm 2073 and 2183.

M3 Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: O.J. No. L 160, 28.6.94, p. 1.

Filing and approval of tariffs

139.—(1) Where a permission granted under article 138(1) contains a tariff provision, the operator or charterer of the aircraft concerned shall file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it.

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

(a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 138(1) relates;

(b) any additional goods, services or other benefits to be provided in connection with such carriage;

(c) the prices, if any, to be charged for any such additional goods, services or benefits; and

(d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

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

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

Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the United Kingdom

140.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not fly over the United Kingdom for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

Flights over any foreign country

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

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

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

(a) the flight has not been duly authorised; or

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country;

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

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

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

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

Mandatory reporting of occurrences

142.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This article shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Without prejudice to the generality of paragraph (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation [M4].

(5) Every person listed below shall report to the CAA any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to his attention in the exercise of his functions—

(a) the operator and the commander of a turbine-powered aircraft which has a certificate of airworthiness issued by the CAA;

(b) the operator and the commander of an aircraft operated under an air operator's certificate granted by the CAA;

(c) a person who carries on the business of manufacturing a turbine-powered or a public transport aircraft, or any equipment or part thereof, in the United Kingdom;

(d) a person who carries on the business of maintaining or modifying a turbine-powered aircraft , which has a certificate of airworthiness issued by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;

(e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;

(f) a person who signs an airworthiness review certificate, or a certificate of release to service in respect of a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;

(g) a person who signs an airworthiness review certificate, or a certificate of release to service in respect of an aircraft, operated under an air operator's certificate granted by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;

(h) a person who performs a function which requires him to be authorised by the CAA as an air traffic controller or as a flight information service officer;

(i) a licensee and a manager of a licensed aerodrome or a manager of an airport to which Council Regulation (EEC) No. 2408/92 of 23rd July 1992 on access for Community air carriers to intra-Community air routes [M5] applies;

(j) a person who performs a function in respect of the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilized by a person who provides an air traffic control service under an approval issued by the CAA;

(k) a person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport to which Council Regulation (EEC) No. 2408/92 of 23rd July 1992 on access for Community air carriers to intra-Community air routes applies.

(6) Reports of occurrences shall be made within such time, by such means and containing such information as may be prescribed and shall be presented in such form as the CAA may in any particular case approve.

(7) A person listed in paragraph (5) shall make a report to the CAA within such time, by such means, and containing such information as the CAA may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to an occurrence which has been reported by him or another person to the CAA in accordance with this article.

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

(9) The CAA shall put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).

(10) The CAA shall store in its databases the reports which it has collected of occurrences, accidents and serious incidents.

(11) The CAA shall make all relevant safety-related information stored in the databases mentioned in paragraph (10) available to the competent authorities of the other Member States and the Commission.

(12) The CAA shall ensure that the databases referred to in paragraph (10) are compatible with the software developed by the European Commission for the purpose of implementing Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation.

(13) The CAA, having received an occurrence report, shall enter it into its databases and notify, whenever necessary: the competent authority of the Member State where the occurrence took place; where the aircraft is registered; where the aircraft was manufactured, and where the operator's air operator's certificate was granted.

(14) The CAA shall provide any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the Community with access to information on occurrences collected and exchanged in accordance with paragraphs (9) to (13) to enable it to draw the safety lessons from the reported occurrences.

(15) The CAA and the Chief Inspector of Air Accidents shall use any information received in accordance with the terms of this article solely for the purposes set out in this article.

(16) The names or addresses of individual persons shall not be recorded on the databases referred to in paragraph (10).

(17) Without prejudice to the rules of criminal law, no proceedings shall be instituted in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported under this article as required by Article 4 of Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation, except in cases of gross negligence.

(18) The provisions in paragraphs (15) to (17) shall apply without prejudice to the right of access to information by judicial authorities.

(19) The CAA shall put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.

(20) Voluntary reports presented to the CAA under paragraph (19) shall be subjected to a process of disidentification by it where the person making the report requests that his identity is not recorded on the databases.

(21) The CAA shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

Marginal Citations

M4 O.J. No. L167, 4.7.2003 p. 23.

M5 O.J. No. L240, 24.8.1992, p. 8.

Mandatory reporting of birdstrikes

143.—(1) Subject to the provisions of this article, the commander of an aircraft shall make a report to the CAA of any birdstrike occurrence which occurs whilst the aircraft is in flight within the United Kingdom.

(2) The report shall be made within such time, by such means and shall contain such information as may be prescribed and it shall be presented in such form as the CAA may in any particular case approve.

(3) Nothing in this article shall require a person to report any occurrence which he has reported under article 142 or which he has reason to believe has been or will be reported by another person to the CAA in accordance with that article.

