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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 8**

**Aerodromes and lighting**

**CHAPTER 1**

**Aerodromes, aeronautical lights and dangerous lights**

**Requirement to use national licensed, EASA certified or Government aerodrome**

**207.**—(1) This article applies to any aircraft flying on a flight specified in article 208.

(2) An aircraft to which this article applies must not take off or land at a place in the United Kingdom other than—

- (a) a national licensed aerodrome which is licensed for the take-off and landing of such aircraft;
- (b) an EASA certified aerodrome which may under its certificate be used for the take-off and landing of such aircraft;
- (c) a Government aerodrome notified as available for the take-off and landing of such aircraft; or
- (d) a Government aerodrome where the person in charge of the aerodrome has given permission for the particular aircraft to take off or land.

(3) When taking off or landing at an aerodrome specified in paragraph (2), an aircraft to which this article applies must do so in accordance with any conditions subject to which the aerodrome may have been certified, licensed or notified, or subject to which such permission may have been given.

**Flights which must use licensed or Government aerodrome**

**208.**—(1) Subject to paragraph (6), article 207 applies to any aeroplane which has a maximum take-off mass of more than 5,700kg flying on a flight—

- (a) for the purpose of the commercial air transport of passengers or the public transport of passengers;
- (b) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
- (c) for the purpose of carrying out flying examinations for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence.

(2) Subject to paragraph (6), article 207 applies to any aeroplane which has a maximum take-off mass of not more than 5,700kg flying on a flight which is—

- (a) a scheduled journey for the purpose of the commercial air transport of passengers or the public transport of passengers;

- (b) for the purpose of the commercial air transport of passengers or the public transport of passengers and which begins and ends at the same aerodrome; or
  - (c) for the purpose of the commercial air transport of passengers or the public transport of passengers and which is at night.
- (3) Subject to paragraph (6), article 207 applies to any helicopter or gyroplane flying on a flight which is a scheduled journey for the purpose of the public transport of passengers.
- (4) Subject to paragraph (6), article 207 applies to any helicopter or gyroplane of which the maximum take-off mass is more than 3,175kg flying on a flight—
- (a) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
  - (b) for the purpose of a flying test for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.
- (5) Subject to paragraph (6), article 207 applies to any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of—
- (a) the public transport of passengers; or
  - (b) instruction in flying.
- (6) Article 207 does not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

#### **Aerodromes – use for purposes of flying instruction and testing**

**209.**—(1) The operator of an aerodrome which is neither a national licensed aerodrome nor an EASA certified aerodrome must not permit an aircraft flying or intended to fly for a purpose specified in paragraph (3) to take off from or land at the aerodrome unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(2) The pilot in command of an aircraft must not take off from or land at an aerodrome which is neither a national licensed aerodrome nor an EASA certified aerodrome on a flight for a purpose specified in paragraph (3) unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

- (3) A flight is for a purpose specified in this paragraph if it is for the purpose of—
- (a) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
  - (b) carrying out flying examinations for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.

#### **Helicopters flying for public transport at night**

**210.**—(1) The person in charge of any area in the United Kingdom intended to be used for the take-off or landing of helicopters at night must cause there to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area at night, such lighting as will enable the pilot of the helicopter—

- (a) when landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
- (b) when taking off, to make a safe take-off.

(2) A helicopter flying for the purpose of the public transport of passengers at night must not take off or land at a place to which paragraph (1) applies unless there is in operation such lighting.

(3) Paragraph (1) does not apply to an aerodrome specified in article 207(2).

### **Use of Government aerodromes**

**211.** With the concurrence of the Secretary of State and subject to such conditions it deems appropriate, the CAA may notify any Government aerodrome as an aerodrome available for the take-off and landing of aircraft flying on flights for the purpose of—

- (a) the commercial air transport of passengers;
- (b) the public transport of passengers; or
- (c) instruction in flying,

or of any classes of such aircraft.

### **Licensing of aerodromes**

**212.—**(1) The CAA must grant a licence (“a national aerodrome licence”) for any non-EASA aerodrome in the United Kingdom if it is satisfied that—

- (a) the applicant is competent, having regard to its previous conduct and experience, and its equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings;
- (c) an effective safety management system is in place; and
- (d) the aerodrome manual submitted under paragraph (9) is adequate.

(2) If the CAA grants a national aerodrome licence it may do so subject to such conditions it deems appropriate.

