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STATUTORY INSTRUMENTS

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**2009 No. 3015**

**The Air Navigation Order 2009**

**PART 10**

**Duties of commander**

**Pre-flight action by commander of aircraft other than EU-OPS aeroplanes**

**86.**—(1) This article applies to the commander of any aircraft except for the commander of an EU-OPS aeroplane intending to commence a commercial air transport flight.

(2) A commander must, before taking off on a private flight, an aerial work flight or a public transport flight, take all reasonable steps so as to be satisfied of the matters specified in paragraph (3).

(3) The matters referred to in paragraph (2) are that—

- (a) the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) either—
  - (i) the equipment which must by or under this Order be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
  - (ii) the flight may commence under and in accordance with the terms of a permission granted to the operator under article 41(3);
- (c) the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 25(2) to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship—
  - (i) sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies; and
  - (ii) in the case of a public transport flight, the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, sufficient ballast is carried for the intended flight;
- (g) any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft; and
- (h) in the case of a balloon, the balloon will be able to land clear of any congested area.

**Commander to be satisfied that flight can be safely completed**

87. The commander of a flying machine must, before take-off, take all reasonable steps so as to be satisfied that it is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination having regard to—

- (a) the performance of the flying machine in the conditions to be expected on the intended flight; and
- (b) any obstructions at the places of departure and intended destination and on the intended route.

**Passenger briefing by commander**

88.—(1) Subject to paragraph (3), the commander of an aircraft registered in the United Kingdom must take all reasonable steps to ensure that before take-off on any flight, all passengers are made familiar with the position and method of use of—

- (a) emergency exits;
- (b) safety belts (with diagonal shoulder strap where required to be carried);
- (c) safety harnesses (if required to be carried);
- (d) oxygen equipment, lifejackets and the floor path lighting system (where required to be carried); and
- (e) all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft.

(2) Subject to paragraph (3), the commander of an aircraft registered in the United Kingdom must also take all reasonable steps to ensure that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(3) This article does not apply to the commander of—

- (a) an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate; or
- (b) an EU-OPS aeroplane in relation to a commercial air transport flight.

**Public transport of passengers – commander to ensure demonstration of lifejackets**

89.—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Subject to paragraph (5), in the case of a flight in an aircraft which is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) Subject to paragraph (6) and if the circumstances described in paragraph (5) apply, in the case of an aircraft which is not a seaplane and which is required by article 48(2) to carry cabin crew, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(5) The circumstances referred to in paragraph (4) are that—

- (a) it is intended to proceed beyond gliding distance from land; or

- (b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(6) If the requirement to give a demonstration required by paragraph (3) or (4) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(7) In the case of an aircraft which is a seaplane, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(8) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

### **Public transport of passengers – commander to ensure crew, passengers and baggage secure**

**90.**—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Before the aircraft takes off and before it lands, the commander must take all reasonable steps to ensure that—

- (a) the crew of the aircraft are properly secured in their seats; and
- (b) any cabin crew carried in compliance with article 48(2) are properly secured in seats which are in a passenger compartment and which are so situated that the cabin crew can readily assist passengers.

(4) During the period and in the circumstances described in paragraph (5) the commander must take all reasonable steps to ensure that—

- (a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;
- (b) all passengers under the age of two years are properly secured by means of a child restraint device; and
- (c)
  - (i) those items of baggage in the passenger compartment which the commander reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and
  - (ii) in the case of an aircraft capable of seating more than 30 passengers, such baggage is either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(5) The period and circumstances referred to in paragraph (4) are—

- (a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;
- (b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and
- (c) whenever, by reason of turbulent air or any emergency occurring during the flight the commander considers it necessary to take the steps specified in paragraph (4).

**Public transport of passengers – commander to ensure demonstration of use of oxygen**

91.—(1) Subject to paragraph (4), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) The commander of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 must take all reasonable steps to ensure that each of the actions described in column 1 of the following table is carried out.

(3) The commander of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st January 1989 must take all reasonable steps to ensure that each of the actions described in either column 1 or in column 2 of the following table is carried out.

<i>Column 1</i>	<i>Column 2</i>
Before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 37 and Schedule 4 is demonstrated to all passengers	Before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 37 and Schedule 4 is demonstrated to all passengers
When flying above flight level 120 all passengers and cabin crew are recommended to use oxygen	When flying above flight level 130 all passengers and cabin crew are recommended to use oxygen
During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft	During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(4) This article does not apply—

- (a) to a flight under and in accordance with the terms of a police air operator's certificate; or
- (b) in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

**Aerial work and private flights – commander to ensure demonstration of use of oxygen**

92.—(1) Subject to paragraph (2), this article applies to an aircraft registered in the United Kingdom and flying on an aerial work or a private flight.

(2) This article does not apply in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

(3) The commander of an aircraft to which this article applies must take all reasonable steps to ensure that—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 37 and Schedule 4 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers are recommended to use oxygen;
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130, oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes which is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used by all the flight crew of the aircraft.

**Pilot to remain at controls and be secured in seat**

**93.**—(1) This article applies to any flying machine or glider registered in the United Kingdom other than an EU-OPS aeroplane flying on a commercial air transport flight.

(2) The commander of an aircraft to which this article applies must cause one pilot to remain at the controls at all times while it is in flight.

(3) If the aircraft is required by or under this Order to carry two pilots, the commander must cause both pilots to remain at the controls during take-off and landing.

(4) If the aircraft carries two or more pilots (whether or not it is required to do so) and is flying on a flight for the purpose of the public transport of passengers, the commander must remain at the controls during take-off and landing.

(a) (5) (a) Subject to sub-paragraph (b), each pilot at the controls of the aircraft must be secured in their seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness.

(b) During take-off and landing a safety harness must be worn if it is required by article 37 and Schedule 4 to be provided.

(6) An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article 50 to act as pilot-in-command of the helicopter.