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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.

#### Textual Amendments

- F1** Words in art. 127(4) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 27
- F2** Word in art. 127(4) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 31** (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, **Sch. 5 para. 1(1)**

### Helicopters registered in the United Kingdom – public transport operating conditions and performance requirements

**128.—**(1) The Secretary of State may [<sup>F3</sup>make regulations prescribing] requirements for helicopters registered in the United Kingdom which are not Part-CAT helicopters in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(2) Subject to paragraph (3), a helicopter registered in the United Kingdom must not fly for the purpose of public transport unless the helicopter complies with the applicable provisions of the requirements which have been prescribed for its weight and related performance and flight in specified meteorological conditions or at night.

(3) Paragraph (2) does not apply to a flight for the sole purpose of training persons to perform duties in a helicopter.

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

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

(6) Subject to paragraph (7), a helicopter registered in the United Kingdom when flying over water for the purpose of public transport must fly at such an altitude as would enable the helicopter—

- (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 helicopter,

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

(7) Paragraph (6) does not apply to a helicopter flying as may be necessary for the purpose of taking off or landing.

### Textual Amendments

- F3** Words in [art. 128\(1\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **28**

### Helicopters registered in the United Kingdom carrying out Performance Class 3 operations

**129.**—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 3 operation must comply with paragraphs (2), (3), (4) and (5).

(2) The helicopter must not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus.

(3) If the helicopter is equipped with the required apparatus and is flying under and in accordance with the terms of a national air operator's certificate, it must not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA.

(4) If the helicopter is equipped with the required apparatus and is flying on a flight under and in accordance with the terms of a police air operator's certificate on which—

- (a) is carried any passenger who is not a permitted passenger, it must not fly in the specified circumstances on any flight for more than 20 minutes; or
- (b) no passenger is carried other than a permitted passenger, it must not fly over water on any flight for more than 10 minutes while more than five minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

(5) The helicopter must not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points—

- (a) Hammersmith Bridge (512918N) (0001351W); and
- (b) Greenwich Reach (512906N) (0000043W),

between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

(6) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out Performance Class 3 operations if—

- (a) the maximum take-off mass for the helicopter is less than 3,175kg; and
- (b) not more than nine passengers are carried.

(7) For the purposes of this article, flying time must be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

(8) In this article—

“permitted passenger” means—

- (a) a police officer;
- (b) an employee of a police authority in the course of their duty;
- (c) a medical attendant;
- (d) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation;
- (e) a CAA Flight Operations Inspector;

- (f) a Home Office police aviation adviser;
- (g) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004<sup>M1</sup>;
- (h) an Officer of Revenue and Customs;
- (i) an employee of the Ministry of Defence in the course of their duty; or
- (j) such other person being carried for purposes connected with police operations as may be permitted by the CAA;

“required apparatus” means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and

“specified circumstances” means, in respect of a helicopter, circumstances in which it is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

#### Marginal Citations

M1 2004 c.21.

### Helicopters registered in the United Kingdom carrying out Performance Class 1 operations and Performance Class 2 operations

**130.**—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 1 operation or Performance Class 2 operation which is flying under and in accordance with the terms of—

- (a) a national air operator's certificate, must not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;
- (b) a police air operator's certificate on which any passenger is carried who is not a permitted passenger and which is not equipped with the required apparatus, must not fly over any water on any flight for more than 15 minutes.

(2) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out a Performance Class 2 operation if—

- (a) the maximum take-off mass of the helicopter is less than 5,700kg; and
- (b) not more than 15 passengers are carried on the helicopter.

(3) In this article “permitted passenger” and “required apparatus” have the same meaning as in article 129(8).

### Public transport aircraft registered in the United Kingdom – aerodrome operating minima

**131.**—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) Subject to paragraphs (3) and (4), the operator of an aircraft to which this article applies must establish and include in the operations manual or the police operations manual relating to the aircraft the required information.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required by this Order; or

(b) it is not practicable to include the required information in the operations manual or the police operations manual,

the operator must comply with paragraph (4).

(4) If this paragraph applies the operator of the aircraft must—

(a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required information calculated in accordance with the required data and instructions provided in accordance with paragraph (5) or (6); and

(b) cause a copy of the required information to be retained on the ground for at least three months after the flight.

(5) The operator of an aircraft for which an operations manual or a police operations manual is required by this Order must include in that operations manual the required data and instructions.

(6) The operator of an aircraft for which neither an operations manual nor a police operations manual is required by this Order must—

(a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required data and instructions; and

(b) cause a copy of the required data and instructions to be retained on the ground for at least three months after the flight.

(7) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(8) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft must take into account—

(a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;

(b) the composition of its crew;

(c) the physical characteristics of the relevant aerodrome and its surroundings;

(d) the dimensions of the runways which may be selected for use; and

(e) in relation to any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use—

(i) whether or not there are such aids in use at the relevant aerodrome;

(ii) the nature of any such aids that are in use; and

(iii) the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids.

(9) The operator must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which may reasonably be expected.

(10) An aircraft to which this article applies must not commence a flight at a time when—

(a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or

(b) according to the information available to the pilot in command of the aircraft it would not be able without contravening paragraphs (11) or (12), to land at the aerodrome of intended destination at the estimated time of arrival there and at any destination alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(11) An aircraft to which article 116 applies, when making a descent to an aerodrome, must not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet

above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(12) An aircraft to which this article applies, when making a descent to an aerodrome, must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(13) If, according to the information available, an aircraft would as regards any flight 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.

(14) In this article—

“the required information” means detailed information about the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every destination alternate aerodrome;

“specified” in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as has been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or supplied in writing to the pilot in command of the aircraft by the operator in accordance with paragraph (4); and

“the required data and instructions” means such data and instructions as will enable the pilot in command of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator before the commencement of the flight.

### **Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima**

**132.**—(1) This article applies to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies must not fly in or over the United Kingdom unless the operator has made available to the flight crew aerodrome operating minima which comply with paragraph (3) for every aerodrome at which it is intended to land or take off and every destination alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) must be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(4) An aircraft must not undertake low visibility operations otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(5) An aircraft must not take off from or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not descend from a height of 1,000 feet or more above the aerodrome to a height of

less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless, in either case, the specified visual reference for landing is established and maintained from such height.

(8) In this article, “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).

**A to A commercial air transport aeroplane operations and public transport flights by aeroplanes at night or in specified meteorological conditions**

**133.**—(1) This article applies to any aeroplane which is—

- (a) registered elsewhere than in the United Kingdom;
- (b) powered by one power unit only; and
- (c) flying on an A to A commercial air transport aeroplane operation or a public transport flight.

(2) An aeroplane to which this article applies must not fly—

- (a) at night; or
- (b) when there is prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any destination alternate aerodrome—
  - (i) a cloud ceiling of less than 1,000 feet; or
  - (ii) visibility of less than one nautical mile.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016, Cross  
Heading: SECTION 7.