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

(5) In this article "birdstrike occurrence" means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

Power to prevent aircraft flying

144.—(1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown—

(a) in such circumstances that any provision of article 3, 5, 6, 8, 25, 26, 43, 62, 69, 70 or 75(2) would be contravened in relation to the flight;

(b) in such circumstances that the flight would be in contravention of any other provision of this Order, of any regulations made thereunder or of Part 21, 145 or M and be a cause of danger to any person or property whether or not in the aircraft; or

(c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made thereunder or of Part 21, 145 or M;

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

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

(3) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of article 138, 140 or 141 would be contravened in relation to the flight, the Secretary of State or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State or any authorised person may take such steps as are necessary to detain the aircraft.

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

Right of access to aerodromes and other places

145.—(1) Subject to paragraph (2), the CAA and any authorised person shall have the right of access at all reasonable times—

(a) to any aerodrome for the purpose of inspecting the aerodrome;

(b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;

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

(d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 124 is situated for the purpose of inspecting—

(i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or

(ii) any document or record which it or he has power to demand under this Order.

(2) Access to a Government aerodrome shall only be obtained with the permission of the person in charge of the aerodrome.

Obstruction of persons

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

Directions

147.—(1) Where any provision of this Order or any regulations made thereunder gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.

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

Penalties

148.—(1) If any provision of this Order, or any regulations made thereunder or of Part 21, 145 or M is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 138, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, or any regulations made thereunder or of Part 21, 66, 145, 147 or M was due to any cause not avoidable by the exercise of reasonable care

by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or any regulations made thereunder or of Part 21, 66, 145, 147 or M not being a provision referred to in paragraph (5), (6) or (7), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person contravenes any provision specified in Part A of Schedule 14 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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

(7) If any person contravenes any provision specified in Part C of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine or imprisonment for a term not exceeding five years or both.

Extra-territorial effect of the Order [M6]

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

(a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the United Kingdom, shall apply to such aircraft wherever they may be;

(b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation;

(c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be;

(d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the United Kingdom by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and

(e) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft on or in the neighbourhood of an offshore installation, shall apply to every person irrespective of his nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 [M7] that that person shall not be guilty of an offence.

Marginal Citations

M6 Paragraph 6 of Part III of Schedule 13 to the Civil Aviation Act 1982 authorises the inclusion in an Air Navigation Order of certain extra-territorial provisions.

M7 1948 c. 56. Section 3(1) limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies.

Aircraft in transit over certain United Kingdom territorial waters

150.—(1) Where an aircraft, not being an aircraft registered in the United Kingdom, is flying over the territorial waters adjacent to the United Kingdom within part of a strait referred to in paragraph (4) solely for the purpose of continuous and expeditious transit of the strait, only the following articles and Schedules shall apply to that aircraft: article 20 and Schedule 5, to the extent necessary for the monitoring of the appropriate distress radio frequency, article 95(2), (3) and (4), together with the regulations made thereunder, article 148, article 153 and Part A of Schedule 14.

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

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

(4) The parts of the straits to which this article applies are specified in Schedule 15.

Application of Order to British-controlled aircraft registered elsewhere than in the United Kingdom

151. The CAA may direct that such of the provisions of this Order and of any regulations made or having effect thereunder as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction, being an aircraft registered elsewhere than in the United Kingdom but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

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

152.—(1) Subject to the provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

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

(5) Save as otherwise provided by paragraph (6), article 80(5) and (12), article 81(3), article 95(1)(a) and article 131, nothing in this Order shall apply to or in relation to any military aircraft.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or

as a member of a visiting force or international headquarters, the following provisions of this Order shall apply on the occasion of that flight, that is to say, articles 73, 74, 75 and 96 and in addition article 95 (so far as applicable) shall apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exemption from Order

153. The CAA may exempt from any of the provisions of this Order (other than article 85, 87, 93, 138, 139, 140, 141 or 154) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

Appeal to County Court or Sheriff Court

154.—(1) Subject to paragraphs (2), (3) and (4), an appeal shall lie to a county court from any decision of the CAA that a person is not a fit person to hold a licence to act as—

(a) an aircraft maintenance engineer;

(b) a member of the flight crew of an aircraft;

(c) an air traffic controller;

(d) a student air traffic controller; or

(e) a flight information service officer;

and if the court is satisfied that on the evidence submitted to the CAA it was wrong in so deciding, the court may reverse the CAA's decision and the CAA shall give effect to the court's determination.

(2) An appeal shall not lie from a decision of the CAA that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(3) If the appellant resides or has his registered or principal office in Scotland the appeal shall lie to the sheriff within whose jurisdiction he resides and the appeal shall be brought within 21 days from the date of the CAA's decision or within such further period as the sheriff may in his discretion allow.

