
STATUTORY INSTRUMENTS

2005 No. 1970

The Air Navigation Order 2005

PART 8

Movement of Aircraft

Rules of the Air

95.—(1) Without prejudice to any other provision of this Order, the Secretary of State may make regulations (in this article called the “Rules of the Air”) prescribing—

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes; and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty’s naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.

(5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

96.—(1) Where the Secretary of State deems it necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;

- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest;

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances referred to in paragraph (1) are—

- (a) aircraft, whether or not registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (b) aircraft registered in the United Kingdom, in any other airspace, being airspace in respect of which Her Majesty's Government in the United Kingdom has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

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

(5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(c) he shall, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(6) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(c) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes

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

(2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Without the permission of the CAA—

- (a) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (e) a kite shall not be flown at a height of more than 60 metres above ground level; and
- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

(4) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission of the CAA.

- (5) A controllable balloon shall not be flown in free controlled flight—
- (a) within airspace notified for the purposes of this paragraph; or
 - (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

except during the day and in visual meteorological conditions.

- (6) A controllable balloon shall not be flown in tethered flight—
- (a) within airspace notified for the purposes of this paragraph; or
 - (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the appropriate air traffic control unit.

(7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(8) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than on a notified aerodrome except with the permission of the CAA.

(9) An airship with a capacity not exceeding 3,000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored—

- (a) within 2 km of a congested area; or
- (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the CAA.

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

(11) A person shall not cause or permit—

- (a) a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA not less than 28 days previous notice in writing of the release;
- (b) a group of small balloons exceeding 2,000 but not exceeding 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;without the permission of the CAA;

- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.

(12) For the purposes of this article—

- (a) in paragraph (5) “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;
- (b) the “notified operating hours” means the times notified in respect of an aerodrome during which rule 39 of the Rules of the Air Regulations 1996(a) applies;
- (c) “simultaneously released at a single site” means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

Regulation of small aircraft

98.—(1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

(2) The person in charge of a small aircraft which weighs more than 7 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight shall not fly such an aircraft—

- (a) unless the person in charge of the aircraft has reasonably satisfied himself that the flight can safely be made;
- (b) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (c) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;
- (d) at a height exceeding 400 feet above the surface unless it is flying in airspace described in sub-paragraph (b) or (c) and in accordance with the requirements thereof; or
- (e) for aerial work purposes other than in accordance with a permission issued by the CAA.

Regulation of rockets

99.—(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article shall not apply to—

- (a) an activity to which the Outer Space Act 1986(1) applies; or
- (b) a military rocket.

(3) No person shall launch a small rocket to which this article applies unless the condition in paragraph (4), and any of the conditions in paragraph (5) which are applicable, are satisfied.

(4) The condition first mentioned in paragraph (3) is that he has reasonably satisfied himself that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight, remain clear of any obstructions including any aircraft in flight.

(5) The conditions mentioned secondly in paragraph (3) are that—

- (a) for a flight within controlled airspace, he has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace;
- (b) for a flight within an aerodrome traffic zone at any of the times specified in Column 2 of the Table in rule 39(1) of the Rules of the Air Regulations 1996(2)—
 - (i) he has obtained the permission of the air traffic control unit at the aerodrome; or
 - (ii) where there is no air traffic control unit, he has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or

(1) 1986 c. 38.

(2) S.I. 1996/1393.

- (iii) where there is no air traffic control unit and no aerodrome flight information service unit, he has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely;
- (c) for a flight for aerial work purposes the flight is carried out under and in accordance with a permission granted by the CAA.
- (6) No person shall launch a large rocket unless he does so under and in accordance with a permission granted by the CAA.