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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 1*

*Duties of the pilot in command*

**Public transport of passengers – pilot in command to ensure demonstration of lifejackets**

**105.**—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Subject to paragraph (5), in the case of a flight in an aircraft which is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) Subject to paragraph (6), and if the circumstances described in paragraph (5) apply, in the case of an aircraft which is not a seaplane and which is required by article 112(2) to carry cabin crew, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(5) The circumstances referred to in paragraph (4) are that—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(6) If the requirement to give a demonstration required by paragraph (3) or (4) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(7) In the case of an aircraft which is a seaplane, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(8) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

#### **Public transport of passengers – pilot in command to ensure crew, passengers and baggage secure**

**106.**—(1) Subject to paragraph (2), this article applies to a public transport flight by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Before the aircraft takes off and before it lands, the pilot in command must take all reasonable steps to ensure that—

- (a) the crew of the aircraft are properly secured in their seats; and
- (b) any cabin crew carried in compliance with article 112(2) are properly secured in seats which are in a passenger compartment and which are so situated that the cabin crew can readily assist passengers.

(4) During the period and in the circumstances described in paragraph (5) the pilot in command must take all reasonable steps to ensure that—

- (a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;
- (b) all passengers under the age of two years are properly secured by means of a child restraint device; and
- (c) those items of baggage in the passenger compartment—
  - (i) which the pilot in command reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and
  - (ii) in the case of an aircraft capable of seating more than 30 passengers, are either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(5) The period and circumstances referred to in paragraph (4) are—

- (a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;
- (b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and
- (c) whenever, by reason of turbulent air or any emergency occurring during the flight the pilot in command considers it necessary to take the steps specified in paragraph (4).

#### **Public transport of passengers – pilot in command to ensure demonstration of use of oxygen**

**107.**—(1) Subject to paragraph (4), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 must take all reasonable steps to ensure that each of the actions described in column 1 of the following table is carried out.

<i>Column 1</i>	<i>Column 2</i>
Before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.	Before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.
When flying above flight level 120 all passengers and cabin crew are recommended to use oxygen.	When flying above flight level 130 all passengers and cabin crew are recommended to use oxygen.
During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.	During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(3) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st January 1989 must take all reasonable steps to ensure that each of the actions described in either column 1 or in column 2 of the table in paragraph (2) is carried out.

(4) This article does not apply—

- (a) to a flight under and in accordance with the terms of a police air operator's certificate; or
- (b) in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

## *SECTION 2*

### *Crew to be carried*

#### **Pilots required on public transport flights by flying machines over 5,700kg**

**108.** A flying machine registered in the United Kingdom must carry at least two pilots as members of the flight crew if it—

- (a) is flying for the purpose of public transport; and
- (b) has a maximum take-off mass of more than 5,700kg.

#### **Pilots required on public transport flights by aeroplanes of 5,700kg or less**

**109.**—(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

- (a) is flying for the purpose of public transport;
- (b) has a maximum take-off mass of 5,700kg or less;
- (c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules; and
- (d) comes within paragraph (2).

(2) Subject to paragraph (3), an aeroplane comes within this paragraph if it has—

- (a) one or more turbine jets;
- (b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;
- (c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than nine;

- (d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, where it is not provided with a means of pressurising the personnel compartments; or
  - (e) two or more piston engines.
- (3) An aeroplane does not come within paragraph (2)(d) or (e) if it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off.
- (4) An aeroplane—
- (a) described in paragraph (2)(d) or (e) which is equipped with an approved autopilot is not required to carry two pilots even though before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the CAA;
  - (b) described in paragraph (2)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate is not required to carry two pilots.

#### **Pilots required on public transport flights by helicopters of 5,700kg or less**

- 110.**—(1) Subject to paragraph (2), a helicopter registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—
- (a) is flying for the purpose of public transport;
  - (b) has a maximum take-off mass of 5,700kg or less; and
  - (c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules or is flying at night on a special VFR flight.
- (2) A helicopter described in paragraph (1) is not required to carry two pilots if it—
- (a) is equipped with an autopilot with altitude hold and heading mode which is serviceable on take-off;
  - (b) is equipped with such an autopilot even though before take-off the autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or
  - (c) is flying by day and remains clear of cloud and with the surface in sight.