(4) Notwithstanding any provision to the contrary in rules governing appeals to a county court in Northern Ireland, if the appellant resides or has his registered or principal office in Northern Ireland the appeal shall lie to the county court held under the County Courts (Northern Ireland) Order 1980 [M8].

(5) The CAA shall be a respondent to any appeal under this article.

(6) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision shall be deemed to have been taken on the date on which the CAA furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

(7) In the case of an appeal to the sheriff—

(a) the sheriff may, if he thinks fit, and shall on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor, but where it is proposed to appoint any person as an assessor objection to him either personally or in respect of his qualification may be stated by any party to the appeal and shall be considered and disposed of by the sheriff;

(b) the assessors for each sheriffdom shall be appointed from a list of persons approved for the purposes by the sheriff principal and such a list—

(i) shall be published in such manner as the sheriff principal shall direct; and

(ii) shall be in force for 3 years only, but persons entered in any such list may be again approved in any subsequent list; it shall be lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in his sheriffdom;

(c) the sheriff before whom an appeal is heard with the assistance of an assessor shall make a note of any question submitted by him to such assessor and of the answer thereto;

(d) an appeal shall lie on a point of law from any decision of a sheriff under this article to the Court of Session.

Marginal Citations

M8 S.I. 1980/397 (N.I. 3).

Interpretation

155.—(1) In this Order—

"A Conditions" means the conditions so entitled set out in paragraph 1 of Part A of Schedule 3;

"Accident prevention and flight safety programme" means a programme designed to detect and eliminate or avoid hazards in order to improve the safety of flight operations;

"Aerial work" has the meaning assigned to it by article 157;

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

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

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

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

"Aerodrome control service" means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface or any aircraft transferred from approach control in accordance with procedures approved by the CAA;

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

"Aerodrome traffic zone" has the meaning assigned to it by article 156;

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

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

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

"Air control" means an aerodrome control service excluding that part of the aerodrome control service provided by ground movement control;

"Air/ground communications service" means a service provided from an aerodrome to give information to pilots of aircraft flying in the vicinity of the aerodrome by means of radio signals and `air/ground communications service unit' shall be construed accordingly;

"Air traffic control service" means the giving of instructions, advice or information by means of radio signals to aircraft in the interests of safety;

"Air traffic control unit" means a person appointed by a person maintaining an aerodrome or place to provide an air traffic control service;

"Air traffic service equipment" means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding—

(a) any public electronic communications network; and

(b) any equipment in respect of which the CAA has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of articles 124 and 125;

"Air transport undertaking" means an undertaking whose business includes the undertaking of flights for the purpose of the public transport of passengers or cargo;

"Alternate aerodrome" means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

"Altitude hold and heading mode" mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

"Annual costs" in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

"Annual flying hours" means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

"Approach control service" means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

"Approach to landing" means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;

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

"Appropriate air traffic control unit" means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the context requires;

"Apron" means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

"Area control centre" means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

"Area control service" means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone;

"Area navigation equipment" means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

"Authorised person" means—

(a) any constable;

(b) in article 144(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and

(c) in article 144(1) and (2) and in any article other than article 144, any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"B Conditions" means the conditions so entitled set out in paragraph 2 of Part A of Schedule 3;

"Basic EASA Regulation" means Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency [M9];

"Beneficial interest" includes interests arising under contract and other equitable interests;

"Cabin crew" in relation to an aircraft means those persons on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

"British protected person" has the same meaning as in section 50 of the British Nationality Act 1981 [M10];

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

"Captive flight" means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

"Cargo" includes mail and (for the avoidance of doubt) animals;

"Certificate of airworthiness" includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

"Certificate of maintenance review" has the meaning assigned to it by article 14(1)(b);

"Certificate of release to service issued under Part 145" means a certificate of release to service issued in accordance with Part 145;

"Certificate of release to service issued under this Order" means a certificate issued by a person specified in article 16(11) which conforms with article 16(10);

"Certificate of revalidation" means a certificate issued in accordance with Section 2 of Part C of Schedule 8 for the purpose of maintaining the privileges of a flight crew licence;

"Certificate of validation" means a certificate issued by the CAA rendering valid for the purposes of this Order a certificate of airworthiness or a permit to fly issued in respect of an aircraft registered elsewhere than in the United Kingdom or a flight crew licence granted under the law of a country other than the United Kingdom;

"Certificate of validity" means a certificate issued under article 11(6)(d) for the purpose of maintaining the validity of a permit to fly issued by the CAA;

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

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

(b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft or the related flight manual;

(c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft or the related flight manual; or

(d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the CAA, that permit to fly;

"Class A airspace", "Class B airspace", "Class C airspace", "Class D airspace" and "Class E airspace" mean airspace respectively notified as such;

