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STATUTORY INSTRUMENTS

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**2009 No. 3015**

**The Air Navigation Order 2009**

**PART 15**

**Operations – General Provisions**

**Wearing of survival suits by crew**

**111.**—(1) Subject to paragraph (2), each member of the crew of an aircraft registered in the United Kingdom must wear a survival suit if such a suit is required to be carried by article 37 and Schedule 4.

(2) This article does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

**Operation of radio in aircraft**

**112.**—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

- (a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and
- (b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to paragraphs (3) and (4), whenever an aircraft is in flight in such circumstances that it is required by or under this Order or by EU-OPS to be equipped with radio communication equipment, a continuous radio watch must be maintained by a member of the flight crew listening to the signals transmitted on the frequency notified or designated for use by that aircraft by a message received from an appropriate aeronautical radio station.

(3) The radio watch may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits this.

(4) The radio watch may be kept by a device installed in the aircraft if—

- (a) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
- (b) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.

(5) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order or by EU-OPS to be equipped with radio communication or radio navigation equipment, a member of the flight crew must operate that equipment in such a manner as the appropriate air traffic control unit may instruct or as may be notified in relation to the airspace in which the aircraft is flying.

(6) The radio station in an aircraft must not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions must not be made except—

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;

- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

(7) In any flying machine registered in the United Kingdom which is flying on a public transport flight the pilot and the flight engineer (if any) must not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

### **Operation of airborne collision avoidance system**

**113.** On any flight on which an airborne collision avoidance system is required to be carried in an aeroplane by article 39 and Schedule 5, the system must be operated—

- (a) in the case of an aircraft to which article 83 applies, in accordance with procedures contained in the operations manual for the aircraft;
- (b) in the case of an aircraft registered in the United Kingdom to which article 83 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment; or
- (c) in the case of an aircraft which is registered elsewhere than in the United Kingdom, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

### **Training in operation of airborne collision avoidance system**

**114.—(1)** This article applies to any aeroplane to which article 83 does not apply.

(2) Before commencing an ACAS equipped flight, the commander must be satisfied on reasonable grounds that every member of the flight crew has had the training specified in paragraph (4).

(3) A person must not act as a member of the flight crew on an ACAS equipped flight in an aeroplane to which this article applies unless that person has had the training specified in paragraph (4).

(4) The training referred to in paragraphs (2) and (3) is—

- (a) suitable training in the operation of the airborne collision avoidance system in the aeroplane; and
- (b) suitable training in the use of the procedures referred to in article 113(b).

(5) In this article “an ACAS equipped flight” means a flight on which an airborne collision avoidance system is required to be carried by article 39 and Schedule 5.

### **Operation of vibration health monitoring systems**

**115.** The operator of a helicopter on which a vibration health monitoring system is required to be carried by paragraph 4(15) of Schedule 4 must operate that equipment in accordance with procedures approved by the CAA.

### **Method of carriage of persons**

**116.—(1)** A person must not—

- (a) subject to paragraphs (2) and (3), be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person must not be on the wings or undercarriage of an aircraft;
  - (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.
- (2) A person may have temporary access to—
- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods in the aircraft; and
  - (b) any part of an aircraft in which cargo or stores are carried, which part is designed to enable a person to have access to it while the aircraft is in flight.
- (3) This article does not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

### **Functioning of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters**

**117.**—(1) This article applies to commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) Subject to paragraph (5), whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit from the aeroplane or helicopter and every internal door in the aeroplane or helicopter must be in working order.

(3) Subject to paragraph (4), during take-off and landing and during any emergency, every exit and door in the aeroplane or helicopter must be kept free of obstruction and must not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(4) In the case of—

- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the commander of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) does not apply.

(5) Subject to compliance with paragraph (6), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) This paragraph is complied with if—

- (a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words 'exit' or 'emergency exit' are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words 'No Exit' in red letters.

### **Marking of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters**

**118.**—(1) This article applies to commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) An operator must ensure that every exit from an aeroplane or helicopter to which this article applies is marked in accordance with this article.

(3) Every exit from such an aeroplane or helicopter must be marked on interior surfaces with the words ‘exit’ or ‘emergency exit’ in capital letters, which must be red in colour and if necessary outlined in white to contrast with the background.

(4) Every exit from such an aeroplane or helicopter must be marked on exterior surfaces with the words ‘exit’ or ‘emergency exit’ in capital letters, which must be located on a background which provides adequate contrast.

(5) Every exit from such an aeroplane or helicopter must be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be red in colour and located on a background which provides adequate contrast.

(6) Every exit from such an aeroplane or helicopter which may be opened from the outside must be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be located on a background which provides adequate contrast.

(7) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

### **Marking of break-in areas**

**119.**—(1) This article applies to all aircraft registered in the United Kingdom.

(2) An operator must ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft, such areas are marked in accordance with this article.

(3) The markings on the exterior surface of the fuselage must show the areas (in this article referred to as ‘break-in areas’) which can, for the purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(4) The break-in areas must be marked by right angled corner markings, each arm of which must be nine centimetres in length along its outer edge and three centimetres in width.

(5) If the corner markings of the break-in area are more than two metres apart, intermediate lines nine centimetres by three centimetres must be inserted so that there is no more than two metres between adjacent marks.

(6) The colour of break-in markings must be red or yellow, and if necessary they must be outlined in white to contrast with the background.

(7) If instructions are marked on the break-in areas, the words ‘Cut Here in Emergency’ must be marked across the centre of each break-in area in capital letters.

(8) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

### **Flights over any foreign country**

**120.**—(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, must 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 that person neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in that paragraph.

(3) Subject to paragraph (4), 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 must 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.

(4) A direction under paragraph (3) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

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

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

(7) 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.