
STATUTORY INSTRUMENTS

1995 No. 1038

CIVIL AVIATION

The Air Navigation Order 1995

Made - - - - *11th April 1995*
Laid before Parliament *25th April 1995*
Coming into force - - *16th May 1995*

At the Court at Windsor Castle, the 11th day of April 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972⁽¹⁾, sections 60 (other than subsection (3)(r)), 61, 77, 101 and 102 of and Schedule 13 to the Civil Aviation Act 1982⁽²⁾ and section 35 of the Airports Act 1986⁽³⁾ and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

CITATION, COMMENCEMENT AND REVOCATION

Citation and Commencement

1. This Order may be cited as the Air Navigation Order 1995 and shall come into force on 16th May 1995.

Revocation

2. The following Orders are hereby revoked, that is to say:
- the Air Navigation Order 1989⁽⁴⁾;
 - the Air Navigation (Amendment) Order 1990⁽⁵⁾;
 - the Air Navigation (Second Amendment) Order 1991⁽⁶⁾;

(1) 1972 c. 68; the powers conferred by section 2(2) were extended, in relation to the EEA, by section 2 of the European Economic Area Act 1993 (1993 c. 51).

(2) 1982 c. 16.

(3) 1986 c. 31.

(4) S.I. 1989/2004.

(5) S.I. 1990/2154.

(6) S.I. 1991/1726.

the Air Navigation (Third Amendment) Order 1993(7);
the Air Navigation (Fourth Amendment) Order 1993(8);
the Air Navigation (Fifth Amendment) Order 1993(9).

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

3.—(1) Subject to paragraph (2) an aircraft shall not fly in or over the United Kingdom unless it is registered in:

- (a) some part of the Commonwealth;
 - (b) a Contracting State; or
 - (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.
- (a) (2) (a) A glider may fly unregistered, and shall be deemed to be registered in the United Kingdom for the purposes of articles 14, 15, 20 and 38 of this Order, on any flight which:
- (i) begins and ends in the United Kingdom without passing over any other country, and
 - (ii) is not for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (b) Any aircraft may fly unregistered on any flight which:
- (i) begins and ends in the United Kingdom without passing over any other country, and
 - (ii) is in accordance with the "B Conditions" set forth in Schedule 2 to this Order;
- (c) Paragraph (1) shall not apply to any kite or captive balloon.

(3) If an aircraft flies over the United Kingdom in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the United Kingdom

4.—(1) The Authority shall be the authority for the registration of aircraft in the United Kingdom and shall keep the register on its premises and may record therein the particulars specified in paragraph (7) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the United Kingdom if it appears to the Authority that:

(7) [S.I. 1993/231](#).
(8) [S.I. 1993/607](#).
(9) [S.I. 1993/2670](#).

- (a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law upon the aircraft being registered in the United Kingdom;
 - (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
 - (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
 - (d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.
- (3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share therein:
- (a) the Crown in right of Her Majesty's Government in the United Kingdom or a share therein;
 - (b) Commonwealth citizens;
 - (c) nationals of any EEA State;
 - (d) British protected persons;
 - (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
 - (f) undertakings formed in accordance with the law of an EEA State and having their registered office, central administration or principal place of business within the European Economic Area;
- or
- (g) firms carrying on business in Scotland.

In this sub-paragraph "firm" has the same meaning as in the Partnership Act.

(4) If any unqualified person residing or having a place of business in the United Kingdom holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the United Kingdom. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Authority may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the United Kingdom in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the United Kingdom shall be made in writing to the Authority, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as it may require to enable it to determine whether the aircraft may properly be registered in the United Kingdom and to issue the certificate referred to in paragraph (8). In particular, the application shall include the proper description of the aircraft according to column 4 of the "General Classification of aircraft" set forth in Part A of Schedule 1 to this Order.

(7) Upon receiving an application for the registration of an aircraft in the United Kingdom and being satisfied that the aircraft may properly be so registered, the Authority shall register the aircraft, wherever it may be, and shall include in the register the following particulars:

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Authority;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft; and

- (e) (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
 - (ii) in the case of an aircraft registered in pursuance of paragraphs (4) or (5), an indication that it is so registered.
- (a) (8) (a) Subject to sub-paragraph (b) the Authority shall furnish to the person in whose name the aircraft is registered (hereinafter in this article referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued.
 - (b) The Authority shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under this Order who has made to the Authority and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions set forth in Part C of Schedule 1 to this Order, and in that case the aircraft shall fly only in accordance with those conditions.
- (9) The Authority may grant to any person qualified as aforesaid an aircraft dealer’s certificate if it is satisfied that he has a place of business in the United Kingdom for buying and selling aircraft.
- (10) Subject to paragraphs (4) and (5), if at any time after an aircraft has been registered in the United Kingdom an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority.
- (11) Any person who is the registered owner of an aircraft registered in the United Kingdom shall forthwith inform the Authority in writing of:
- (a) any change in the particulars which were furnished to the Authority upon application being made for the registration of the aircraft;
 - (b) the destruction of the aircraft, or its permanent withdrawal from use; or
 - (c) in the case of an aircraft registered in pursuance of paragraph (5), the termination of the demise charter.
- (12) Any person who becomes the owner of an aircraft registered in the United Kingdom shall within 28 days inform the Authority in writing to that effect.
- (13) The Authority may, whenever it appears to it necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if it thinks fit, may cancel the registration of the aircraft, and shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.
- (14) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this article as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.
- (15) In this article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.
- (16) Nothing in this article shall require the Authority to cancel the registration of an aircraft if in its opinion it would be inexpedient in the public interest to do so.
- (17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the Authority pursuant to an Order in Council made under

section 86 of the Civil Aviation Act 1982(10) shall not become void by virtue of paragraph (10), nor shall the Authority cancel the registration of such an aircraft pursuant to this article, unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

Nationality and registration marks

5.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom shall comply with Part B of Schedule 1 to this Order.

(3) Subject to paragraph (4), an aircraft shall not bear any marks which purport to indicate:

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the Authority for the purposes of flight in accordance with the “B Conditions” contained in Schedule 2 to this Order shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.

PART II

AIR OPERATORS' CERTIFICATES

Issue of air operators' certificates

6.—(1) Subject to article 7 of this Order, an aircraft registered in the United Kingdom shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operator’s certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(2) The Authority shall grant to any person applying therefor an air operator’s certificate if it is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Authority thinks fit and shall, subject to the provisions of article 71 of this Order, remain in force for the period specified in the certificate.

Issue of police air operators' certificate

7.—(1) A flight by an aircraft registered in the United Kingdom in the service of a chief officer of police for any area of the United Kingdom (in this Order called “a police authority”) shall, for the purposes of this Order, be deemed to be a flight for the purpose of public transport and if any passenger is carried the flight shall be deemed to be for the purpose of public transport of passengers, and save as otherwise expressly provided, the provisions of this Order and of any regulations made

thereunder shall be complied with in relation to any such flight as if that flight was for the purpose of public transport or public transport of passengers as the case may be.

(2) An aircraft registered in the United Kingdom shall not fly on any flight in the service of a police authority otherwise than under and in accordance with either the terms of an air operator's certificate granted to the operator of the aircraft under article 6(2) of this Order or the terms of a police air operator's certificate granted to the operator of the aircraft under paragraph (3), certifying that the holder of the certificate is competent to secure that aircraft operated by him on flights for the purpose of police operations are operated as safely as is appropriate having regard to the particular purposes of the flight.

(3) The Authority shall grant to any person applying therefor a police air operator's certificate (in this Order called "a police air operator's certificate") if it is satisfied that that person is competent having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the operation of aircraft of the types specified in the certificate shall be as safe as is appropriate when flying on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Authority thinks fit and shall, subject to the provisions of article 71 of this Order, remain in force for the period specified in the certificate.

PART III

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Certificate of airworthiness to be in force

8.—(1) Subject to paragraph (2) an aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The foregoing prohibition shall not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of:

- (a) a glider, if it is not being used for the public transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
- (b) a balloon flying on a private flight;
- (c) a kite;
- (d) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Schedule 2 to this Order; or
- (e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Authority in respect of that aircraft.

(3) In the case of an aircraft registered in the United Kingdom the certificate of airworthiness referred to in paragraph (1) shall be a certificate issued or rendered valid in accordance with the provisions of article 9 of this Order.

Issue, renewal, etc., of certificates of airworthiness

9.—(1) The Authority shall issue in respect of any aircraft a certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to:

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and
 - (b)
 - (i) subject to sub-paragraph (ii) the results of flying trials, and such other tests of the aircraft as it may require;
 - (ii) if the Authority has issued a certificate of airworthiness in respect of an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is satisfied that it conforms to such prototype or modification.
- (2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Authority, appropriate to the aircraft in accordance with Schedule 3 to this Order and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to those categories.
- (3) The Authority may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.
- (4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in article 32(1) of this Order.
- (5) The Authority may, subject to such conditions as it thinks fit, issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft under the law of any country other than the United Kingdom.
- (6) Subject to the provisions of this article and of article 71 of this Order, a certificate of airworthiness or validation issued under this article shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Authority for such further period as it thinks fit.
- (7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force:
- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;
 - (b) until the completion of any inspection or maintenance of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and:
 - (i) classified as mandatory by the Authority;
 - (ii) required by a maintenance schedule approved by the Authority in relation to that aircraft; or
 - (c) until the completion to the satisfaction of the Authority of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Authority for the purpose of ensuring that the aircraft remains airworthy.
- (8) Nothing in this Order shall oblige the Authority to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Authority may specify (either generally or in a particular case or class of cases).