"Class rating" in respect of aeroplanes has the meaning specified in paragraph 1.220 of Section 1 of JAR-FCL 1;

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

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

"the Commonwealth" means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 [M11] and all other territories forming part of Her Majesty's dominions or in which Her Majesty has jurisdiction and `Commonwealth citizen' shall be construed accordingly;

"Competent authority" means, subject to article 167 in relation to the United Kingdom, the CAA, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

"Conditional sale agreement" has the same meaning as in section 189 of the Consumer Credit Act 1974 [M12];

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

"Contracting State" means any State (including the United Kingdom) which is party to the Chicago Convention;

"Controllable balloon" means a balloon, not being a small balloon, which is capable of free controlled flight;

"Controlled airspace" means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

"Control area" means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

"Control zone" means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

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

"Country" includes a territory;

"Crew" means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew under article 42(3) or a member of the cabin crew;

"Critical power unit" means the power unit whose failure would most adversely affect the performance or handling qualities of an aircraft;

"Danger Area" means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

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

"Declared distances" has the meaning which has been notified;

"Designated required navigation performance airspace" means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

"Direct costs" means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

"Director" has the same meaning as in section 53(1) of the Companies Act 1989 [M13];

"Disidentification" means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;

"EASA" means the European Aviation Safety Agency;

"EASA aircraft" means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

"EASA certificate of airworthiness" means a certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

"EASA permit to fly" means a permit to fly issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

"EASA restricted certificate of airworthiness" means a restricted certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

"European Aviation Safety Agency" means the Agency established under the Basic EASA Regulation;

"Flight" and "to fly" have the meanings respectively assigned to them by paragraph (2);

"Flight check" means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

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

"Flight data monitoring programme" means a programme of analysing recorded flight data in order to improve the safety of flight operations;

"Flight information service" means—

(a) in the case of an aerodrome—

(i) the giving of information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and

(ii) the grant or refusal of a permission under Rule 35 or 36(2) of the Rules of the Air Regulations 1996 [M14];

(b) in the case of an area control centre, the giving of information by means of radio signals to aircraft;

and "aerodrome flight information service" shall be construed accordingly;

"Flight information service unit" means a person appointed by the CAA or by any other person maintaining an aerodrome or area control centre to provide a flight information service and

"aerodrome flight information service unit" shall be construed accordingly;

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

"Flight manual" means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

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

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

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

"Flying display" means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

"Flying machine" means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

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

"Free controlled flight" means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

"General lighthouse authority" has the same meaning as in section 193 of the Merchant Shipping Act 1995 [M15];

"Glider" means—

(a) 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;

(b) a self-sustaining glider; and

(c) a self-propelled hang-glider;

and a reference in this Order to a glider shall include a reference to a self-sustaining glider and a self-propelled hang-glider;

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

"Ground movement control" means that part of an aerodrome control service provided to an aircraft while it is on the manoeuvring area or apron of an aerodrome;

"Hire-purchase agreement" has the same meaning as in section 189 of the Consumer Credit Act 1974;

"Holding" means, in respect of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

Instructor's rating" means a flying instructor's rating, an assistant flying instructor's rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

"Instrument Flight Rules" means Instrument Flight Rules prescribed by Section VI of the Rules of the Air Regulations 1996 [M16];

"Instrument Landing System" means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft's position relative to a defined approach path whilst carrying out an approach to land;

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

"International headquarters" means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964 [M17];

"JAA" means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

"JAA Full Member State" means a State which is a full member of the JAA;

"JAA licence" means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State in accordance with a procedure which has been assessed as satisfactory following an inspection by a licensing and a medical standardisation team of the JAA;

"JAR-FCL 1" means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st July 2003;

"JAR-FCL 2" means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

"JAR-FCL licence" means a licence included in Section 2 of Part A of Schedule 8;

"JAR-OPS 1" means the Joint Aviation Requirement of the JAA bearing that title including Amendment 7 adopted by the JAA on 1st September 2004;

"JAR-OPS 3" means the Joint Aviation Requirement of the JAA bearing that title including Amendment 4 adopted by the JAA on 1st April 2004;

"Kg" means kilogramme or kilogrammes as the context requires;

"Km" means kilometre or kilometres as the context requires;

"To land" in relation to aircraft includes alighting on the water;

"Landing Decision Point" means the latest point in the course of a landing at which, following recognition of a power unit failure, the helicopter will be able to safely abort the landing and perform a go-around;

"Large rocket" means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

"Legal personal representative" means the person so constituted executor, administrator, or other representative, of a deceased person;

"Let down" means, in respect of an aircraft approaching an aerodrome to land a defined procedure designed to enable an aircraft safely to descend to a point at which it can continue the approach visually;

"Licence" in relation to a flight crew licence includes any certificate of competency or certificate of validity or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

