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STATUTORY INSTRUMENTS

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**2016 No. 765**

The Air Navigation Order 2016

**PART 5**

Operations

CHAPTER 2

Operational rules for [<sup>F1</sup>Non-Part-21] aircraft

*SECTION 2*

*Duties of Pilot in Command*

**Obligations of pilot in command**

**69.**—(1) The pilot in command must only use aerodromes and operating sites that are adequate for the type of aircraft and operation concerned.

*Flight preparation*

[<sup>F1</sup>(2) Before commencing a flight the pilot in command must be satisfied that—

- (a) the flight can be made safely, taking into account the latest information available as to the route and aerodrome to be used; and
- (b) the ground and water facilities, including any required communication and navigation facilities, are adequate for the intended flight.]

*Operating procedures*

(3) The pilot in command must ensure that—

- (a) the flight is performed in such a way that the operating procedures specified in the flight manual, or where required the operations manual, for the preparation and execution of the flight are followed; and
- (b) procedures are established and followed for any reasonably foreseeable emergency situation.

*Meteorological conditions*

(4) The pilot in command must only commence or continue—

- (a) a Visual Flight Rules flight if—
  - (i) the latest available meteorological information indicates that the weather conditions along the route and at the intended destination aerodrome at the estimated time of use will be at or above the applicable Visual Flight Rules operating minima; and

- (ii) the pilot in command has planned an alternative course of action to provide for the eventuality that the flight cannot be completed as planned because of weather conditions;
- (b) a flight under Instrument Flight Rules towards the planned destination aerodrome if the latest available meteorological information indicates that, at the estimated time of arrival, the weather conditions at the destination or at least one destination alternate aerodrome are at or above the applicable aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority.

#### *Selection of destination alternate aerodrome*

(5) If, according to the information available, an aircraft would be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

(6) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable destination alternate aerodrome is available must not be commenced by the pilot in command unless—

- (a) an instrument approach procedure notified, prescribed or otherwise designated by the relevant competent authority is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before until two hours after the estimated time of arrival.

#### *Navigation and landing during loss of navigational capability*

(7) The pilot in command must ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of navigational capability for the intended approach and landing operation.

#### *Airworthiness, equipment, baggage and cargo*

- (8) The pilot in command must ensure that—
- (a) the aircraft is airworthy;
  - (b) instruments and equipment required for the execution of the flight are installed in the aircraft and are operative, unless operation with inoperative or missing equipment is permitted by <sup>F2</sup>... the CAA;
  - (c) all equipment, baggage and cargo are properly loaded and secured and that an emergency evacuation of the aircraft remains possible.

#### *Mass and balance requirements*

(9) The pilot in command must ensure that during any phase of operation, the loading, the mass and, except for balloons, the centre of gravity position of the aircraft comply with any limitation specified in the flight manual, the weight schedule required by article 43, or equivalent document.

#### *Fuel, oil and ballast*

- (10) The pilot in command must ensure that—
- (a) in the case of a flying machine or airship, sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;

- (b) 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; and
- (c) in the case of an airship or balloon, sufficient ballast is carried for the intended flight.

*Performance based navigation*

(11) The pilot in command must ensure that when performance based navigation is required for the route or procedure to be flown—

- (a) the relevant performance based navigation specification is stated in the flight manual or other document that has been approved by the CAA or another competent authority;
- (b) any navigational database required for performance based navigation is suitable and current; and
- (c) the aircraft is operated in conformity with the relevant navigation specification and limitations in the flight manual or other document mentioned in sub-paragraph (a).

- F1** Art. 69(2) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **17(a)**
- F2** Words in art. 69(8)(b) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **17(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 69.