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STATUTORY INSTRUMENTS

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**2009 No. 3015**

**The Air Navigation Order 2009**

**PART 4**

**Equipment of Aircraft**

**Equipment of aircraft**

**37.**—(1) An aircraft must not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made under this Order.

(2) Subject to paragraphs (10) and (11), an aircraft registered in the United Kingdom must (in addition to any other equipment required by or under this Order) carry the equipment specified in paragraph 5 of Schedule 4 in the circumstances described in the second column of the Table in paragraph 4 of that Schedule.

(3) The equipment carried must—

- (a) comply with the provisions of Schedule 4;
- (b) except for the equipment specified in paragraph 3 of the Schedule, be of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft; and
- (c) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft.

(4) In any particular case the CAA may direct that an aircraft registered in the United Kingdom must carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of persons carried in the aircraft.

(5) A direction under paragraph (4) which applies to an EU-OPS aeroplane must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(6) A direction under paragraph (4) ceases to have effect if—

- (i) it is withdrawn by the CAA; or
- (ii) it is revoked by the CAA following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation, that the direction is not justified.

(7) The CAA must revoke a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

(8) This paragraph applies to navigational equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting on it.

(9) Navigational equipment to which paragraph (8) applies which is carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made under this Order) must—

- (a) be of a type approved by EASA or the CAA, either generally or in relation to a class of aircraft or in relation to that aircraft; and
  - (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft.
- (10) This article does not apply in relation to radio communication and radio navigation equipment except any specified in Schedule 4.
- (11) An EU-OPS aeroplane is not required to carry the equipment specified in Schedule 4 if it is—
- (a) flying on a commercial air transport flight; or
  - (b) carrying equipment, other than radio communication and radio navigation equipment, which would be required under EU-OPS if it were flying on a commercial air transport flight.

### **Carriage and use of equipment**

**38.**—(1) The equipment carried in compliance with article 37 must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(2) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

(3) In every public transport aircraft registered in the United Kingdom there must be provided individually for each passenger or, if the CAA so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (4).

(4) A notice complies with this paragraph if it is relevant to the aircraft in question and contains pictorial—

- (a) instructions on the brace position to be adopted in the event of an emergency landing;
- (b) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (c) information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (d) information as to where the lifejackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2), are to be found and instructions as to how they are to be used.

(5) All equipment installed or carried in an aircraft, whether or not in compliance with article 37, must be installed or stowed and maintained and adjusted so as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

### **Radio communication and radio navigation equipment of aircraft**

**39.**—(1) An aircraft must not fly unless it is equipped with radio communication and radio navigation equipment which—

- (a) complies with the law of the country in which the aircraft is registered or the State of the operator; and
- (b) enables communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made under this Order.

(2) Without prejudice to paragraph (1) but subject to paragraph (8), an aircraft must be equipped with radio communication and radio navigation equipment in accordance with Schedule 5.

(3) In any particular case the CAA may direct that an aircraft registered in the United Kingdom carries such additional or special radio communication or radio navigation equipment as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) A direction under paragraph (3) which applies to an EU-OPS aeroplane must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(5) A direction under paragraph (3) ceases to have effect if—

- (a) it is withdrawn by the CAA; or
- (b) it is revoked by the CAA following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation, that the direction is found not to be justified.

(6) The CAA must revoke a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

(7) Subject to article 41 and to any prescribed exceptions, the radio communication and radio navigation equipment provided in compliance with this article in an aircraft registered in the United Kingdom must always be maintained in serviceable condition.

(8) All radio communication and radio navigation equipment installed in an aircraft registered in the United Kingdom or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made under this Order) must—

- (a) be of a type approved by EASA or the CAA in relation to the purpose for which it is to be used; and
- (b) except in the case of a non-EASA glider which is permitted by article 3(2) to fly unregistered, be installed in a manner approved by EASA in the case of an EASA aircraft and by the CAA in the case of a non-EASA aircraft.

(9) Neither the radio communication and radio navigation equipment referred to in paragraph (8) nor the manner in which it is installed may be modified except with the approval of EASA in the case of an EASA aircraft or the CAA in the case of a non-EASA aircraft.

(10) An EU-OPS aeroplane is not required to be provided with the radio communication and radio navigation equipment specified in Schedule 5 if it is—

- (a) flying on a commercial air transport flight; or
- (b) provided with the radio communication and radio navigation equipment which would be required under EU-OPS and article 40 if it were flying on a commercial air transport flight.

#### **Notified radio communication and radio navigation equipment to be carried by EU-OPS aeroplanes**

**40.** An EU-OPS operator must not operate an aeroplane on a commercial air transport flight under the Instrument Flight Rules or under the Visual Flight Rules over routes that cannot be navigated by reference to visual landmarks, unless the aeroplane is equipped with radio communication and navigation equipment in accordance with the notified requirements of air traffic services in the area of operation.

#### **Minimum equipment requirements**

**41.**—(1) Subject to paragraph (2), this article applies to any aircraft registered in the United Kingdom.

(2) This article does not apply to an EU-OPS aeroplane where the intended flight is for the purpose of commercial air transport.

(3) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(4) An aircraft must not commence a private flight, an aerial work flight or a public transport flight if any of the equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless—

- (a) the aircraft does so under and in accordance with the terms of a permission granted under paragraph (3) to the operator; and
- (b) in the case of an aircraft to which article 83 or 84 applies, the applicable operations manual or police operations manual contains information about that permission.