"Licence for public use" has the meaning assigned to it by article 128(2);

"Licensed aerodrome" means an aerodrome licensed under this Order;

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

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

"Maintenance" means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

"Manoeuvring area" means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

"Maximum approved passenger seating configuration" means—

(a) in the case of an aircraft to which article 38 applies the maximum approved passenger seating configuration specified in the operations manual of the aircraft; and

(b) in any other case, the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

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

"Medical attendant" means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

"Medium intensity steady red light" means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

"Microlight aeroplane" means an aeroplane designed to carry not more than two persons which has—

(a) a maximum total weight authorised not exceeding—

  (i) 300 kg for a single seat landplane, (or 390 kg for a single seat landplane in respect of which a permit to fly or certificate of airworthiness issued by the CAA was in force prior to 1st January 2003);

(ii) 450 kg for a two seat landplane;

(iii) 330 kg for a single seat amphibian or floatplane; or

(iv) 495 kg for a two seat amphibian or floatplane; and

(b) a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

"Microwave Landing System" means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft's position within a defined volume of airspace whilst carrying out an approach to land;

"Military aircraft" means the naval, military or air force aircraft of any country and—

(a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

"Military rocket" means—

(a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(b) any rocket in respect of which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;

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

"Multi-crew co-operation" means the functioning of the flight crew as a team of co-operating members led by the pilot in command;

"National certificate of airworthiness" means a certificate of airworthiness issued under and in accordance with Part 3 of this Order and which is not an EASA certificate of airworthiness;

"National permit to fly" means a permit to fly issued under and in accordance with Part 3 of this Order and which is not an EASA permit to fly;

"Nautical mile" means the International Nautical Mile, that is to say, a distance of 1,852 metres;

"Night" means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

"Non-EASA aircraft" means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite shall be construed accordingly;

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

"Non-revenue flight" means—

(a) in the case of a flight by an aeroplane, any flight which the holder of a United Kingdom Private Pilot's Licence (Aeroplanes) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8;

(b) in the case of a flight by a helicopter, any flight which the holder of a United Kingdom Private Pilot's Licence (Helicopters) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8; and

(c) in the case of a flight by a gyroplane, any flight which the holder of a United Kingdom Private Pilot's Licence (Gyroplanes) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8;

"North Atlantic Minimum Navigation Performance Specification airspace" means the airspace prescribed as such;

"Notified" means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled "United Kingdom Notam" or "Air Pilot" and for the time being in force;

"Notified aerodrome" means an aerodrome which is notified for the purposes of rule 39 of the Rules of the Air Regulations 1996 [M18];

"Obstacle limitation surfaces" has the same meaning as in the document entitled "CAP 168 Licensing of aerodromes" published by the CAA in May 2004;

"Occurrence" means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 [M19];

"Offshore service" means an air traffic control service for any aircraft flying to or from offshore oil and gas installations and for other aircraft operating in the vicinity of these aircraft in airspace specified for this purpose in the manual of air traffic services;

"Operating staff" means the servants and agents employed by an operator an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

"Operational position" means a position provided and equipped for the purpose of providing a particular type of air traffic control service;

"Operator" has the meaning assigned to it by paragraph (3);

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

"Part 21" means the annex so entitled to Commission Regulation (EC) No. 1702/2003[M20];

"Part 66" means annex III so entitled to Commission Regulation (EC) No. 2042/2003[M21];

"Part 145" means annex II so entitled to Commission Regulation (EC) No. 2042/2003;

"Part 147" means annex IV so entitled to Commission Regulation (EC) No. 2042/2003;

"Part M" means annex I so entitled to Commission Regulation (EC) No. 2042/2003;

"Passenger" means a person other than a member of the crew;

"Performance Class 1 operations" means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the power unit failure recognition occurs during take-off at or prior to reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

"Performance Class 2 operations" means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight to an appropriate landing area or, where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

"Performance Class 3 operations" means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

"Period of duty" means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;

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

"Police air operator's certificate" means a certificate granted by the CAA under article 7(4);

"Police authority" means a Chief Officer of police for any area of England or Wales, a Chief Constable for any area of Scotland and the Chief Constable of the Northern Ireland Police Service;

"Police officer" means any person who is a member of a police force or of the Northern Ireland Police Service (including, for the avoidance of doubt, the Northern Ireland Police Service Reserve), and any special constable;

"Pre-flight inspection" means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

"Precision approach" means an instrument approach using an Instrument Landing System, Microwave Landing System or precision approach radar for guidance in both azimuth and elevation;

"Precision approach radar" means radar equipment designed to enable an air traffic controller to determine accurately an aircraft's position whilst it is carrying out an approach to land so that the air traffic controller can provide instructions and guidance to the pilot to enable him to manoeuvre the aircraft relative to a defined approach path;

