
STATUTORY INSTRUMENTS

2010 No. 770

CIVIL AVIATION

The Air Navigation (Amendment) Order 2010

Made - - - - *17th March 2010*
Laid before Parliament *24th March 2010*
Coming into force - - *14th April 2010*

At the Court at Buckingham Palace, the 17th day of March 2010

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2)(b), (3)(c) and (3)(h), 61(1)(a) and 101 of the Civil Aviation Act 1982(1), and by Part 2, and paragraphs 2 and 4 of Part 3, of Schedule 13 to that Act.

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2010 and comes into force on 14th April 2010.

Amendment of the Air Navigation Order 2009

2. The Air Navigation Order 2009(2) is amended as follows.

Requirements for aerodromes used for flying training and testing

3.—(1) In article 208(2), omit sub-paragraphs (c) and (d) and at the end of sub-paragraph (b) insert “or”.

(2) For article 208(3) substitute—

(1) 1982 c.16; sections 60 and 61 have been amended by the Airports Act 1986 c.31, section 83(5) and Schedule 6 Part 2. Section 60 was further amended by the Aviation and Maritime Security Act 1990 c.31, section 47 and Schedule 4, and by the Civil Aviation Act 2006 c.34, section 8. Section 61 was further amended by the Aviation (Offences) Act 2003 c.19, section 2 and Schedule 13 has been amended by the Energy Act 2004 c.20, section 101.
(2) S.I. 2009/3015.

“(3) Subject to paragraph (5), article 207 applies to any helicopter or gyroplane flying on a flight which is a scheduled journey for the purpose of the public transport of passengers.

(3A) Subject to paragraph (5), article 207 applies to any helicopter or gyroplane of which the maximum total weight authorised is more than 3175kg flying on a flight—

- (a) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot’s licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
- (b) for the purpose of a flying test for the grant of a pilot’s licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.”.

(3) After article 208 insert—

“Aerodromes – use for purposes of flying instruction and testing

208A.—(1) The operator of an aerodrome which is not a licensed aerodrome must not permit an aircraft flying or intended to fly for a purpose specified in paragraph (3) to take off from or land at the aerodrome unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(2) The commander of an aircraft must not take off from or land at an aerodrome which is not a licensed aerodrome on a flight for a purpose specified in paragraph (3) unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(3) A flight is for a purpose specified in this paragraph if it is for the purpose of—

- (a) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot’s licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
- (b) carrying out flying tests for the grant of a pilot’s licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.”.

(4) In Section 1 of Part B of Schedule 13, after the entry relating to article 207 insert—

“208A(1) Aerodrome operator permitting flying training or testing at aerodrome without adequate facilities

208A(2) Commander conducting flying training or testing at aerodrome without adequate facilities.”

Powers of aerodrome firefighters in an emergency

4.—(1) After article 214 insert—

“Powers of aerodrome firefighters in an emergency

214A.—(1) A member of the Rescue and Fire Fighting Service at a licensed aerodrome may do anything on the aerodrome the member reasonably believes to be necessary—

- (a) if the member reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;
- (b) if the member reasonably believes an aircraft accident or incident to have occurred, for the purpose of rescuing people or protecting them from serious harm; or
- (c) for the purpose of preventing or limiting damage to property resulting from any action taken as mentioned in sub-paragraph (a) or (b).

(2) In particular, a member of the Rescue and Fire Fighting Service at a licensed aerodrome, when acting in accordance with paragraph (1), may on the aerodrome—

- (a) enter an aircraft, by force if necessary, without the consent of the owner or operator;
- (b) restrict the access of persons to an aircraft, premises or a place.

(3) A person who without reasonable excuse obstructs or interferes with a member of the Rescue and Fire Fighting Service at a licensed aerodrome taking action authorised under this article commits an offence.”.

(2) In Section 1 of Part A of Schedule 13 in the column headed “Article of Order” after “214” insert “214A(3)” and adjacent to that entry in the column headed “Subject Matter” insert “Obstruction of or interference with aerodrome firefighter”.

Definitions

5.—(1) In article 255(1), for the definition of “Self-propelled hang-glider” substitute—

“‘Self-propelled hang-glider’ means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed; and
- (c) has a maximum unladen mass, including full fuel, of 70 kg;”.

(2) In article 255(1), for the definition of “State aircraft” substitute—

“‘State aircraft’ means an aircraft carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services;”.

Other changes

6.—(1) In article 17(3)(b)—

- (a) for “Part 4” substitute “Part 1”; and
- (b) omit “entitled Mandatory Requirements for Airworthiness(a)”.

(2) In article 17(3)(c)—

- (a) for “Section 4” substitute “Section 2”; and
- (b) omit “entitled Mandatory Requirements for Airworthiness”.

(3) At the end of article 17(3) insert—

“(4) In this article, “CAP 747” means the document entitled “Mandatory Requirements for Airworthiness” published by The Stationery Office on behalf of the CAA (First Edition Issue 3 dated 29th January 2010)(3)”.

(4) In Schedule 3, for the heading “Part 1” substitute “Part A”, for the heading “Part 2” substitute “Part B” and for the heading “Part 3” substitute “Part C”.

(5) In Schedule 4, in the Table at paragraph 4—

- (a) sub-paragraph (c) of sub-paragraph (2) is renumbered (a);
- (b) sub-paragraph (d) of sub-paragraph (2) is renumbered (b);
- (c) the sub-paragraph immediately following sub-paragraph (9) is numbered (10);
- (d) sub-paragraph (10) is renumbered (11);

- (e) sub-paragraph (11) is renumbered (12);
 - (f) the sub-paragraph numbered (2) immediately following sub-paragraph (11) is renumbered (13);
 - (g) sub-paragraph (12) is renumbered (14);
 - (h) sub-paragraph (13) is renumbered (15);
 - (i) sub-paragraph (c) of sub-paragraph (13) is renumbered (a);
 - (j) sub-paragraph (d) of sub-paragraph (13) is renumbered (b); and
 - (k) sub-paragraph (14) is renumbered (16).
- (6) In Schedule 9, in paragraph 2(h) for “article 86(4)(c)” substitute “article 83(4)(c)”.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes the following changes to the Air Navigation Order 2009.

Requirements for aerodromes used for flying training and testing

1. Flying training and testing for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence need not be conducted from a licensed aerodrome. Aircraft commanders and aerodrome operators must be satisfied as to the adequacy of an unlicensed aerodrome for the purpose of such flying training and testing before conducting or permitting it.

See article 3.

Powers of aerodrome firefighters in an emergency

2. Aerodrome firefighters attending an aircraft emergency have powers to take action they believe reasonably necessary including a power of forcible entry to an aircraft.

See article 4.

Definitions

3.—(1) The definition of a self-propelled hang-glider is simplified. The criterion of maximum fuel capacity is omitted.

See article 5(1).

(2) The definition of a State aircraft is changed to reflect a change to the definition in the Basic EASA Regulation. It expressly includes search and rescue, firefighting and coastguard activities and services.

See article 5(2).

An Impact Assessment has been produced and a copy placed in the Library of both Houses of Parliament for the changes described in paragraphs 1, 2, and 3(1). Copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. Alternatively, copies can be obtained from the Department's website at www.dft.gov.uk.

CAP 747 can be purchased from—

TSO

PO Box 29

Norwich

NR3 1GN

and is also available on line at www.caa.co.uk/CAP747.