Certificate of maintenance review

10.—(1) An aircraft registered in the United Kingdom in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless:

- (a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Authority in relation to that aircraft; and
 - (b) there is in force a certificate (in this Order referred to as a “certificate of maintenance review”) issued in respect of the aircraft in accordance with the provisions of this article and such certificate shall certify the date on which the maintenance review was carried out and the date thereafter when the next review is due.
- (2) The approved maintenance schedule referred to in paragraph (1) shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.
- (a) (3) (a) Subject to sub-paragraph (b), a certificate of maintenance review may be issued for the purposes of this article only by:
 - (i) the holder of an aircraft maintenance engineer’s licence:
 - (aa) granted under this Order being a licence which entitles him to issue that certificate;
 - (bb) granted under the law of a country other than the United Kingdom and rendered valid under this Order in accordance with the privileges endorsed on the licence; or
 - (cc) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
 - (ii) a person whom the Authority has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or
 - (iii) a person approved by the Authority as being competent to issue such certificate, and in accordance with that approval.
 - (b) In approving a maintenance schedule, the Authority may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.
- (4) A person referred to in paragraph (3) shall not issue a certificate of maintenance review unless he has first verified that:
- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft;
 - (b) inspections and modifications required by the Authority as provided in article 9 of this Order have been completed as certified in the relevant certificate of release to service issued under the Order or under JAR 145;
 - (c) defects entered in the technical log of the aircraft in accordance with article 11 of this Order have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Authority; and
 - (d) certificates of release to service have been issued:
 - (i) under the Order in respect of an aircraft falling within article 12(1); or
 - (ii) under JAR 145 in respect of an aircraft required to be maintained in accordance with JAR 145;
- and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.
- (5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when article 66 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of article 70 of this Order, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of 2 years after it has been issued.

Technical Log

11.—(1) A technical log shall be kept in respect of an aircraft registered in the United Kingdom being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

- (a) (2) (a) Subject to sub-paragraph (b), at the end of every flight by an aircraft to which the provisions of this article apply the commander of the aircraft shall enter:
- (i) the times when the aircraft took off and landed;
 - (ii) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
 - (iii) such other particulars in respect of the airworthiness or operation of the aircraft as the Authority may require;

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2730 kg and which is not operated by a person who is the holder of or is required by article 6(1) of this Order to hold an air operator's certificate, in such other record as the Authority shall approve and he shall sign and date such entries.

- (b) In the case of a number of consecutive flights each of which begins and ends:
- (i) within the same period of 24 hours;
 - (ii) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
 - (iii) with the same person as commander of the aircraft;

the commander of an aircraft may, except where he becomes aware of a defect during an earlier flight, make the entries specified in sub-paragraph (a) in a technical log at the end of the last of such consecutive flights.

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2) a person issuing a certificate of release to service issued under the Order or under JAR 145 in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

- (a) (4) (a) Subject to sub-paragraph (b) the technical log referred to in this article shall be carried in the aircraft when article 66 of this Order so requires and copies of the entries referred to in this article shall be kept on the ground.
- (b) In the case of an aeroplane of which the maximum total weight authorised does not exceed 2730 kg, or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the Authority for that purpose.

(5) Subject to the provisions of article 70 of this Order, a technical log or such other approved record required by this article shall be preserved by the operator of the aircraft to which it relates until a date 2 years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Authority may permit in a particular case.

Inspection, overhaul, repair, replacement and modification

12.—(1) This article shall apply to any aircraft registered in the United Kingdom in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force except any such aircraft required to be maintained in accordance with JAR 145.

(2) Except as provided in paragraphs (4) and (5) an aircraft to which this article applies shall not fly unless there is in force a certificate of release to service issued under this Order if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 9(7)(b) of this Order, as the case may be.

(3) If a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable:

- (i) for the repair or replacement to be carried out in such a manner that a certificate of release to service under this Order can be issued in respect thereof; or
- (ii) for such a certificate to be issued while the aircraft is at that place;

it may fly to a place at which such a certificate can be issued, being the nearest place:

- (aa) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
- (bb) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Authority within 10 days thereafter.

(4) Nothing in paragraph (2) shall require a certificate of release to service to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in respect of which a certificate of airworthiness of the special category is in force, unless the Authority gives a direction to the contrary in a particular case.

(5) Nothing in paragraph (2) shall prevent an aircraft to which this article applies in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2730 kg from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as may be prescribed and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to article 17 of this Order a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of article 70 of this Order, shall preserve the log book for the period specified in article 17 of this Order. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Authority whether generally or in relation to a class of aircraft or one particular aircraft.

(6) Neither:

- (a) equipment provided in compliance with Schedule 4 to this Order (except paragraph (3) thereof); nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulation made thereunder;

shall be installed or placed on board for use in an aircraft to which this article applies after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued under this Order.

(7) A certificate of release to service issued under this Order shall:

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
 - (b) certify in relation to any inspection required by the Authority that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Authority and that any consequential repair, replacement or modification has been carried out as aforesaid.
- (8) A certificate of release to service issued under this Order may be issued only by:
- (a) the holder of an aircraft maintenance engineer's licence:
 - (i) granted under this Order, being a licence which entitles him to issue that certificate;
 - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or
 - (iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
 - (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than the United Kingdom in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in accordance with the privileges endorsed on the licence;
 - (c) a person approved by the Authority as being competent to issue such certification, and in accordance with that approval;
 - (d) a person whom the Authority has authorised to issue the certificate in a particular case, and in accordance with that authority;
 - (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order; or
 - (f) a person approved in accordance with JAR 145, and in accordance with that approval.
- (9) In this article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

Licensing of maintenance engineers

13.—(1) The Authority shall grant aircraft maintenance engineers' licences, subject to such conditions as it thinks fit, upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, and skill in aeronautical engineering, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Authority may require of him.

(2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence, to issue:

- (a) certificates of maintenance review in respect of such aircraft as may be so specified;

- (b) certificates of release to service under this Order in respect of such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified; or
- (c) certificates of fitness for flight under “A Conditions” in respect of such aircraft as may be so specified.

(3) A licence shall, subject to the provisions of article 71 of this Order, remain in force for the period specified therein, not exceeding five years, but may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit person and is qualified as aforesaid.

(4) The Authority may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer granted under the law of any country other than the United Kingdom. Such certificate may be issued subject to such conditions, and for such periods, as the Authority thinks fit.

(5) A licence granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(6) Without prejudice to any other provision of this Order the Authority may, for the purpose of this article, either absolutely or subject to such conditions as it thinks fit:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide or conduct any course of training or instruction.

(7) The holder of an aircraft maintenance engineer’s licence shall not exercise the privileges of such a licence if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

(8) The holder of an aircraft maintenance engineer’s licence shall not, when exercising the privileges of such a licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

Equipment of aircraft

14.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made thereunder.

(2) In the case of any aircraft registered in the United Kingdom the equipment required to be provided (in addition to any other equipment required by or under this Order) shall be that specified in such parts of Schedule 4 to this Order as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph 3 of the said Schedule, shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Authority may direct that an aircraft registered in the United Kingdom shall carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be so installed or stowed and kept stowed, and so maintained and adjusted, 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 shall be indicated by clear markings in or on the aircraft. In particular in every public transport aircraft registered in the United Kingdom there shall be:

- (a) provided individually for each passenger; or

- (b) if the Authority so permits in writing, exhibited in a prominent position in every passenger compartment;

a notice relevant to the aircraft in question containing pictorial:

- (i) instructions on the brace position to be adopted in the event of an emergency landing;
- (ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (iii) information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (iv) information as to where the life-jackets, 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.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2), all navigational equipment (other than radio apparatus) of any of the following types, namely:

- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and
- (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies;

when carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Authority either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This article shall not apply in relation to radio apparatus except that specified in Schedule 4 to this Order.

Radio equipment of aircraft

15.—(1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made thereunder.

(2) Without prejudice to paragraph (1), the aircraft shall be equipped with radio and radio navigation equipment in accordance with Schedule 5 to this Order.

(3) In any particular case the Authority may direct that an aircraft registered in the United Kingdom shall carry such additional or special radio or radio navigation equipment as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio and radio navigation equipment provided in compliance with this article in an aircraft registered in the United Kingdom shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in the United Kingdom or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Authority in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by article 3(2) of this Order to fly unregistered, be installed in a manner approved

by the Authority. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Authority.

Minimum equipment requirements

16.—(1) This article shall not apply to equipment required to be carried by virtue of article 41(2) and 41(3) of this Order.

(2) Subject to paragraph (1), the Authority may, subject to such conditions as it thinks fit, grant in respect of any aircraft or class of aircraft registered in the United Kingdom a permission permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(3) An aircraft registered in the United Kingdom shall not commence a flight if any of the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use:

- (a) otherwise than under and in accordance with the terms of a permission under this article which has been granted to the operator;
- (b) unless in the case of an aircraft to which article 27 of this Order applies, the operations manual required thereby contains the particulars specified at sub-paragraph (xvii) of Part A of Schedule 10 to this Order; and
- (c) unless in the case of an aircraft to which article 28 of this Order applies, the police operations manual required thereby contains the particulars specified at sub-paragraph (xvii) of Part A of Schedule 10 to this Order.

Aircraft, engine and propeller log books

17.—(1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in the United Kingdom—

- (a) an aircraft log book;
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in Schedule 6 to this Order and in the case of an aircraft having a maximum total weight authorised not exceeding 2730 kg shall be of a type approved by the Authority.

- (a) (2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to this Order, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force in respect of the aircraft at the time of the occurrence.
- (b) Each entry in the log book, being such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of Schedule 6 to this Order shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this article.

(5) Subject to the provisions of article 70 of this Order every log book shall be preserved by the operator of the aircraft until a date 2 years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule

18.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Authority may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing:

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Authority in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(3) Subject to the provisions of article 70 of this Order the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this article.

Access and inspection for airworthiness purposes

19. The Authority may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Authority may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART IV

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft

20.—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order, in respect of that aircraft.

- (a) (3) (a) A flying machine registered in the United Kingdom and flying for the purpose of public transport having a maximum total weight authorised exceeding 5700 kg shall carry not less than two pilots as members of the flight crew thereof.
- (b) (i) Subject to sub-paragraph (ii) an aeroplane registered in the United Kingdom and flying for the purpose of public transport in circumstances where the aircraft

commander is required to comply with the Instrument Flight Rules and having a maximum total weight authorised of 5700 kg or less and powered by:

- (aa) one or more turbine jets;
- (bb) one or more turbine propeller engines and provided with a means of pressurising the personnel compartments;
- (cc) two or more turbine propeller engines and certificated to carry more than nine passengers;
- (dd) two or more turbine propeller engines and certificated to carry fewer than 10 passengers and not provided with a means of pressurising the personnel compartments, unless it is equipped with an autopilot which has been approved by the Authority for the purposes of this article and which is serviceable on take-off; or
- (ee) two or more piston engines, unless it is equipped with an autopilot which has been approved by the Authority for the purposes of this article and which is serviceable on take-off;

shall carry not less than two pilots as members of the flight crew thereof.