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

"Private aircraft" means an aircraft which is neither an aerial work nor a public transport aircraft;

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

"Proficiency check" has the meaning specified in paragraph 1.001 of Section 1 of JAR- FCL 1 in respect of aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 in respect of helicopters;

"Public electronic communications network" has the same meaning as in section 151 of the Communications Act 2003 [M22];

"Public transport" has the meaning assigned to it by article 157;

"Public transport aircraft" means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

"Record" has the same meaning as in section 81(6) of the Transport Act 2000 [M23];

"Reduced vertical separation minimum airspace" means any airspace between flight level 290 and flight level 410 inclusive designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1,000 feet or 300 metres shall be applied;

"Released flight" means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

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

"Replacement" in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be

removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

"Rocket" means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

"Runway visual range" in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in—

(a) the vicinity of the touchdown zone; or

(b) where this is not reasonably practicable, in the vicinity of the midpoint of the runway;

and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

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

"Seaplane" has the same meaning as in section 97 of the Civil Aviation Act 1982;

"Sector" means part of the airspace controlled from an area control centre or other place;

"Self-launching motor glider" means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

"Self-propelled hang-glider" means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

(a) is foot launched;

(b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;

(c) carries a maximum of two persons;

(d) has a maximum fuel capacity of 10 litres; and

(e) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft;

"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;

"Simple single engine aeroplane" means for the purposes of the National Private Pilot's Licence a single engine piston aeroplane with a maximum take off weight authorised not exceeding 2,000 kg and which is not a microlight aeroplane or a self-launching motor glider;

"Skill test" has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1 in respect of aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 in respect of helicopters;

"SLMG" means a self-launching motor glider;

"Small aircraft" means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

"Small balloon" means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

"Small rocket" means a rocket of which the total impulse of the motor or combination of motors does not exceed 10,240 Newton-seconds;

"Special tasks service" means an air traffic control service—

(a) for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems which is not flying in accordance with normal aviation practice; and

(b) for other aircraft in the vicinity of any such aircraft;

"Special VFR flight" means a flight which is a special VFR flight for the purposes of the Rules of the Air Regulations 1996 [M24];

"State aircraft" means an aircraft engaged in military, customs, police or similar services;

"State of design" means the State having jurisdiction over the organisation responsible for the type design of an aircraft;

"State of the operator" means the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where—

(a) that aircraft is registered in another Contracting State;

(b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;

(c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of article 8(1), airworthiness, in the case of article 20(1), aircraft radio equipment, in the case of article 26(3), flight crew licensing or, in the case of article 55(1), radio licensing; and

(d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

"Take-off decision point" means the latest point in the take-off at which, following recognition of a power unit failure, the helicopter will be able to carry out a rejected take-off;

"Technical log" means a record containing the information specified in paragraph 1.915 of Section 2 of JAR-OPS 1;

"Terminal control service" means an air traffic control service for any aircraft flying in, departing or intending to fly within a terminal control area while it is in the terminal control area or any sector adjacent thereto and is specified for this purpose in the manual of air traffic services;

"Tethered flight" means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

"Touring motor glider" has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1;

"Type rating" in respect of aeroplanes has the meaning specified in paragraph 1.215 of Section 1 of JAR-FCL 1;

"Type rating" in respect of helicopters has the meaning specified in paragraph 2.215 of Section 1 of JAR-FCL 2;

"Uncontrollable balloon" means a balloon, not being a small balloon, which is not capable of free controlled flight;

"United Kingdom licence" means a licence included in Section 1 of Part A of Schedule 8;

"United Kingdom licence for which there is a JAR-FCL equivalent" means the following licences included in Section 1 of Part A of Schedule 8—

Private Pilot's Licence (Aeroplanes);

Commercial Pilot's Licence (Aeroplanes);

Airline Transport Pilot's Licence (Aeroplanes);

Private Pilot's Licence (Helicopters);

Commercial Pilot's Licence (Helicopters and Gyroplanes);

Airline Transport Pilot's Licence (Helicopters and Gyroplanes);

"United Kingdom licence for which there is no JAR-FCL equivalent" means any licence included in Section 1 of Part A of Schedule 8 other than any such licence which is a United Kingdom licence for which there is a JAR-FCL equivalent;

"United Kingdom reduced vertical separation minimum airspace" means United Kingdom airspace which has been notified as reduced vertical separation minimum airspace for the purposes of article 58;

"Valuable consideration" means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

"Visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the Visiting Forces Act 1952 [M25]—

(a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or

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

"Visual Flight Rules" means Visual Flight Rules prescribed by Section V of the Rules of the Air Regulations 1996 [M26];

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

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

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

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

(c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

(d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and

(e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

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

(3) Subject to paragraph (4), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(4) For the purposes of the application of any provision in Part 3 of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, paragraph (3) shall have effect as if that agreement had not been entered into.

