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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 7**

Air traffic services

**CHAPTER 1**

Air traffic services

**Requirement for an air traffic control approval**

**180.**—(1) Subject to paragraph (3), a person in charge of the provision of an air traffic control service must not provide such a service for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services unless that person has been given and complies with the terms of an air traffic control approval granted by the CAA.

(2) The CAA must grant an air traffic control approval if it is satisfied that the applicant is competent to provide a service which is safe for use by aircraft, having regard to the applicant's organisation, staffing, equipment, maintenance and other arrangements.

(3) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.

**Duty of person in charge to be satisfied as to competence of controllers**

**181.** The holder of an approval granted under article 180 must not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

- (a) that person holds an appropriate licence; and
- (b) the approval holder is satisfied that the person is competent to perform the duties of an air traffic controller or a student air traffic controller.

**Manual of air traffic services**

**182.**—(1) Subject to paragraph (2), a person must not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services for that place;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions are made to the manual as the CAA may from time to time require.

(2) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.

### **Provision of air traffic services**

**183.** In the case of an aerodrome (other than a Government aerodrome) for which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome must—

- (a) inform the CAA in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by that person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

### **Making of an air traffic direction in the interests of safety**

**184.—**(1) The CAA may, in the interests of safety, direct the person in charge of an aerodrome that there must be provided for that aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(2) The CAA may, in the interests of safety, direct the holder of a licence to provide air traffic services granted under Part I of the Transport Act 2000<sup>(1)</sup> that there must be provided, for airspace specified in paragraph (3), such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(3) The airspace referred to in paragraph (2) is United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services, otherwise than in respect of an aerodrome.

(4) The CAA may specify in the direction the periods during which, the times at which, the manner in which and the airspace within which such service or such means must be provided.

(5) The person who has been directed must cause such a service or means to be provided in accordance with the direction.

(6) The CAA may, pending inquiry into or consideration of the case, make a provisional air traffic direction.

(7) A provisional air traffic direction—

- (a) may contain any of the requirements which may be included in an air traffic direction made in accordance with paragraph (1) or (2);
- (b) has effect as though it were an air traffic direction made in accordance with paragraph (1) or (2).

### **Making of a direction for airspace policy purposes**

**185.—**(1) After consultation with the Secretary of State the CAA may direct any person in charge of the provision of air traffic services to provide air traffic services for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air traffic services.

(2) A direction under paragraph (1) may be made—

- (a) in the interests of ensuring the efficient use of airspace; or

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(1) 2000 c.38.

- (b) to require that air traffic services are provided to a standard considered appropriate by the CAA for the airspace classification.
- (3) The CAA may specify in a direction under paragraph (1)—
  - (a) the air traffic services and the standard to which they are to be provided; and
  - (b) the periods during which, the times at which, the manner in which, and the airspace within which such services must be provided.
- (4) The person who has been directed must cause such a service to be provided in accordance with the direction.

#### **Use of radio call signs at aerodromes**

**186.** The person in charge of an aerodrome provided with means of two-way radio communication must not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

#### **Approval of instrument flight procedures**

**187.**—(1) An instrument flight procedure within the United Kingdom must not be notified unless that procedure has been designed or approved by the CAA.

(2) The CAA must not notify or approve an instrument flight procedure unless it is satisfied that the procedure is safe for use by aircraft.

(3) Subject to paragraph (5), the CAA may approve an instrument flight procedure where an application for approval of the procedure has been made.

(4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the CAA may require.

(5) The CAA is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under paragraph (6).

(6) The CAA must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if it is satisfied that the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.

(7) The applicant for an approval under paragraph (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.