(3) Subject to paragraph (4) and article 253, a national aerodrome licence remains in force for the period specified in the licence.

(4) A national aerodrome licence expires immediately in the event that an EASA aerodrome certificate is issued for the aerodrome.

(5) A national aerodrome licence holder must supply to any person on request information concerning the terms of the licence.

(6) A national aerodrome licence holder must not contravene or cause or permit to be contravened any condition of the national aerodrome licence at any time in relation to an aircraft flying on a flight specified in article 208, but the licence does not cease to be valid by reason only of such a contravention.

(7) A national aerodrome licence holder must take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(8) On making an application for an aerodrome licence the applicant must submit to the CAA an aerodrome manual for that aerodrome.

(9) An aerodrome manual required under this article must contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 12.

(10) Every national aerodrome licence holder must—

- (a) supply to the CAA any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the CAA may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(11) Every national aerodrome licence holder must make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to their duties and ensure that each such copy is kept up to date.

(12) Every national aerodrome licence holder must take all reasonable steps to secure that all members of the aerodrome operating staff—

- (a) are aware of the contents of every part of the aerodrome manual which is relevant to their duties; and
- (b) undertake their duties in conformity with the relevant provisions of the manual.

(13) In this article—

“aerodrome operating staff” means all persons (whether or not the national aerodrome licence holder and whether or not employed by the national aerodrome licence holder) whose duties—

- (a) are concerned with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft; or
- (b) require them to have access to the aerodrome manoeuvring area or apron;

“national aerodrome licence holder” means a person who has been granted a licence under paragraph (1);

“visual traffic pattern” means—

- (a) the aerodrome traffic zone of the aerodrome; or
- (b) in the case of an aerodrome which is not notified for the purposes of rule 11 of the Rules of the Air Regulations 2015, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

### **Issue of aerodrome safety directives for national licensed aerodromes**

**213.**—(1) The CAA may issue a directive (“an aerodrome safety directive”) to a national aerodrome licence holder if it has determined the existence of an unsafe condition at a national licensed aerodrome which requires immediate action.

(2) An aerodrome safety directive must contain, as a minimum, the following information—

- (a) details of the unsafe condition;
- (b) the actions required and the rationale for requiring them; and
- (c) the time limit for compliance with the required actions.

### **Public use licence**

**214.**—(1) If the applicant for a national aerodrome licence requests or if the CAA considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, the CAA may grant a national aerodrome licence with a public use condition in addition to any other conditions.

(2) A public use condition is a condition that the aerodrome is to be available to all persons on equal terms and conditions at all times when it is available for the take-off or landing of aircraft.

(3) A national aerodrome licence with a public use condition is in this Order referred to as “a public use licence”.

(4) The holder of a public use licence must cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft flying on flights for the purpose of the commercial air transport of passengers, the public transport of passengers or instruction in flying.

### **Charges at aerodromes with a public use licence**

**215.** The holder of a public use licence must, when required by the Secretary of State, supply to the Secretary of State such information as he may require about the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

### **Use of aerodromes by aircraft of Contracting States and of the Commonwealth**

**216.** The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom must cause the aerodrome and all of its air navigation facilities to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom.

### **Powers of aerodrome firefighters in an emergency**

**217.—**(1) A member of the Rescue and Fire Fighting Service at a national licensed aerodrome or an EASA certified aerodrome may do anything on the aerodrome the member reasonably believes to be necessary—

- (a) if the member reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;
- (b) if the member reasonably believes an aircraft accident or incident to have occurred, for the purpose of rescuing people or protecting them from serious harm; or
- (c) for the purpose of preventing or limiting damage to property resulting from any action taken as mentioned in sub-paragraph (a) or (b).

(2) In particular, a member of the Rescue and Fire Fighting Service at a national licensed aerodrome or an EASA certified aerodrome, when acting in accordance with paragraph (1), may on the aerodrome—

- (a) enter an aircraft, by force if necessary, without the consent of the owner or operator;
- (b) restrict the access of persons to an aircraft, premises or a place.

(3) A person who without reasonable excuse obstructs or interferes with a member of the Rescue and Fire Fighting Service at a national licensed aerodrome or an EASA certified aerodrome taking action authorised under this article commits an offence.

### **Noise and vibration caused by aircraft on aerodromes**

**218.—**(1) The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, national licensed aerodromes, EASA certified aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft.

