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STATUTORY INSTRUMENTS

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**2009 No. 2169**

**CIVIL AVIATION**

**The Rules of the Air (Amendment) Regulations 2009**

*Made* - - - - *5th August 2009*

*Coming into force* - - *1st September 2009*

In exercise of the powers conferred by article 95(1) of the Air Navigation Order 2005(1) the Secretary of State makes the following Regulations:

**Citation and Commencement**

1. These Regulations may be cited as the Rules of the Air (Amendment) Regulations 2009 and come into force on 1st September 2009.

**Test flying over congested areas**

2. After rule 24 of the Rules of the Air 2007(2) insert—

**“Test flying over congested areas**

**24A.**—(1) An aircraft to which this paragraph applies shall not fly over a congested area except to the extent that it is necessary to do so in order to take off or land in accordance with normal aviation practice.

(2) Paragraph (1) does not apply if the CAA has given its written permission for a flight over the congested area.

(3) Paragraph (1) applies to an aircraft that does not have a valid certificate of airworthiness in force and which is flying for the purpose of—

- (a) experimenting with or testing the aircraft or any engines or equipment installed or carried in the aircraft; or
- (b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft or the issue of a permit to fly.”.

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(1) [S.I.2005/1970](#), to which there are amendments not relevant to these Regulations.  
(2) [S.I.2007/734](#), to which there are amendments not relevant to these Regulations.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Amendment to rule 58 of the Rules of the Air 2007 (markings for paved runways and taxiways)**

- 3.—(1) In rule 58(3) of the Rules of the Air 2007, before “Subject to paragraph (5)”, insert “(4)”.
- (2) Paragraphs (4) and (5) of rule 58 are re-numbered paragraphs (5) and (6).

Signed by authority of the Secretary of State for Transport

5th August 2009

*C D Mole*  
Parliamentary Under Secretary of State  
Department for Transport

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Rules of the Air 2007. The new rule prohibits test flying of aircraft over congested areas in cases where the aircraft does not have a valid certificate of airworthiness in force and either the aircraft, its engines or equipment are being tested or the aircraft is seeking to qualify for the issue or validation of a certificate of airworthiness. The prohibition does not apply where the CAA has given its permission for the flight. A correction to the numbering of Rule 58 is also made. An impact assessment has been carried out in respect of rule 24A. A copy of the assessment has been placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR or from [www.dft.gov.uk](http://www.dft.gov.uk).