- (ii) An aeroplane described in sub-paragraphs (i)(dd) or (i)(ee) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the Authority.

(4) An aircraft registered in the United Kingdom engaged on a flight for the purpose of public transport shall carry:

- (a) a flight navigator as a member of the flight crew; or
- (b) navigational equipment suitable for the route to be flown

if on the route or any diversion therefrom, 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, and to pass over part of an area specified in Schedule 7 to this Order.

The flight navigator carried in compliance with this article shall be carried in addition to any person who is carried in accordance with this article to perform other duties.

(5) An aircraft registered in the United Kingdom which is required by the provisions of article 15 of this Order to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew, who, if he is required to operate radiotelegraph apparatus, shall be carried in addition to any other person who is carried in accordance with this article to perform other duties.

(6) If it appears to it to be expedient to do so in the interests of safety, the Authority may direct any particular operator of any aircraft registered in the United Kingdom that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Authority may specify unless those aircraft carry in addition to the flight crew required to be carried therein by the foregoing provisions of this article such additional persons as members of the flight crew as it may specify in the direction.

- (a) (7) (a) This paragraph applies to any flight for the purpose of public transport by an aircraft registered in the United Kingdom:
 - (i) on which is carried 20 or more passengers; or
 - (ii) which may in accordance with its certificate of airworthiness carry more than 35 passengers and on which at least one passenger is carried.
- (b) The crew of an aircraft on a flight to which this paragraph applies shall include cabin attendants carried for the purposes of performing in the interests of the safety of

passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.

- (c) (i) Subject to sub-paragraph (ii), on a flight to which this paragraph applies, there shall be carried not less than one cabin attendant for every 50, or fraction of 50 passenger seats installed in the aircraft.
- (ii) The number of cabin attendants calculated in accordance with sub-paragraph (i) need not be carried if the Authority has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission and complies with any other terms and conditions subject to which such permission is granted.

(8) If it appears to it to be expedient to do so in the interest of safety, the Authority may direct any particular operator of any aircraft registered in the United Kingdom that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Authority may specify unless those aircraft carry in addition to the cabin attendants required to be carried therein by the foregoing provisions of this article such additional persons as cabin attendants as it may specify in the direction.

Members of flight crew—requirement for licence

21.—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order.

(2) A person may within the United Kingdom, the Channel Islands and the Isle of Man without being the holder of such a licence:

- (a) act as a flight radiotelephony operator if:
 - (i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft;
 - (ii) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
 - (iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
 - (iv) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Authority for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in sub-paragraph (i) of this paragraph;
 - (v) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency;
 - (vi) the operation of the transmitter requires the use only of external switches; and
 - (vii) the stability of the frequency radiated is maintained automatically by the transmitter;
- (b) subject to the provisions of article 22(9) of this Order, act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if:
 - (i) he is at least 17 years of age;
 - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act issued by a person approved by the Authority;
 - (iii) he complies with any conditions subject to which that medical certificate was issued;
 - (iv) no other person is carried in the aircraft;

- (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
 - (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
- (c) subject to the provisions of article 22(9) of this Order, act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if:
- (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
 - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) subject to the provisions of article 22(9) of this Order, act as pilot in command of an aircraft at night if:
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown by night;
 - (iii) no person other than that specified in sub-paragraph (ii) above is carried; and
 - (iv) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (e) subject to the provisions of article 22(9) of this Order, act as pilot in command of a balloon if:
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding 13 months carried out as pilot in command 5 flights each of not less than 5 minutes duration;
 - (ii) he so acts in accordance with instructions given by a person authorised by the Authority to supervise flying in the type of balloon being flown;
 - (iii) no person other than that specified in sub-paragraph (ii) above is carried; and

(iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

(3) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the United Kingdom unless:

- (a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; or
- (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Authority does not in the particular case give a direction to the contrary.

(4) For the purposes of this article, a licence granted under the law of a Contracting State other than the United Kingdom or under the law of a relevant overseas territory purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Authority in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder:

- (a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
- (b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace notified for the purposes of this sub-paragraph in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.

(5) Notwithstanding the provisions of paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the following conditions are complied with:

- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with this Order, a person authorised by the Authority to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and
- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either:
 - (i) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or
 - (ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 22 of this Order and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(6) Notwithstanding the provisions of paragraph (1), a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's, or a flight engineer's

licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(7) Notwithstanding the provisions of paragraph (1), a person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(8) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(9) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless:

- (a) he acts as a flight radio operator; or
- (b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(10) Notwithstanding anything in this article:

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom except in accordance with permission granted by the competent authorities of that State;
- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the United Kingdom, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with permission granted by the Authority, whether or not the licence is or is deemed to be rendered valid under this Order.

Grant, renewal and effect of flight crew licences

- (a) **22.** (1) (a) Subject to paragraph (2), the Authority shall grant licences, subject to such conditions as it thinks fit, of any of the classes specified in Part A of Schedule 8 to this Order authorising the holder to act as a member of the flight crew of an aircraft registered in the United Kingdom, upon its being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Authority may require of him.
- (b) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of the said Schedule.
- (c) A licence granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.
- (d) Subject to paragraph (2) and to the provisions of article 71 of this Order, a licence shall remain in force for the period indicated in the licence, not exceeding the period specified in respect of a licence of that class in the said Schedule, and may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit person and qualified

as aforesaid. If no period is indicated in the licence it shall remain in force, subject as aforesaid for the lifetime of the holder.

(a) (2) (a) The Authority shall not on or after 4th December 1989 grant a Senior Commercial Pilot's Licence (Aeroplanes) to any person who was not on 3rd December 1989 the holder of such a licence.

(b) A Senior Commercial Pilot's Licence (Aeroplanes) shall remain in force until either:

(i) the end of the period indicated in the licence, such period not exceeding 10 years; or

(ii) 3rd December 1994;

whichever is the earlier.

(3) The Authority may include in a licence a rating, subject to such conditions as it thinks fit, of any of the classes specified in Part B of the said Schedule, upon its being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(4) Subject to any conditions of the licence and to the provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the said Schedule under the heading "Privileges", and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of the said Schedule.

(a) (i) Subject to the provisions of sub-paragraphs (ii) and (iii), the holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Part C of the said Schedule and shall otherwise comply with that Part.

(ii) The holder of a Private Pilot's Licence (Balloons and Airships) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.

(iii) The holder of a Private Pilot's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by sub-paragraph (i) is included in the personal flying log book required to be kept by him under article 24 of this Order.

(b) The holder of a flight navigator's licence shall not be entitled to perform functions on a flight to which article 20(4) of this Order applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Part C of Schedule 8 and shall otherwise comply with that Part.

(6) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), a flying instructor's rating, an assistant flying instructor's rating, or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of test which certificate shall be appropriate to the functions to which the rating relates in accordance with Part C of the said Schedule and shall otherwise comply with that Part.

(7) A person who, on the last occasion when he took a test for the purposes of paragraphs (5) or (6), failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(a) (8) (a) The holder of a licence, other than a flight radiotelephony operator's licence, granted under this article, shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.

- (b) Every applicant for or holder of such a licence shall upon such occasions as the Authority may require submit himself to medical examination by a person approved by the Authority either generally or in a particular case or class of case who shall make a report to the Authority in such form as the Authority may require.
- (c) On the basis of such medical examination, the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that it or he has assessed the holder of the licence as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to paragraph (9), be valid for such period as is therein specified and shall be deemed to form part of the licence.
- (a) (9) (a) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the United Kingdom if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.
- (b) Every holder of a medical certificate issued under article 21 or 22 of this Order who:
- (i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
 - (ii) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or
 - (iii) in the case of a woman, has reason to believe that she is pregnant;
- shall inform the Authority in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 20 days has elapsed in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness or the confirmation of the pregnancy; and:
- (aa) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions as a member of the flight crew or upon the Authority exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination; and
 - (bb) in the case of pregnancy, the suspension may be lifted by the Authority for such period and subject to such conditions as it thinks fit and shall cease upon the holder being medically examined under arrangements made by the Authority after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.
- (10) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the Authority, he is testing any person for the purposes of paragraphs (1), (3), (5) or (6), notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.
- (11) Where any provision of Part C of Schedule 8 or Part B of Schedule 10 to this Order permits a test to be conducted in a flight simulator approved by the Authority, that approval may be granted subject to such conditions as the Authority thinks fit.
- (12) Without prejudice to any other provision of this Order the Authority may, for the purpose of this article, either absolutely or subject to such conditions as it thinks fit:
- (a) approve any course of training or instruction;
 - (b) authorise a person to conduct such examinations or tests as it may specify; and

- (c) approve a person to provide any course of training or instruction.

Validation of Licences

23.—(1) Subject to paragraphs (2) and (6) the Authority may issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than the United Kingdom. A certificate of validation may be issued subject to such conditions and for such periods as the Authority thinks fit.

(2) Pursuant to Council Directive 91/670 EEC⁽¹¹⁾ on mutual acceptance of personnel licences for the exercise of functions in civil aviation as it has effect in accordance with the EEA Agreement⁽¹²⁾ as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994⁽¹³⁾, the Authority shall, subject to paragraphs (4) and (5), issue a certificate of validation rendering valid a relevant licence granted under the law of an EEA State.

(3) For the purposes of this article, a relevant licence is one based on requirements equivalent to those for the equivalent licence granted by the Authority under article 22 of this Order.

- (a) (4) (a) The Authority may ask the Commission for an opinion on the equivalence of a licence submitted for validation pursuant to paragraph (2) of this article within three weeks of receipt by the Authority of all necessary information in respect of an application for validation.
- (b) If the Authority does not ask the Commission for such an opinion, the Authority shall within three months of receipt of all necessary information in respect of the application either issue the certificate of validation or inform the applicant of any additional requirements or tests which are necessary to enable the Authority to grant the certificate of validation.

(5) If after the examination of a licence the Authority has reasonable doubts as to the equivalence of that licence, the Authority may stipulate additional requirements and/or tests as necessary to enable the certificate of validation to be issued. Any such additional requirements and/or tests shall be notified as soon as reasonably practicable to the licence holder, the authority which issued the licence and to the Commission.