(2) Section 77(2) of the Civil Aviation Act 1982 applies to any aerodrome in relation to which the Secretary of State has prescribed conditions in accordance with paragraph (1).

### **Customs and Excise aerodromes**

**219.**—(1) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs, by order revoke any designation so made.

### **Aviation fuel at aerodromes**

**220.**—(1) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be delivered to the installation unless satisfied that—

- (a) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
- (b) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
- (c) in the case of delivery from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation and is fit for use in aircraft.

(2) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be dispensed from the installation to an aircraft unless satisfied as the result of sampling that the fuel is fit for use in aircraft.

(3) Paragraph (1) does not apply to fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(4) The aviation fuel installation manager must keep a written record for each installation of which they have the management, which record must include detailed information about—

- (a) the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) the maintenance and cleaning of the installation.

(5) The aviation fuel installation manager must—

- (a) preserve the written record required under paragraph (4) for 12 months or such longer period as the CAA may in a particular case direct; and
- (b) within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(6) A person must not cause or permit any aviation fuel to be dispensed for use in an aircraft if the person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(7) If it appears to the CAA or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the CAA or that authorised person may direct the aviation fuel installation manager not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the CAA or by an authorised person.

(8) In this article—

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft;

“aviation fuel installation manager” means a person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom.

## CHAPTER 2

### Lights and lighting

#### Aeronautical lights

**221.**—(1) Except with the permission of the CAA and in accordance with any conditions subject to which the permission may be granted, a person must not establish, maintain or alter the character of—

- (a) an aeronautical beacon within the United Kingdom; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at a national licensed aerodrome, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the CAA must not give its permission for the purpose of this article except with the consent of that authority.

(3) A person must not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the CAA.

#### Lighting of en-route obstacles

**222.**—(1) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval of not more than 52 metres.

(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.

(3) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as reasonably practicable.

(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(5) In any particular case the CAA may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as it may specify.

(6) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(7) This article does not apply to any en-route obstacle for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(8) In this article, an “en-route obstacle” means any building, structure or erection, the height of which is 150 metres or more above ground level, but it does not include a building, structure or erection—

- (a) which is in the vicinity of a national licensed aerodrome or an EASA certificated aerodrome; and

- (b) to which section 47 of the Civil Aviation Act 1982 (warning of presence of obstructions near licensed aerodromes) applies.

### **Lighting of wind turbine generators in United Kingdom territorial waters**

**223.**—(1) Subject to paragraph (10), this article applies to any wind turbine generator—

- (a) the height of which is 60 metres or more above the level of the sea at the highest astronomical tide; and
- (b) which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator must ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) If four or more wind turbine generators are located together in the same group, with the permission of the CAA only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) Subject to paragraph (5), the light or lights required by paragraph (2) must be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light must be elevated to between three and four degrees above the horizontal plane;
- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type is to be visible at the horizontal plane;
- (c) not more than 10% of the minimum peak intensity specified for a light of this type is to be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) Subject to paragraph (7), the person in charge of a wind turbine generator must ensure that by night, any light required to be fitted by this article is displayed.

(7) In the event of the failure of any light which is required by this article to be displayed by night the person in charge of a wind turbine generator must repair or replace the light as soon as reasonably practicable.

(8) If visibility in all directions from every wind turbine generator in a group is more than 5km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(9) In any particular case the CAA may direct that a wind turbine generator must be fitted with and display such additional lights in such positions and at such times as it may specify.

(10) This article does not apply to any wind turbine generator for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(11) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(12) In this article—

- (a) “wind turbine generator” is a generating station which is wholly or mainly driven by wind;
- (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and
- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—



- (i) it is within 2km of that other wind turbine generator; or
- (ii) it is within 2km of a wind turbine generator which is in the same group as that other wind turbine generator.

### **Lights liable to endanger**

**224.**—(1) A person must not exhibit in the United Kingdom any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the CAA to be a light described in paragraph (1) is exhibited, the CAA may direct the person who is the occupier of the place where the light is exhibited or who has charge of the light, to take such steps within a reasonable time as are specified in the direction—

- (a) to extinguish or screen the light; and
- (b) to prevent in the future the exhibition of any other light which may similarly endanger aircraft.

(3) The direction may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the CAA under this article must not be exercised except with the consent of that authority.

### **Lights which dazzle or distract**

**225.** A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.