(5) References in this Order to—

(a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;

(b) an aircraft, aeroplane, powered lift tilt rotor aircraft, self-launching motor glider, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples unless otherwise stated.

(6) The expressions appearing in the "Classification of Aircraft" in Part A of Schedule 2 shall have the meanings thereby assigned to them.

Marginal Citations

M9 O.J. No. L240 of 7.9.2002, p. 1 to which there are amendments not relevant to this Order.

M10 1981 c. 61.

M11 1981 c. 61; as amended by S.I. 1983/882; S.I. 1983/892; S.I. 1983/1699; the Brunei and Maldives Act 1985, section 1 and Schedule para 8; S.I. 1989/1331; S.I. 1990/1502; S.I. 1994/1634 and S.I. 1998/3161.

M12 1974 c. 39.

M13 1989 c. 40.

M14 S.I. 1996/1393.

M15 1995 c. 21.

M16 S.I. 1996/1393.

M17 1964 c. 5.

M18 S.I. 1996/1393.

M19 S.I. 1996/2798.

M20 O.J. No. L 243, 27.9.2003, p. 6—Commission Regulation of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, to which there are amendments not relevant to this Order.

M21 O.J. No. L 315, 28.11.2003, p. 1—Commission Regulation of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations ond personnel involved in these tasks, to which there are amendments not relevant to this Order.

M22 2003 c. 21.

M23 2000 c. 38.

M24 S.I. 1996/1393.

M25 1952 c. 67.

M26 S.I. 1996/1393.

Meaning of aerodrome traffic zone

156.—(1) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1,850 metres or less shall be, subject to paragraphs (2) and (5), the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles.

(2) Where the aerodrome traffic zone specified in paragraph (1) would extend less than 11/2 nautical miles beyond the end of any runway at the aerodrome and this paragraph is notified as being applicable, the aerodrome traffic zone shall be that specified in paragraph (3) as though the length of the longest runway at the aerodrome were notified as greater than 1,850 metres.

(3) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1,850 metres shall be, subject to paragraph (5), the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 21/2 nautical miles.

(4) The aerodrome traffic zone of a notified aerodrome which is on an offshore installation shall be, subject to paragraph (5), the airspace extending from mean sea level to 2,000 feet above mean sea level and within 11/2 nautical miles of the offshore installation.

(5) The aerodrome traffic zone of a notified aerodrome shall exclude any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

Public transport and aerial work—general rules

157.—(1) Subject to the provisions of this article and articles 158 to 163, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.

(2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part 3 of this Order.

(3) Subject to the provisions of this article and articles 158 to 163, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport—

(a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;

(b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors and, in the case of the CAA, the members of the CAA), persons with the authority of the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or

(c) for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (3)(c), it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given or promised for the carriage of those passengers.

(5) A glider shall not be deemed to fly for the purpose of public transport for the purposes of Part 3 of this Order by virtue of paragraph (3)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in paragraph (3)(c) in respect of the flight or the purpose of the flight it shall—

(a) subject to sub-paragraph (b), for all purposes other than Part 3 of this Order; and

(b) for the purposes of articles 19(2) and 20(2);

be deemed to be a private flight.

(7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(8) For the purposes of—

(a) paragraph (3)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is—

(i) its holding company;

(ii) its subsidiary; or

(iii) another subsidiary of the same holding company;

(b) this article holding company" and subsidiary" have the meanings respectively specified in Section 736 of the Companies Act 1985 [M27].

Marginal Citations

M27 1985 c. 6 as amended by section 144 of the Companies Act 1989 (c. 40).

Public transport and aerial work—exceptions—flying displays etc

158.—(1) A flight shall, for the purposes of Part 4 of this Order, be deemed to be a private flight if—

(a) the flight is—

(i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;

(ii) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (i) and is made with the intention of carrying out such a flight; or

(iii) for the purpose of returning after such a flight as is specified in sub-paragraph (i) to a place at which the aircraft is usually based; and

(b) the only valuable consideration in respect of the flight or the purpose of the flight other than—

(i) valuable consideration specified in article 157(3)(c); or

(ii) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);

falls within paragraph (2)(a) or (2)(b) or both.

(2) Valuable consideration falls within this paragraph if it either is—

(a) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or

(b) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest

except with the permission of the CAA granted to the organiser of the race or contest; or falls within both sub-paragraphs (a) and (b).

(3) Any prize falling within paragraph (2)(b) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

Public transport and aerial work—exceptions—charity flights

159.—(1) Subject to paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

(a) valuable consideration specified in article 157(3)(c); or

(b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission of the CAA and in accordance with any conditions therein specified.

(2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.