(6) Pursuant to the said Council Directive, the Authority shall issue a certificate of validation rendering valid any licence issued in accordance with the requirements of annex 1 to the Chicago Convention if the bearer satisfies the special validation requirements laid down in the annex to the said Council Directive.

Personal flying log book

24.—(1) Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded:

- (a) the name and address of the holder of the log book;
- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
- (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence

⁽¹¹⁾ OJ No. L 373 of 31.12.91, p.21.

⁽¹²⁾ Cm 2073 and 2183.

⁽¹³⁾ Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: OJ No. L 160, 28.6.94, p.1.

under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including:

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this article, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including:

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

Instruction in flying

25.—(1) A person shall not give any instruction in flying to which this article applies unless:

- (a) he holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder to give the instruction.

(2) Subject to paragraph (3), this article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for:

- (a) the grant of a pilot's licence; and
- (b) the inclusion or variation of any rating in his licence.

(3) This article shall not apply to any instruction in flying to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft, or of an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 1 to this Order if that person has previously been entitled under the Order, or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of multi-engined aircraft, or of an aircraft of that class as the case may be.

Glider pilot—minimum age

26. A person under the age of 16 years shall not act as pilot in command of a glider.

PART V

OPERATION OF AIRCRAFT

Operations manual

- (a) 27. (1) (a) Subject to sub-paragraph (b), this article shall apply to public transport aircraft registered in the United Kingdom except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either:
- (i) flights solely for training persons to perform duties in an aircraft; or
 - (ii) flights intended to begin and end at the same aerodrome.
- (b) This article shall 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.
- (a) (2) (a) The operator of every aircraft to which this article applies shall:
- (i) make available to each member of his operating staff an operations manual;
 - (ii) ensure that each copy of the operations manual is kept up to date; and
 - (iii) 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 his duties on the flight.
- (b) (i) Subject to sub-paragraph (ii), each operations manual shall contain all such information and instructions as may be 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 A of Schedule 10 to this Order.
- (ii) The operations manual shall not be 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.
- (a) (3) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Authority a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.
- (b) Subject to sub-paragraph (c), any amendments or additions to the operations manual shall be furnished to the Authority by the operator before or immediately after they come into effect.
- (c) Where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Authority.
- (d) Without prejudice to the foregoing sub-paragraphs the operator shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.
- (4) For the purposes of this article, article 50 of and Schedule 10 to this Order, "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.
- (5) If in the course of a flight on which the equipment specified in Scale O in paragraph 5 of Schedule 4 hereto is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

Police operations manual

28.—(1) This article shall apply to aircraft flying, or intended by the operator of the aircraft to fly, under and in accordance with the terms of a police air operator’s certificate.

(2) An aircraft to which this article applies shall not fly except under and in accordance with the terms of Part I and Part II of a police operations manual, Part I of which shall have been approved in respect of the aircraft by the Authority.

- (a) (3) (a) The operator of every aircraft to which this article applies shall:
- (i) make available to each member of its operating staff a police operations manual;
 - (ii) ensure that each copy of the operations manual is kept up to date; and
 - (iii) 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 his duties on the flight.
- (b) Each police operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(4) The Authority may approve Part I of the police operations manual for the purposes of this article either absolutely or subject to such conditions as it thinks fit.

- (a) (5) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Authority a copy of Part II of the police operations manual for the time being in effect in respect of the aircraft.
- (b) Subject to sub-paragraph (c), any amendments or additions to Part II of the police operations manual shall be furnished to the Authority by the operator before or immediately after they come into effect.
- (c) Where an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously relate, that aircraft shall not fly in the service of a police authority under and in accordance with the terms of a police operator’s certificate until the amendment or addition has been furnished to the Authority.

(6) Without prejudice to the foregoing paragraphs the operator shall make such amendments or additions to the police operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(7) For the purposes of this article “operating staff” has the meaning ascribed to it in article 27(4) of this Order.

Training manual

29.—(1) Subject to paragraph (2), the operator of every aircraft registered in the United Kingdom and flying for the purpose of public transport shall:

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 30(2) of this Order; and
- (b) ensure that each copy of that training manual is kept up to date.

(2) This article shall 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) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 30(2) of this Order to perform his duties as such including in particular information and instructions relating to the matters specified in Part C of Schedule 10 to this Order.

- (a) (4) (a) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight the operator of the aircraft has furnished to the Authority a copy of the whole of his training manual relating to the crew of that aircraft.
- (b) Subject to sub-paragraph (c), any amendments or additions to the training manual shall be furnished to the Authority by the operator before or immediately after they come into effect.
- (c) Where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Authority.
- (d) Without prejudice to the foregoing sub-paragraphs the operator shall make such amendments or additions to the training manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

Public transport—operator’s responsibilities

30.—(1) The operator of an aircraft registered in the United Kingdom shall not permit the aircraft to fly for the purpose of public transport without first:

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and
- (c) subject to paragraph (2), satisfying himself by every reasonable means that 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 in particular that they will be adequately manned and equipped at the time at which it is reasonably estimated such a take-off or landing will be made (including such manning and equipment as may be prescribed) to ensure so far as practicable the safety of the aircraft and its passengers.

(2) Without prejudice to any conditions imposed pursuant to article 6 of this Order, the operator of an aircraft shall not be required for the purposes of this article to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(3) The operator of an aircraft registered in the United Kingdom shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of Schedule 10 to this Order in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the said Schedule 10.

(4) The operator of an aircraft registered in the United Kingdom shall not permit any member of the flight crew thereof, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading—public transport aircraft and suspended loads

31.—(1) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that:

- (a) the load may safely be carried on the flight; and
- (b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(a) (2) (a) Subject to sub-paragraph (b), the instructions shall indicate the weight of the aircraft prepared for the service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in article 18 of this Order) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight.

(b) Sub-paragraph (a) shall not apply in relation to a flight if:

- (i) the aircraft's maximum total weight authorised does not exceed 1150 kg;
- (ii) the aircraft's maximum total weight authorised does not exceed 2730 kg and the flight is intended not to exceed 60 minutes in duration and is either:
 - (aa) a flight solely for training persons to perform duties in an aircraft; or
 - (bb) a flight intended to begin and end at the same aerodrome; or
- (iii) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3000 kg, and the total seating capacity of which does not exceed five persons.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1).

(a) (4) (a) Subject to sub-paragraph (b), the person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon.

(b) The requirements of sub-paragraph (a) shall not apply if:

- (i) the load and the distributing and securing thereof upon the next intended flight to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

(ii) paragraph (2)(a) does not apply in relation to the flight.

(a) (5) (a) Subject to sub-paragraph (b), one copy of the load sheet shall be carried in the aircraft when article 66 of this Order so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this article shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

(b) In the case of an aeroplane of which the maximum total weight authorised does not exceed 2730 kg, or 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, as the case may be, in a container approved by the Authority for that purpose.

(6) The operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than 30 passengers, such baggage (other than baggage carried in accordance with a permission issued pursuant to article 40(2)(d) of this Order) shall not exceed the capacity of the spaces in the passenger compartment approved by the Authority for the purpose of stowing baggage.

Public transport—operating conditions

32.—(1) An aircraft registered in the United Kingdom shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft unless such requirements as may be prescribed in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(2) The assessment of the ability of an aircraft to comply with paragraph (1) shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) A flying machine registered in the United Kingdom when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft:

- (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 relating to the aircraft;

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

(4) Without prejudice to the provisions of paragraph (3), an aeroplane in respect of which there is in force under this Order a certificate of airworthiness designating the aeroplane as being of performance group X shall 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 2 power units. For the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

- (a) (5) (a) Without prejudice to the provisions of paragraph (3) a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group B (in this paragraph called “a group B helicopter”) shall not fly over water for the purpose of public transport so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing (in this paragraph called “the specified circumstances”) unless it is equipped with apparatus approved by the Authority enabling it to land safely on water (in this paragraph called “the required apparatus”).
- (b) Without prejudice to paragraph (3) a group B helicopter equipped with the required apparatus, which is flying under and in accordance with the terms of an air operator’s certificate but not under and in accordance with the terms of a police air operator’s certificate, shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.
- (c) Without prejudice to the provisions of paragraph (3) a group B helicopter equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator’s certificate on which is carried any passenger who is not:

- (i) a police officer;

- (ii) an employee of a police authority;
- (iii) a medical attendant;
- (iv) 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; or
- (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Authority

shall not fly in the specified circumstances on any flight for more than 20 minutes.

- (d) Without prejudice to the provisions of paragraph (3) a group B helicopter equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator’s certificate on which no passenger is carried other than a person who is:

- (i) a police officer;
- (ii) an employee of a police authority;
- (iii) a medical attendant;
- (iv) 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; or
- (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Authority;

shall not fly over water on any flight for more than 10 minutes so as to be more than 5 minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

- (e) Without prejudice to the provision of paragraph (3) a group B helicopter shall not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points:

Hammersmith Bridge	(51°29'16"N) (00°13'45"W)
Greenwich Reach	(51°29'03"N) (00°00'37"W)

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

- (f) For the purpose of this paragraph flying time shall be calculated on the assumption that a helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water.
- (a) (6) (a) Without prejudice to the provisions of paragraph (3), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A2 (in this paragraph called “a group A2 helicopter”), which is flying under and in accordance with the terms of an air operator’s certificate but not under and in accordance with the terms of a police air operator’s certificate, shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with apparatus approved by the Authority enabling it to land safely on water (in this paragraph called “the required apparatus”).

- (b) Without prejudice to the provisions of paragraph (3) a group A2 helicopter not equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator's certificate on which any passenger is carried who is not:
- (i) a police officer;
 - (ii) an employee of a police authority;
 - (iii) a medical attendant;
 - (iv) 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; or
 - (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Authority;

shall not fly over any water on any flight for more than 15 minutes.

(7) Notwithstanding the provisions of paragraph (1), a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A or group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters designated as being of:

- (a) performance group A (Restricted) in the case of a helicopter designated as being of performance group A if:
 - (i) the maximum total weight authorised of the helicopter is less than 5700 kg; and
 - (ii) the total number of passengers carried on the helicopter does not exceed 15; or
- (b) performance group B if:
 - (i) the maximum total weight authorised of the helicopter is less than 2730 kg; and
 - (ii) the total number of passengers carried does not exceed 9.

