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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 5**

Operations

CHAPTER 7

Additional requirements for public transport operations

*SECTION 7*

*Performance requirements and operating minima*

**Aeroplanes registered in the United Kingdom – public transport operating conditions and performance requirements**

**127.**—(1) An aeroplane registered in the United Kingdom and flying for the purpose of public transport must comply with section 1 of Subpart C of Part-CAT unless it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment must be based on additional data acceptable to the CAA.

(4) The Secretary of State may [<sup>F1</sup>make regulations prescribing] requirements for aeroplanes registered in the United Kingdom, which are [<sup>F2</sup>not] Part-CAT aeroplanes, in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(5) The CAA may grant for any aeroplane a permission authorising it to comply with the applicable provisions of the requirements prescribed in accordance with paragraph (4).

(6) Subject to paragraph (8), an aeroplane to which this paragraph applies must fly at such an altitude as would enable the aeroplane—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) applies to an aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) and flying over water for the purpose of public transport.

(8) Paragraph (6) does not apply to an aeroplane flying as may be necessary for the purpose of taking off or landing.

(9) Without prejudice to paragraph (6), an aeroplane to which this paragraph applies must not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units.

(10) Paragraph (9) applies to an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) if either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X.

(11) For the purposes of paragraph (9), flying time is calculated at normal cruising speed with one power unit inoperative.

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| <p><b>F1</b> Words in art. 127(4) substituted (14.12.2017) by <a href="#">The Air Navigation (Amendment) Order 2017 (S.I. 2017/1112)</a>, arts. 1, <b>27</b></p> <p><b>F2</b> Word in art. 127(4) substituted (31.12.2020) by <a href="#">The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645)</a>, reg. 1, <b>Sch. 1 para. 31</b> (with Sch. 3) (as amended by <a href="#">S.I. 2019/1098</a>, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)</p> |
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**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 127.