#### **Flight navigators or navigational equipment required on public transport flights**

- 111.**—(1) In the circumstances specified in paragraph (2) an aircraft registered in the United Kingdom flying on a public transport flight must carry—
- (a) a flight navigator as a member of the flight crew; or
  - (b) navigational equipment suitable for the route to be flown.
- (2) The circumstances referred to in paragraph (1) are that on the route or on any diversion from it, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown.
- (3) A flight navigator carried in compliance with paragraph (1) must be carried in addition to any person who is carried in accordance with this Part to perform other duties.

#### **Required cabin crew of aircraft**

- 112.**—(1) This article applies to each public transport flight by an aircraft registered in the United Kingdom which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.

- (2) The crew of the aircraft on each such flight must include cabin crew.
- (3) Subject to paragraph (4), on each such flight there must be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft.
- (4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if—
  - (a) the CAA has granted permission to the operator to carry a lesser number on that flight;
  - (b) the operator carries the number specified in that permission; and
  - (c) the operator complies with any conditions subject to which the permission is granted.

### SECTION 3

#### *Operator responsibilities*

#### **Flight data monitoring, accident prevention and flight safety programme**

- 113.**—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport must establish and maintain an accident prevention and flight safety programme.
- (2) The operator of an aeroplane registered in the United Kingdom with a maximum take-off mass of more than 27,000kg flying for the purpose of public transport must include a flight data monitoring programme as part of its accident prevention and flight safety programme.
  - (3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme must be designed and managed to meet that objective.
  - (4) It is not the purpose of an accident prevention and flight safety programme to apportion blame or liability.

#### **Public transport – operator’s responsibilities in relation to crew**

- 114.**—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first designating from among the flight crew a pilot to be the pilot in command of the aircraft for the flight.
- (2) Subject to paragraph (5), the operator of an aircraft registered in the United Kingdom must not permit any person to be a member of the crew during any public transport flight (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—
    - (a) that person has had the training, experience, practice and periodical tests specified in Part 3 of Schedule 9 for the duties to be performed; and
    - (b) the operator is satisfied that person is competent to perform their duties, and in particular to use the equipment provided in the aircraft for the purpose of those duties.
  - (3) The operator must maintain, preserve, produce and supply information respecting records relating to the matters specified in paragraph (2) in accordance with Part 3 of Schedule 9.
  - (4) During any flight for the purpose of the public transport of passengers the operator of an aircraft registered in the United Kingdom must not permit any member of the flight crew to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.
  - (5) Paragraph (2) does not apply to the operator of a balloon registered in the United Kingdom provided that the operator—
    - (a) ensures that any person acting as a member of the crew during any flight for the purpose of public transport has had the training, experience, practice and periodical tests for the duties to be performed required by—

- (i) paragraph 1 of Part 3 of Schedule 9 within a period of three years immediately preceding the commencement of the flight; and
  - (ii) paragraph 2(5)(b) of Part 3 of Schedule 9 within a period of 13 months immediately preceding the commencement of the flight; and
- (b) specifies the periods mentioned in sub-paragraphs (a)(i) and (ii) in its operations manual.

### **Public transport – operator’s responsibilities in relation to routes and aerodromes**

**115.**—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft.

(2) Subject to paragraph (3), the operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that—

- (a) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and
- (b) in particular those places will be adequately staffed and equipped and will have such staffing and equipment as may be prescribed at the time at which it is reasonably estimated such a take-off or landing will be made to ensure so far as practicable the safety of the aircraft and its passengers.

(3) The operator of an aircraft is not required for the purposes of this article to be satisfied as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

## *SECTION 4*

### *Operations and training manuals*

#### **Operations manual**

**116.**—(1) Subject to paragraphs (2) and (3), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to an aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

(3) This article does not apply to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator’s certificate.

(4) An operator of an aircraft to which this article applies must—

- (a) make available to each member of the operating staff an operations manual which complies with paragraph (5);
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member’s duties on the flight.