Aircraft registered in the United Kingdom— aerodrome operating minima

33.—(1) This article shall apply to public transport aircraft registered in the United Kingdom.

- (a) (2) (a) Subject to sub-paragraph (b), the operator of every aircraft to which this article applies shall establish and include in the operations manual or the police operations manual relating to the aircraft the particulars (in this sub-paragraph called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.
- (b) In relation to any flight wherein:
 - (i) neither an operations manual nor a police operations manual is required pursuant to article 27(2)(a) or 28(3)(a) respectively of this Order, or
 - (ii) it is not practicable to include the said particulars in the operations manual or the police operations manual;

the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the said particulars calculated in accordance with the required data and instructions (as defined in sub-paragraph (c)(i)) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of three months.

- (c) (i) The operator of every aircraft to which this article applies for which an operations manual or a police operations manual is required pursuant to article 27(2)(a) or 28(3)(a) respectively of this Order, shall include in that operations manual such data and instructions (in this article called “the required data and instructions”) as will

enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.

- (ii) The operator of every such aircraft to which this article applies for which neither an operations manual nor a police operations manual is required pursuant to article 27(2)(a) or 28(3)(a) respectively of this Order shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions; and the operator shall cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.

(3) The aerodrome operating minima specified shall not, in respect of any aerodrome, be such as would permit a landing or take-off at that aerodrome by the aircraft in question at a time when the aerodrome operating minima declared in respect of that aerodrome for such aircraft by the competent authority would not permit a take-off or landing (as the case may be), unless that authority otherwise permits in writing.

(4) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft shall take into account the following matters:

- (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) whether or not there are in use at the relevant aerodrome 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; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and shall 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 can reasonably be expected.

(5) An aircraft to which this article applies shall 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 commander of the aircraft it would not be able without contravening paragraphs (6) or (7), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(6) An aircraft to which article 27 of this Order applies, when making a descent to an aerodrome, shall not descend from a height of 1000 ft or more above the aerodrome to a height less than 1000 ft above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) An aircraft to which this article applies, when making a descent to an aerodrome, shall 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.

(8) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(9) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to sub-paragraphs (2)(b) or (2)(c)(ii).

Public transport aircraft not registered in the United Kingdom—aerodrome operating minima

34.—(1) A public transport aircraft registered in a country other than the United Kingdom shall not fly in or over the United Kingdom unless the operator thereof shall have furnished to the Authority such particulars as it may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in the United Kingdom for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not fly in or over the United Kingdom unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Authority may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(2) The aircraft shall not take off or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima or the specified instructions.

(3) Without prejudice to the provisions of paragraph (2), a public transport aircraft registered in a country other than the United Kingdom, when making a descent to an aerodrome, shall not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(4) Without prejudice to the provisions of paragraph (2), a public transport aircraft registered in a country other than the United Kingdom, when making a descent to an aerodrome, shall 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.

(5) In this article “specified” in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Authority pursuant to paragraph (1).

Non-public transport aircraft—aerodrome operating minima

35.—(1) This article shall apply to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(3) An aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not:

- (a) continue an approach to landing on such a runway 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.

(4) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

Pilots to remain at controls

36.—(1) The commander of an aircraft registered in the United Kingdom, being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. If the aircraft carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 14 of this Order to be provided.

Wearing of survival suits by crew

37.—(1) Subject to sub-paragraph (2), each member of the crew of an aircraft registered in the United Kingdom shall wear a survival suit if such a suit is required by article 14 of this Order to be carried.

(2) This article shall not apply to any member of the crew of such an aircraft flying under and in accordance with the terms of a police air operator’s certificate.

Pre-flight action by commander of aircraft

38. The commander of an aircraft registered in the United Kingdom shall reasonably satisfy himself before the aircraft takes off:

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b)
 - (i) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
 - (ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator pursuant to article 16 of this Order;
- (c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 10(1) of this Order to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for

contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;

- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination; and
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Passenger briefing by commander

39.—(1) Subject to paragraph (2), the commander of an aircraft registered in the United Kingdom shall take all reasonable steps to ensure:

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(2) This article shall not apply to the commander of an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate.

Public transport of passengers—additional duties of commander

40.—(1) This article applies to flights for the purpose of the public transport of passengers by aircraft registered in the United Kingdom other than flights under and in accordance with the terms of a police air operator's certificate.

(2) In relation to every flight to which this article applies the commander of the aircraft shall:

- (a) (i) Subject to sub-paragraph (iii), if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, 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;
- (ii) Subject to sub-paragraph (iii), if the aircraft is not a seaplane but is required by article 20(7) of this Order to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight:
 - (aa) which is intended to proceed beyond gliding distance from land; or
 - (bb) on which 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;

- 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;
- (iii) Where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternative destinations the demonstration need not be given until after the decision has been taken to divert to such a destination;
- (b) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a demonstration of the method of use of the equipment referred to in the preceding sub-paragraph;
- (c) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 20(7) of this Order are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;
- (d) from the moment when, after the embarkation of its passengers for the purpose of taking off, it first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:
- (i) take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device; and
- (ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is either stowed in the passenger compartment stowage space approved by the Authority for the purpose or carried in accordance with the terms of a written permission granted by the Authority which permission may be granted subject to such conditions as the Authority thinks fit;
- (e) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:
- (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 14 of this Order is demonstrated to all passengers;
- (ii) when flying above flight level 120 all passengers and cabin attendants are recommended to use oxygen; and
- (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;
- (f) in the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) prior to 1st January 1989, except in the case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:
- (i) (aa) 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 14 of this Order is demonstrated to all passengers;

- (bb) when flying above level 130 all passengers and cabin attendants are recommended to use oxygen; and
- (cc) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft; or
- (ii) he complies instead with the provisions of sub-paragraph (e).

Operation of radio in aircraft

41.—(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

- (a) (2) (a) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, subject to sub-paragraph (b), a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.
- (b) (i) The radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits.
- (ii) The watch may be kept by a device installed in the aircraft if:
 - (aa) the appropriate aeronautical radio station has been informed to that effect and has raised no objection;
 - (bb) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.

(3) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified air space in which the aircraft is flying.

(4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).
- (a) (5) (a) In every aircraft registered in the United Kingdom which is equipped with radio communications apparatus, subject to sub-paragraph (b) a telecommunication log book shall be kept in which the following entries shall be made:
 - (i) the identification of the aircraft radio station;
 - (ii) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;

- (iii) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress signals or distress messages sent or received;
 - (iv) particulars of any action taken upon the receipt of a distress signal or distress message; and
 - (v) particulars of any failure or interruption of radio communications and the cause thereof.
- (b) A telecommunication log book shall not be required to be kept in respect of communication by radiotelephone with a radio station on land or on a ship which provides a radio service for aircraft.
- (6) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.
- (7) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.
- (8) In any flying machine registered in the United Kingdom which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

Minimum navigation performance

42.—(1) An aircraft registered in the United Kingdom shall not fly in airspace prescribed for the purposes of this article unless:

- (a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability;
- (b) the navigation systems required by paragraph (a) hereof are approved by the Authority and installed and maintained in a manner approved by the Authority;
- (c) the operating procedures for the navigation systems required by paragraph (a) hereof are approved by the Authority; and
- (d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said airspace.

(2) An approval granted by the Authority for the purposes of this article shall be in writing and may be subject to such conditions as the Authority thinks fit.

Area navigation equipment—aircraft registered in the United kingdom

43.—(1) An aircraft registered in the United Kingdom shall not fly in controlled airspace notified for the purposes of this paragraph of this article as an area navigation route or area unless:

- (a) it is equipped with area navigation equipment which is approved by the Authority in relation to the purpose for which it is to be used, and which is installed and maintained in a manner approved by the Authority; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft registered in the United Kingdom shall not, when flying in controlled airspace notified for the purposes of this paragraph, not being an area navigation route or area, be navigated by means of area navigation equipment unless:

- (a) the said equipment is approved by the Authority in relation to the purpose for which it is to be used, and is installed and maintained in a manner approved by the Authority; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(3) For the purposes of this article, an approval shall be in writing and may be subject to such conditions as the Authority thinks fit. Such an approval may be granted in respect of any aircraft or specified class or category of aircraft or in respect of a specified type or types of equipment.

Area navigation equipment—aircraft not registered in the United Kingdom

44.—(1) An aircraft which is not registered in the United Kingdom shall not fly in controlled airspace notified for the purposes of paragraph (1) of article 43 unless:

- (a) it is so equipped with area navigation equipment as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be equipped when flying within any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft which is not registered in the United Kingdom shall not, when flying in controlled airspace notified for the purposes of paragraph (2) of article 43, be navigated by means of area navigation equipment unless:

- (a) the said equipment complies with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

Use of flight recording systems and preservation of records

45.—(1) On any flight on which a flight data recorder or a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by sub-paragraph 4(4), (5), (6) or (7) of Schedule 4 to this Order to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of article 70 of this Order, preserve:

- (a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the Authority may in a particular case direct.

(3) On any flight on which a cockpit voice recorder or a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(14) of Schedule 4 to this Order to be

carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

- (4) The operator of the helicopter shall at all times, subject to article 70 of this Order, preserve:
- (a) the last 8 hours of recording made by any flight data recorder specified at sub-paragraph (i) or (ii) of Scale SS of paragraph 5 of Schedule 4 to this Order and required by or under this Order to be carried in the helicopter;
 - (b) in the case of a combined cockpit voice recorder/flight data recorder specified at sub-paragraph (iii) of the said Scale SS and required by or under this Order to be carried in a helicopter either:
 - (i) the last 8 hours of recording; or
 - (ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either:
 - (aa) the period immediately preceding the last five hours of recording or the duration of the last flight, whichever is the greater; or
 - (bb) such period or periods as the Authority may permit in any particular case or class of cases or generally.

(5) The additional recording retained pursuant to sub-paragraphs (b)(ii)(aa) and (bb) above shall, together with the recording required to be retained pursuant to sub-paragraph (b)(ii) above, total a period of 8 hours and shall be retained in accordance with arrangements approved by the Authority.