Public transport and aerial work—exceptions—cost sharing

160.—(1) Subject to paragraph (4), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (2) and the the criteria in paragraph (3) are satisfied.

(2) Valuable consideration falls within this paragraph if it is—

(a) valuable consideration specified in article 157(3)(c);

(b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3); or

(c) is a contribution to the direct costs of the flight otherwise payable by the pilot in command;

or falls within any two or all three sub-paragraphs.

(3) The criteria in this paragraph are satisfied if—

(a) no more than 4 persons (including the pilot) are carried;

(b) the proportion which the contribution referred to in paragraph (2)(c) bears to the direct costs shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);

(c) no information shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and

(d) no person acting as a pilot shall be employed as a pilot by, or be a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

(4) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.

Public transport and aerial work—exceptions—recovery of direct costs

161.—(1) Subject to paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

(a) valuable consideration specified in article 157(3)(c); or

(b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);

is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.

(2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 19(2) and 20(2)) be deemed to be for the purpose of public transport.

Public transport and aerial work—exceptions—jointly owned aircraft

162.—(1) A flight shall be deemed to be a private flight if the aircraft falls within paragraph (2) and the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (3).

(2) An aircraft falls within this paragraph if it is owned—

(a) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and—

(i) the aircraft is registered in the names of all the joint owners; or

(ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the CAA of the names of all the persons beneficially entitled to a share in the aircraft; or

(b) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company.

(3) Valuable consideration falls within this paragraph if it is either—

(a) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or

(b) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);

or falls within both sub-paragraphs (a) and (b).

Public transport and aerial work—exceptions—parachuting

163. A flight shall be deemed to be for the purpose of aerial work if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

(a) the dropping of persons by parachute and which is made under and in accordance with the terms of a parachuting permission granted by the CAA under article 67;

(b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such

a flight in accordance with the terms of a parachuting permission granted by the CAA under article 67; or

(c) returning after such a flight as is specified in sub-paragraph (a) to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a).

Exceptions from application of provisions of the Order for certain classes of aircraft

164. The provisions of this Order other than articles 68, 74, 96(1), 97, 98, 144(1)(b) and (c), 155(1) and (2) shall not apply to or in relation to—

(a) any small balloon;

(b) any kite weighing not more than 2 kg;

(c) any small aircraft; or

(d) any parachute including a parascending parachute.

Approval of persons to furnish reports

165. In relation to any of its functions under any of the provisions of this Order the CAA may approve a person as qualified to furnish reports to it and may accept such reports.

Certificates, authorisations, approvals and permissions

166. Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the CAA, unless otherwise provided, such a certificate, authorisation, approval or permission—

(a) shall be in writing;

(b) may be issued or granted subject to such conditions as the CAA thinks fit; and

(c) may be issued or granted, subject to article 92, for such periods as the CAA thinks fit.

Competent authority

167.—(1) The CAA shall be—

(a) the national aviation authority of the United Kingdom for the purposes of Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency [M28]; and

(b) the competent authority of the United Kingdom for the purposes of—

(i) Commission Regulation (EC) No. 1702/2003 of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations [M29]; and

(ii) Commission Regulation (EC) No. 2042/2003 of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks [M30].

(2) The Secretary of State shall be the competent authority under article 15 of Council Directive 96/29/Euratom of 13th May 1996 for the purposes of article 42 of the Directive [M31].

Marginal Citations

M28 O.J. L240, 7.9.2002, p. 1; the amendments which have been made to this Community Regulation are not relevant for the purposes of these Regulations.

M29 O.J. L243, 24.9.2003, p. 6.

M30 O.J. L315, 28.11.2003, p. 1.

M31 O.J. L159, 29.6.1996, p. 1.

Saving

168.—(1) Subject to articles 128 and 130, nothing in this Order or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

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

Changes to legislation:
The Air Navigation Order 2005, PART 14 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- Instrument by S.I. 2006/1384 reg 16
- Instrument by S.I. 2006/1384 reg 17
- Instrument appl in pt (mod) by S.I. 2008/25 art 4 schedule
- Part 10 (arts 107 - 120) subst by S.I. 2009/1742 arts 23

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:
Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 28A added (31.1.2008) by S.I. 2007/3467 arts 25
- art 31A added (31.1.2008) by S.I. 2007/3467 arts 25
- arts 32A - 32C added (31.1.2008) by S.I. 2007/3467 arts 25
- art 52A added by S.I. 2007/274 art 4
- art 54A added by S.I. 2007/274 art 4
- art 61A added (31.1.2008) by S.I. 2007/3467 arts 211
- art 62A added by S.I. 2007/274 art 5
- art 72A added by S.I. 2007/274 art 4
- art 141A added by S.I. 2006/2316 art 2
- arts 144A-144C added by S.I. 2006/1384 reg 14