(5) An operations manual—

- (a) complies with this paragraph if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part 1 of Schedule 9;
  - (b) is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.
- (6) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of the whole of the operations manual in effect for the aircraft.
- (7) Any amendments or additions to the operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.
- (8) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.
- (9) The operator must make such amendments or additions to the operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

### **Training manual**

- 117.**—(1) Subject to paragraph (2), this article applies to public transport aircraft registered in the United Kingdom.
- (2) This article does not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.
- (3) The operator of every aircraft to which this article applies must—
- (a) make available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 114(2) a training manual which complies with paragraph (4); and
  - (b) ensure that each copy of that training manual is kept up to date.
- (4) A training manual complies with this paragraph if it contains all information and instructions necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 114(2) to perform that person's duties, including in particular information and instructions relating to the matters specified in Part 2 of Schedule 9.
- (5) An aircraft to which this article applies must not fly unless at least 30 days before such flight the operator of the aircraft has supplied to the CAA a copy of the whole of the training manual relating to the crew of that aircraft.
- (6) Any amendments or additions to the training manual must be supplied to the CAA by the operator before or immediately after they come into effect.
- (7) If an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.
- (8) The operator must make such amendments or additions to the training manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

## SECTION 5

### Equipment

#### **Wearing of survival suits by crew**

**118.**—(1) Paragraph (2) does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(2) Each member of the crew of an aircraft registered in the United Kingdom must wear a survival suit if such a suit is required to be carried by article 119 and Part 1 of Schedule 6.

#### **Equipment of public transport aircraft**

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

(2) An aircraft to which this article applies must not fly unless it is equipped and marked in accordance with Schedule 6 (aircraft equipment).

(3) The equipment in Schedule 6 must be—

(a) 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, unless it is equipment listed in paragraph 3 of that Schedule; and

(b) installed in a manner approved by EASA or the CAA.

(4) The equipment carried in compliance with this article 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.

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

(6) In every such 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 (7).

(7) 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.

(8) The operator of a helicopter on which a vibration health monitoring system is required to be carried by paragraph 4(12) of Part 1 of Schedule 6 must operate that equipment in accordance with procedures approved by the CAA.

#### **Functioning of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters**

**120.**—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.



(2) Subject to paragraph (5), whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit from the aeroplane or helicopter and every internal door in the aeroplane or helicopter must be in working order.

(3) Subject to paragraph (4), during take-off and landing and during any emergency, every exit and door in the aeroplane or helicopter must be kept free of obstruction and must not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(4) In the case of—

- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the pilot in command of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) does not apply.

(5) Subject to compliance with paragraph (6), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) This paragraph is complied with if—

- (a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words “exit” or “emergency exit” are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

### **Marking of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters**

**121.**—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) An operator must ensure that every exit from an aeroplane or helicopter to which this article applies is marked in accordance with this article.

(3) Every exit from such an aeroplane or helicopter must be marked on interior surfaces with the words “exit” or “emergency exit” in capital letters, which must be red in colour and if necessary outlined in white to contrast with the background.

(4) Every exit from such an aeroplane or helicopter must be marked on exterior surfaces with the words “exit” or “emergency exit” in capital letters, which must be located on a background which provides adequate contrast.

(5) Every exit from such an aeroplane or helicopter must be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be red in colour and located on a background which provides adequate contrast.

(6) Every exit from such an aeroplane or helicopter which may be opened from the outside must be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be located on a background which provides adequate contrast.

- (7) The markings required by this article must be—
- (a) painted, or affixed by other equally permanent means; and
  - (b) kept clean and unobscured at all times.

## *SECTION 6*

### *Loading*

#### **Operator’s duty concerning the loading of public transport aircraft**

**122.**—(1) This Section applies to an aircraft registered in the United Kingdom which is being loaded for a public transport flight.

(2) The operator of an aircraft to which this Section applies must not cause or permit it to be loaded except in accordance with this Section.

(3) In this Section, loading includes the suspension of a load from the aircraft.

#### **Requirement to load in accordance with loading instructions**

**123.**—(1) An aircraft to which this Section applies may only be loaded under the supervision of a person whom the operator has caused to be supplied with written instructions as to the distribution and securing of the load (in this Section called “the loading instructions”) which—

- (a) conform with paragraph (3); and
- (b) subject to article 126(1), conform with paragraph (4).

(2) The operator must not cause or permit the aircraft to be loaded in contravention of the loading instructions.