(6) An approval granted by the Authority for the purposes of this article shall be in writing and may be subject to such conditions as the Authority thinks fit.

Towing of gliders

46.—(1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off:

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing, picking up and raising of persons and articles

47.—(1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this article shall:

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the “B Conditions” set forth in Schedule 2 to this Order; or
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 46 of this Order.

Dropping of articles and animals

48.—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial application certificate granted under article 50 of this Order, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances:

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order.
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;

- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given; or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

(4) For the purposes of this article dropping includes projecting and lowering.

(5) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Dropping of persons

49.—(1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator's certificate or a written permission granted by the Authority under this article.

(2) For the purposes of this article dropping includes projecting and lowering.

(3) Notwithstanding the grant of a police air operator's certificate or a permission under paragraph (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless:

- (a) the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the Authority under this article; or
- (b) the aircraft is operated under and in accordance with the terms of a police air operator's certificate.

(5) Every applicant for and every holder of a permission shall make available to the Authority if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Authority may require. The holder of a permission shall make available to every employee or person who is or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.

(7) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(8) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Issue of aerial application certificates

50.—(1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise

than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The Authority shall grant to any person applying therefor an aerial application certificate if it is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1). The certificate may be granted subject to such conditions as the Authority thinks fit including without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of article 71 of this Order, remain in force for the period specified in the certificate.

(3) Every applicant for and holder of an aerial application certificate shall make available to the Authority upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Authority may require.

(4) For the purposes of this article “operating staff” has the meaning ascribed to it in article 27(4) of this Order.

Carriage of weapons and of munitions of war

51.—(1) An aircraft shall not carry any munition of war unless:

- (a) such munition of war is carried with the written permission of the Authority and in accordance with any conditions relating thereto;
- (b) subject to sub-paragraph (c), the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Authority; and
- (c) in the case of an aircraft which is flying under and in accordance with the terms of a police air operator’s certificate the commander of the aircraft is informed of the matters referred to in sub-paragraph (b) but he need not be so informed in writing.

(a) (2) (a) Notwithstanding paragraph (1) it shall, subject to sub-paragraph (b), be unlawful for an aircraft to carry any weapon or munition of war in any compartment or apparatus to which passengers have access.

(b) Sub-paragraph (a) shall not apply to an aircraft which is flying under and in accordance with the terms of a police air operator’s certificate.

(a) (3) (a) Subject to sub-paragraph (b), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless:

(i) the weapon or munition of war:

(aa) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;

(bb) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and

(cc) in the case of a firearm, is unloaded;

(ii) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and

(iii) without prejudice to paragraph (1) the operator consents to the carriage of such weapon or munition of war by the aircraft.

(b) Sub-paragraph (a) shall not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(4) Nothing in this article shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom, if the weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this article a "munition of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

Carriage of dangerous goods

52.—(1) Without prejudice to any other provisions of this Order, the Secretary of State may make regulations prescribing:

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents which must be produced to the Authority or an authorised person on request; and
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) The provisions of this article and of any regulations made thereunder shall be additional to and not in derogation from the provisions of article 51 of this Order.

Method of carriage of persons

53.—(1) Subject to paragraphs (2) and (3), a person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to:

- (i) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (ii) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

(3) This article shall not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

Exits and break-in markings

54.—(1) Subject to paragraph (5)(b), this article shall apply to every public transport aircraft registered in the United Kingdom.

- (a) (2) (a) Whenever an aircraft to which this article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and, subject to sub-paragraph (b), during take-off and landing and during any emergency, every such exit and door shall be kept free from obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.
- (b) An exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Authority either generally or in relation to a class of aircraft or a particular aircraft, is not required for used by passengers.
 - (ii) A door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment.
 - (iii) Nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft shall be marked with the words "Exit" or "Emergency Exit" in capital letters.

- (a) (4) (a) Every exit from the aircraft shall be marked with instructions in English and with diagrams, to indicate the correct method of opening the exit.
- (b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.
 - (i) Every aircraft to which this article applies, being an aircraft of which the maximum total weight authorised exceeds 3600 kilogrammes shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.
 - (ii) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.
 - (iii) The words "Cut Here in Emergency" shall be marked across the centre of each break-in area in capital letters.

(b) This paragraph shall not apply to helicopters.

(6) On every flight by an aircraft to which this article applies, being an aircraft of which the maximum total weight authorised exceeds 5700 kilogrammes every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

(7) The markings required by this article shall:

- (a) be painted, or affixed by other equally permanent means;
- (b) except in the case of the markings required by paragraph (6), be red in colour, and in any case in which the colour of the adjacent background is such as to render red markings not

readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;

- (c) in the case of the markings required by paragraph (6), be of a colour clearly contrasting with the background on which it appears; and
- (d) be kept at all times clean and unobscured.
- (a) (8) (a) Subject to compliance with sub-paragraph (b), if one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced.
- (b) On any flight pursuant to this paragraph:
 - (i) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Authority either in relation to the particular aircraft or to a class of aircraft; and
 - (ii) in accordance with arrangements so approved, the 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.

Endangering safety of an aircraft

55. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Endangering safety of any person or property

56. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

57.—(1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft

58.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft

59. Every person in an aircraft registered in the United Kingdom shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Stowaways

60. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

Exhibitions of flying

- (a) 61. (1) (a) Subject to sub-paragraph (b), no person shall act as the organiser of an exhibition of flying (in this article referred to as “the exhibition organiser”) at an organised event which event the exhibition organiser reasonably believes is likely to be attended by more than 500 persons and which event consists wholly or partly of an exhibition of flying unless at the time at which such an exhibition of flying commences the exhibition organiser has obtained the permission in writing of the Authority under paragraph (4) for that exhibition of flying and complies with any conditions therein specified.
- (b) The permission in writing of the Authority under paragraph (4) shall not be required for an exhibition of flying at an organised event if the exhibition organiser could not reasonably foresee seven days before the intended date of the event that it would be likely to be attended by more than 500 persons.
- (a) (2) (a) The commander of an aircraft intending to participate in an exhibition of flying for which a permission is required by virtue of paragraph (1) shall take all reasonable steps to satisfy himself before he participates that:
- (i) the exhibition organiser has been granted such permission;
 - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (iii) the pilot has been granted a display authorisation appropriate to the intended flight.
- (b) The commander of an aircraft participating in an exhibition of flying for which a permission required by virtue of paragraph (1) has been granted shall comply with any conditions subject to which that permission may have been granted.
- (c) No person shall act as pilot of an aircraft participating in an exhibition of flying for which a permission is required by virtue of paragraph (1) unless he holds a display authorisation appropriate to the intended flight granted to him by the Authority and he complies with any conditions thereof.
- (3) The exhibition organiser shall not permit any person to act as pilot of an aircraft which participates in an exhibition of flying for which a permission is required by virtue of paragraph (1) unless such person holds a display authorisation appropriate to the intended flight granted by the Authority.
- (4) The Authority shall grant to any person applying therefor a permission required by virtue of paragraph (1) if it is satisfied that that person is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed exhibition of flying. The permission may be granted subject to such conditions, which may include conditions in respect of military aircraft, as the Authority thinks fit and shall, subject to the provisions of article 71 of this Order, remain in force for the period specified in the permission.
- (5) The Authority shall, for the purposes of this article, either unconditionally or subject to such conditions as it thinks fit:
- (a) grant a display authorisation authorising the holder to act as pilot of an aircraft taking part in an exhibition of flying in respect of which a permission is required by virtue of paragraph (1) upon it being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill,

physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Authority may require of him; and

(b) authorise a person to conduct such examinations or tests as it may specify.

(6) A display authorisation granted in accordance with this article shall, subject to the provisions of article 71 of this Order, remain in force for the period indicated in the display authorisation.

(7) Paragraph (1) shall not apply to an exhibition organiser at an organised event which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence.

(8) The exhibition organiser shall not permit any military aircraft to participate in an exhibition of flying for which a permission is required by virtue of paragraph (1) above unless he complies with any conditions specified in respect of military aircraft subject to which such permission may have been granted.

(9) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot thereof whether or not such race or contest is held in association with an exhibition of flying.

PART VI

FATIGUE OF CREW

Application and interpretation of Part VI

(a) **62.** (1) (a) Subject to sub-paragraph (b), articles 63 and 64 of this Order apply in relation to any aircraft registered in the United Kingdom which is either:

- (a) engaged on a flight for the purpose of public transport; or
- (b) operated by an air transport undertaking.

(b) Articles 63 and 64 of this Order shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(2) In this Part of this Order, the following expressions shall, except where the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say:

- (a) “flight time”, in relation to any person, means all time spent by that person in an aircraft whether or not registered in the United Kingdom (other than an aircraft of which the maximum total weight authorised does not exceed 1600 kg and which is not flying for the purpose of public transport or aerial work) while it is in flight and he is carried therein as a member of the crew thereof;
- (b) “day” means a continuous period of 24 hours beginning at midnight Coordinated Universal Time.

(3) For the purposes of this Part of this Order, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew—operator’s responsibilities

63.—(1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless:

- (a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the Authority subject to such conditions as it thinks fit;
- (c) either:
 - (i) the scheme is incorporated in the operations manual required by article 27 of this Order; or
 - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and
- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:

- (a) all his flight times; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) shall, subject to the provisions of article 70, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew—responsibilities of crew

64.—(1) A person shall not act as a member of the crew of an aircraft to which this article applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times—responsibilities of flight crew

65.—(1) Subject to paragraph (2), a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom if at the beginning of the flight the aggregate of all his previous flight times:

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article shall not apply to a flight made:

- (a) in an aircraft of which the maximum total weight authorised does not exceed 1600 kg and which is not flying for the purpose of public transport or aerial work; or
- (b) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Authority for the purpose of article 22(8) does not exceed 25 hours.

PART VII

DOCUMENTS AND RECORDS

Documents to be carried

66.—(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

- (a) (2) (a) Subject to sub-paragraph (b), an aircraft registered in the United Kingdom shall, when in flight, carry documents in accordance with Schedule 11 to this Order.
- (b) If the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Records to be kept

67. The operator of a public transport aircraft registered in the United Kingdom shall, in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 ft. keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

Production of documents and records

68.—(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person:

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as the aircraft is required by article 66 of this Order to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available:

- (a) the documents referred to in Schedule 11 to this Order as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 18 of this Order;
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 11 to this Order as Documents D and H;

- (e) in the case of an aircraft in respect of which a certificate of airworthiness in either the transport or aerial work category is in force, the documents referred to in Schedule 11 to this Order as Documents E and F;
 - (f) any records of flight times, duty periods and rest periods which he is required by article 63(4) of this Order to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
 - (g) any such operations manuals as are required to be made available under article 27(2)(a)(i) of this Order;
 - (h) the record made by any flight data recorder required to be carried by or under this Order; or
 - (i) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under article 67 of this Order.
- (a) (3) (a) The holder of a licence granted or rendered valid under this Order shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.
- (b) The foregoing provisions of this paragraph shall apply to a medical certificate issued pursuant to article 21(1)(b)(ii) of this Order as they apply to a licence granted or rendered valid under this Order.

(4) Every person required by article 24 of this Order to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within 2 years after the date of the last entry therein.

Power to inspect and copy documents and records

69. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power pursuant to this Order and any regulations made thereunder to require to be produced to him.

Preservation of documents, etc.

70.—(1) A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, subject to paragraph (2) continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

- (a) (2) (a) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 45(2) of this Order which are in force or required to be preserved in respect of that aircraft.
- (b) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the first-mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.
- (c) If any person in respect of whom a record has been kept by the first mentioned operator in accordance with article 63(4) of this Order becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person

the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.

- (d) It shall be the duty of the other person referred to in sub-paragraphs (a), (b) and (c) to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

71.—(1) Subject to paragraphs (4) and (5) the Authority may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case. The Authority may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Authority within a reasonable time after being required to do so by the Authority.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(4) The provisions of article 72 of this Order shall have effect, in place of the provisions of this article, in relation to permits to which that article applies.

(5) Notwithstanding paragraph (1), a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Authority, whether or not after due inquiry.

Revocation, suspension and variation of permissions, etc. granted under article 102 or article 104

72.—(1) Subject to the provisions of this article, the Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the Secretary of State may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall be in any such case, comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either:

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications

as the Secretary of State may determine. In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if:

- (a) it appears to him that the person to whom the permit was granted has committed a breach of any condition to which it is subject;
 - (b) it appears to him that any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
 - (c) it appears to him that the person to whom the permit was granted, or such other Government as aforesaid (that is to say, a Government which is a party to such an agreement as aforesaid with Her Majesty's Government in the United Kingdom), or the aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid, or have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982 or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned; and
 - (d) it appears to him that the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of any such agreement as aforesaid, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.
- (5) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.
- (6) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.
- (7) The permits to which this article applies are permissions granted by the Secretary of State under article 102 or article 104 of this Order and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.
- (8) References in this article to the "permit-holder" are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

Offences in relation to documents and records

73.—(1) A person shall not with intent to deceive:

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order or by or under JAR 145 which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by or under this Order or by or under JAR 145 to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order or by or under JAR 145 to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order, of any regulations made thereunder or of JAR 145 unless he is authorised to do so under this Order or JAR 145.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART VIII

MOVEMENT OF AIRCRAFT

Rules of the Air

74.—(1) Without prejudice to any other provision of this Order, the Secretary of State may make regulations (hereinafter referred to in this Order as “the Rules of the Air”) prescribing:

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes; and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to the provision of paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary:

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 318) or Flying Orders to Contrators (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft on which the commander is acting as such in the course of his duty as a member or any of Her Majesty’s naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Authority.

(5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

(a) **75.** (1) (a) Where the Secretary of State deems it necessary in the public interest to restrict or prohibit flying by reason of:

- (i) the intended gathering or movement of a large number or persons;
- (ii) the intended holding of an aircraft race or contest or of an exhibition of flying; or
- (iii) national defence or any other reason affecting the public interest;

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flight:

- (aa) by any aircraft, whether or not registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (bb) by aircraft registered in the United Kingdom, in any other airspace, being airspace in respect of which Her Majesty's Government in the United Kingdom has in pursuance of international arrangements undertaken to provide navigation services for aircraft.

(b) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(a)(iii) he shall, unless otherwise instructed pursuant to paragraph (4), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(4) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(a)(iii) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes

76.—(1) The provisions of this article shall apply only to or in relation to aircraft within the United Kingdom.

(a) (2) (a) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(b) (i) A glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;

(ii) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

(iii) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;

- (iv) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (v) a kite shall not be flown at a height of more than 60 metres above ground level; and
- (vi) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

without the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(3) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(4) A controllable balloon shall not be flown in free controlled flight:

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

except during the day and in visual meteorological conditions.

(5) A controllable balloon shall not be flown in tethered flight:

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the appropriate air traffic control unit and in accordance with any conditions subject to which that permission may have been granted.

(6) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(7) An airship with a capacity exceeding 3000 cubic metres shall not be moored other than at a notified aerodrome except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(8) An airship with a capacity not exceeding 3000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored:

- (a) within 2km of a congested area; or
- (b) within the aerodrome traffic zone of a notified aerodrome except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(9) An airship when moored in the open shall be securely moored and shall not be left unattended.

- (a) (10) (a) A person shall not cause or permit a group of small balloons exceeding 1000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the Authority not less than 28 days previous notice in writing of the release.
- (b) A person shall not cause or permit a group of small balloons exceeding 2000 but not exceeding 10,000 in number to be simultaneously released at a single site:
 - (i) within airspace notified for the purposes of this sub-paragraph without the permission in writing of the Authority; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome without the permission in writing of the Authority;

in either case other than in accordance with any conditions subject to which such a permission may have been granted.

- (c) A person shall not cause or permit a group of small balloons greater than 10,000 in number to be simultaneously released at a single site without the permission in writing of the Authority and other than in accordance with any conditions subject to which such a permission may have been granted.
- (d) For the purposes of sub-paragraphs (a), (b) and (c) “simultaneously released at a single site” shall mean the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

(11) For the purposes of this article a notified aerodrome is an aerodrome notified for the purposes of rule 39 of the Rules of the Air Regulations 1991(14) and the notified operating hours means the times notified in respect of an aerodrome during which that rule applies.

PART IX

AIR TRAFFIC SERVICES

Requirement for permission for the provision of air traffic services

77. —No person in charge of the provision of an air traffic control service shall provide such a service otherwise than under and in accordance with the terms of an approval granted to him by the Authority, and the Authority shall grant an approval to any person applying therefor if it is satisfied that the person is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

Manual of Air Traffic Services

78. —A person shall 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 in respect of that place;
 - (b) the manual is produced to the Authority within a reasonable time after a request for its production is made by the Authority; and
 - (c) such amendments or additions have been made to the manual as the Authority may from time to time require.

Provision of air traffic services

79.—(1) In the case of an aerodrome (other than a Government aerodrome) in respect of which there is equipment for providing holding aid, let-down aid or approach aid by radio or radar, the person in charge of the aerodrome shall:

- (a) inform the Authority 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 the said person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

(2) The Authority may direct that there shall be provided in respect of any aerodrome (other than a Government aerodrome) such air traffic control service, aerodrome flight information service or

means of two-way radio communication as the Authority considers appropriate in respect thereof. The Authority may specify in the direction the periods during and the times at which such a service or such means shall be provided and the person in charge of the aerodrome shall cause such a service or such means to be provided in accordance with any such direction.

(3) Obligations to cause an air traffic control service to be provided arising under paragraph (1) or (2) are without prejudice to each other.

Use of radio call signs at aerodromes

80. —The person in charge of an aerodrome provided with means of two-way radio communication shall 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.

Licensing of air traffic controllers and student air traffic controllers

(a) **81.** (1) (a) Subject to sub-paragraph (b), the Authority shall grant a licence subject to such conditions as it thinks fit to any person to act as an air traffic controller or as a student air traffic controller upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Authority may require of him.

(b) The Authority shall not grant:

- (i) a student air traffic controller's licence to any person under the age of 18 years; or
- (ii) an air traffic controller's licence to any person under the age of 20 years.

(2) Subject to the provisions of article 71 of this Order, a licence to act as an air traffic controller or a student air traffic controller shall remain in force for the period indicated in the licence and may be renewed by the Authority from time to time, upon its being satisfied that the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(3) The Authority may include in an air traffic controller's licence, subject to such conditions as it thinks fit and upon its being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, a rating of any of the classes set forth in Schedule 9 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide and such a rating shall be deemed to form part of the licence.

(a) (4) (a) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating contained in the licence at any place or for any sector or with any type of radar equipment unless the licence includes a valid certificate of competence in respect of that rating which is appropriate to that place or sector and that equipment (if any) which certificate complies with sub-paragraph (b).

(b) A valid certificate of competence shall be signed by a person authorised by the Authority to sign certificates of that kind and shall not be appropriate to the exercise of the privileges of a rating at any place or for any sector or with any type of radar equipment unless the certificate specifies that place or sector and that type of radar equipment, if any, with the aid of which the service is to be provided, certifies that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence of which the certificate forms part has passed an appropriate test of his ability to exercise the privileges of the rating at the place or for the sector and with the type of radar equipment, if any, specified in the certificate and specifies the date on which it was signed. A certificate of

competence shall be valid, subject to paragraph (2), for 13 months after the date of the test which it certifies.

- (a) (5) (a) If throughout any period of 90 days the holder of a licence has not at any time provided at a particular place or for a particular sector and with the aid of the type of radar equipment, if any, specified in a certificate of competence, the type of air traffic control service specified in the rating to which the certificate of competence relates, the certificate shall, without prejudice to the Authority's powers under article 71 of this Order, cease to be valid for that place or sector at the end of that period.
- (b) Upon a certificate of competence ceasing to be valid for a place or sector the holder of the licence shall forthwith inform the person who is approved pursuant to article 77 of this Order to provide an air traffic control service at that place or for that sector to that effect and shall forward the licence to a person approved by the Authority for the purpose who shall endorse the licence accordingly and return it to the holder forthwith.

(6) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to act as an air traffic controller under the supervision of another person who is present at the time and who is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller and who is approved by the Authority for this purpose.

(7) A licence to act as an air traffic controller or a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(8) Every holder of an air traffic controller's licence or a student air traffic controller's licence shall upon such occasions as the Authority may require, submit himself to such examinations and tests (including in particular medical examinations) and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Authority may require.