(3) Loading instructions conform with this paragraph if they ensure—

- (a) the load may safely be carried on the flight; and
- (b) any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(4) Loading instructions conform with this paragraph if they—

- (a) indicate the additional items included in the weight of the aircraft prepared for service;
- (b) show the position of the centre of gravity of the aircraft at that weight; and
- (c) indicate the weight of the aircraft prepared for service.

(5) In sub-paragraph (4)(c), the weight of the aircraft prepared for service means the aggregate of the weight of the aircraft, shown in the weight schedule referred to in article 43, and the weight of such additional items in or on the aircraft as the operator thinks fit to include.

#### **Requirement for a load sheet**

**124.**—(1) Subject to article 126(1) and (2), the person supervising the loading of an aircraft to which this Section applies must—

- (a) before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements; and

- (b) if not the pilot in command of the aircraft, submit the load sheet for examination by the pilot in command of the aircraft who must sign it.
- (2) Subject to paragraph (3), one copy of the load sheet—
  - (a) must be carried in the aircraft when article 229 so requires until the flights to which it relates have been completed; and
  - (b) together with the loading instructions, must be preserved by the operator for at least six months after the flights and must not be carried in the aircraft.
- (3) In the case of—
  - (a) an aeroplane which has a maximum take-off mass of not more than 2,730kg; or
  - (b) a helicopter,

if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter in a container approved by the CAA for that purpose.

### **Carriage of baggage**

**125.**—(1) Subject to paragraph (2), the operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) the baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, the amount of baggage does not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

(2) Paragraph (1)(b) does not apply to baggage carried in accordance with a permission issued under article 106(4)(c)(ii).

### **Loading instructions: exceptions**

**126.**—(1) The loading instructions need not conform with article 123(4) and article 124(1) does not apply if the aircraft—

- (a) has a maximum take-off mass of not more than 1,150kg;
  - (b) has a maximum take-off mass of not more than 2,730kg and the flight is—
    - (i) solely for training persons to perform duties in an aircraft and intended not to exceed 60 minutes in duration; or
    - (ii) intended to begin and end at the same aerodrome and not to exceed 60 minutes in duration; or
  - (c) is a helicopter which—
    - (i) has a maximum take-off mass of not more than 3,000kg; and
    - (ii) a total seating capacity of not more than five persons.
- (2) Article 124(1) does not apply if—
- (a) the load and the way it is to be distributed and secured on the next intended flight are to be unchanged from the previous flight; and
  - (b) the pilot in command of the aircraft makes and signs an endorsement to that effect on the load sheet for the previous flight, indicating—
    - (i) the date of the endorsement;
    - (ii) the place of departure on the next intended flight; and

(iii) the next intended place of destination.

## 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 prescribe requirements for aeroplanes registered in the United Kingdom, which are neither EU-OPS aeroplanes nor 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.

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

**128.**—(1) The Secretary of State may prescribe 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.

### **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(1);
- (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.

### **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;

(1) 2004 c.21.

- (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.

## SECTION 8

### *State aircraft operations*

#### **Requirement for, and grant of, police air operator's certificate**

**134.**—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority is, for the purposes of this Order, deemed to be a public transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of the public transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of public transport or the public transport of passengers.

(4) An aircraft registered in the United Kingdom must not fly on any flight in the service of a police authority otherwise than under and in accordance with the terms of—

- (a) a police air operator's certificate granted to the operator;
- (b) a national air operator's certificate granted to the operator;
- (c) both—
  - (i) a Part-CAT air operator certificate granted to the operator; and
  - (ii) Part-CAT and Part-ORO as though the flight were a commercial air transport operation; or
- (d) a permission given by the CAA.

#### **Police operations manual**

**135.**—(1) This article applies to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(2) An aircraft to which this article applies must not fly except under and in accordance with the terms of Part 1 and Part 2 of a police operations manual, Part 1 of which must have been approved for the aircraft by the CAA.

(3) The operator of every aircraft to which this article applies must—

- (a) make available to each member of its operating staff a police operations manual which complies with paragraph (4);
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.

(4) A police operations manual complies with this paragraph if it contains all information and instructions necessary to enable the operating staff to perform their duties as such.

(5) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of Part 2 of the police operations manual in effect for the aircraft.

(6) Any amendments or additions to Part 2 of the police operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously apply, that aircraft must not fly in the service of a police authority under and in accordance with the terms of the police operator's certificate until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the police operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.