(9) On the basis of the medical examination referred to in paragraph (8), the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to article 84 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

- (a) (10) (a) The holder of an air traffic controller's licence shall not act as an air traffic controller unless his licence includes a medical certificate issued and in force under paragraph (9).
- (b) The holder of a student air traffic controller's licence shall not act in accordance with paragraph (6) unless his licence includes a medical certificate issued and in force under paragraph (9).

(11) For the purposes of this Part of the Order and Schedule 9 thereto, "acting as an air traffic controller" shall mean the giving of instructions or advice or both instructions and advice by means of radio signals (whether directly or indirectly via a person acting in accordance with article 83(3) (b) of this Order) to aircraft in the interests of safety.

Approval of courses and persons

82. Without prejudice to any other provision of this Order the Authority may, for the purpose of this Part of the Order, either absolutely or subject to such conditions as it thinks fit:

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide any course of training or instruction.

Prohibition of unlicensed air traffic controllers and student air traffic controllers

83.—(1) Subject to paragraphs (3) and (4), a person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the terms of:

- (a) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with article 81(6) of this Order;
- (b) a valid air traffic controller's licence so granted authorising him to provide that type of service at that place or for that sector and with the type of radar equipment being used (if any); or
- (c) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at that place or for that sector and with the type of radar equipment being used (if any) but he is supervised as though he was the holder of a student air traffic controller's licence.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence shall not be required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence which entitles that holder to give such instructions or advice.

(4) Nothing in this article shall prohibit the holder of a valid air traffic controller's licence from providing at any place or for any sector for which the licence includes a valid certificate of competence, information to aircraft in flight in the interests of safety.

Incapacity of air traffic controllers

84.—(1) Every holder of an air traffic controller's licence granted under article 81 of this Order who:

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant;

shall inform the Authority in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended upon the elapse of such period of injury or illness as is referred to in paragraph(1)(a). The suspension of the licence shall cease:

- (a) upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions under the licence; or
- (b) upon the Authority exempting the holder from the requirement of a medical examination subject to such conditions as the Authority may think fit.

Prohibition of drunkenness etc. of controllers

85. A person shall not when exercising the privileges of an air traffic controller's licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

Fatigue of air traffic controllers—air traffic controllers' responsibilities

86. A person holding an air traffic controller's licence shall not act as an air traffic controller if he knows or suspects that he is suffering from or having regard to the circumstances of the period

of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Licensing of flight information service officers

(a) **87.** (1) (a) Subject to sub-paragraph (b), the Authority shall grant a licence subject to such conditions as it thinks fit to any person to act as a flight information service officer upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such courses of training as the Authority may require of him.

(b) The Authority shall not grant such a licence to any person under the age of 18 years.

(2) Subject to the provisions of article 71 of this Order, a licence to act as a flight information service officer shall remain in force for the period indicated in the licence and may be renewed by the Authority from time to time, upon its being satisfied that the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force, subject as aforesaid for the lifetime of the holder.

(a) (3) (a) The holder of a flight information service officer's licence shall not be entitled to provide a flight information service at a place unless that place has been specified in the licence by a person authorised by the Authority for the purpose and the licence has been validated in respect of that place by a person authorised for the purpose by the Authority.

(b) If, throughout any period of 180 days the holder of the licence has not at any time provided such a service at a particular place, the licence shall cease to be valid for that place at the end of that period until the licence has been revalidated in respect of that place by a person authorised by the Authority for the purpose.

(7) A licence to act as a flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(8) Every holder of a flight information service officer's licence shall upon such occasions as the Authority may require, submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Authority may require.

Prohibition of unlicensed flight information service officers

88.—(1) A person shall not provide at any place a flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide such a service unless he is the holder of and complies with the terms of a flight information service officer's licence granted under this Order authorising him to provide such a service at that place.

(2) A person shall not provide a flight information service unless he has identified himself in such a manner as may be notified.

Flight Information Service Manual

89. A person shall not provide a flight information service at any aerodrome unless:

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome;
- (b) the manual is produced to the Authority within a reasonable time after a request for its production is made by the Authority; and

- (c) such amendments or additions have been made to the manual as the Authority may from time to time require.

PART X

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes—public transport of passengers and instruction in flying

90.—(1) An aircraft to which this paragraph applies shall not take off or land at a place in the United Kingdom other than:

- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or
- (b) a Government aerodrome, or an aerodrome owned or managed by the Authority, notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be;

and in accordance with any conditions subject to which the aerodrome may have been licensed or notified, or subject to which such permission may have been given.

(2) Subject to paragraph (3), paragraph (1) applies to:

- (a) aeroplanes of which the maximum total weight authorised exceeds 2730 kg and which are flying:
 - (i) for the purpose of the public transport of passengers;
 - (ii) 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 or a night rating in a licence; or
 - (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
- (b) aeroplanes of which the maximum total weight authorised does not exceed 2730 kg engaged on either:
 - (i) scheduled journeys for the purpose of the public transport of passengers;
 - (ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome;
 - (iii) flights for the purpose of:
 - (aa) 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 or a night rating in a licence; or
 - (bb) a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or
 - (iv) flights for the purpose of the public transport of passengers at night;
- (c) helicopters and gyroplanes engaged on such flights as are specified in sub-paragraphs (b) (i) and (iii); and
- (d) gliders (other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club) which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) Nothing in paragraph (1) shall apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

- (a) (4) (a) Subject to sub-paragraph (c), the person in charge of any area in the United Kingdom intended to be used for the taking off or landing of helicopters at night other than such a place as is specified in paragraph (1) shall cause 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 by night, such lighting as will enable the pilot of the helicopter:
 - (i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
 - (ii) in the case of taking off, to make a safe take-off.
- (b) Subject to sub-paragraph (c), a helicopter flying for the purpose of the public transport of passengers at night shall not take off or land at a place to which sub-paragraph (a) applies unless there is in operation such lighting.
- (c) Nothing in this paragraph shall apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Use of Government and Authority aerodromes

91. —The Authority may cause to be notified subject to such conditions as it thinks fit:

- (a) any aerodrome owned or managed by it; and
- (b) with the concurrence of the Secretary of State, any Government aerodrome;

as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

Licensing of aerodromes

92.—(1) The Authority shall grant to any person applying therefor a licence in respect of any aerodrome in the United Kingdom if it is satisfied that:

- (a) that person is competent, having regard to his previous conduct and experience, his 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; and
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.

(2) An aerodrome licence may be granted subject to such conditions as the Authority thinks fit and shall, subject to the provisions of article 71 of this Order, remain in force for the period specified in the licence.

(3) Without prejudice to the generality of paragraph (2), if the applicant so requests or if the Authority considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, it may grant a licence (in this Order referred to as “a licence for public use”) which shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome licence granted under this Order (in this article called “an aerodrome licence holder”) shall:

- (a) furnish to any person on request information concerning the terms of the licence; and
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instruction in flying.

(5) The holder of an aerodrome licence granted under this Order shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are specified in article 90(2) of this Order, but the licence shall not cease to be valid by reason only of such a contravention.

(6) An aerodrome licence holder shall 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.

(a) (7) (a) Upon making an application for an aerodrome licence the applicant shall submit to the Authority an aerodrome manual for that aerodrome.

(b) Unless previously submitted pursuant to sub-paragraph (a) of this paragraph, every aerodrome licence holder shall forthwith submit to the Authority an aerodrome manual for that aerodrome.

(8) An aerodrome manual required pursuant to this article shall 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 14 to this Order.

(9) Every applicant for an aerodrome licence holder shall:

(a) furnish to the Authority any amendments or additions to the aerodrome manual before or immediately after they come into effect;

(b) without prejudice to the foregoing sub-paragraph, make such amendments or additions to the aerodrome manual as the Authority 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.

(a) (10) (a) Every aerodrome licence holder shall 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 his duties; and shall ensure that each such copy is kept up to date.

(b) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff:

(i) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and

(ii) undertakes his duties as such in conformity with the relevant provisions of the manual.

(11) For the purposes of this article:

(a) “aerodrome operating staff” means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;

(b) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air, the air space which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.

Aeronautical radio stations

93.—(1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Authority and the equipment thereof is of a type the specification of which is approved by the Authority in relation to the purpose for which it is to be used.

(a) (2) (a) Subject to sub-paragraph (b) the person in charge of an aeronautical radio station the purpose of which is to provide a navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are:

(i) installed, modified and maintained in a manner approved by the Authority; and

(ii) flight-checked by the Authority or by a person approved by the Authority for that purpose on such occasions as the Authority may require.

(b) The provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Authority may if it thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) For the purpose of this article an approval shall be in writing and may be granted subject to such conditions as the Authority thinks fit.

(5) The provisions of this article shall not apply in respect of any aeronautical radio station of which the person in charge is the Authority or the Secretary of State.

Aeronautical radio station records

94.—(1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome:

(a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and

(b) preserve the written record for a period of one year or such longer period as the Authority may in a particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with paragraph (2) shall be:

(a) of a type the specification of which is approved by the Authority in relation to the particular aeronautical radio station;

(b) installed, modified and maintained in a number approved by the Authority; and

(c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service;

and for the purpose of this article an approval shall be in writing and may be granted subject to such conditions as the Authority thinks fit.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) includes:

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) ceases to be capable of recording the matters required by this article to be included in the record the person in charge of the aeronautical radio station shall ensure that a written record is kept in which the particulars specified in paragraph (4) are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with paragraphs (2) and (5) for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Authority may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

- (a) (7) (a) A person required by this article to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such a person, subject to sub-paragraph (b), continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.
- (b) If another person becomes the person in charge of the aeronautical radio station the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this article shall not apply in respect of any aeronautical radio station of which the person in charge is the Authority or the Secretary of State.

Charges at aerodromes licensed for public use

95. The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Secretary of State, furnish to the Secretary of State such particulars as he may require of 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

96. The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat, 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.

Noise and vibration caused by aircraft on aerodromes

97. The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, aerodromes owned or managed by the Authority, licensed 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, and section 77(2) of the Civil Aviation Act 1982 shall apply to any aerodrome in relation to which the Secretary of State has prescribed conditions as aforesaid.

Aeronautical lights

98.—(1) Except with the permission of the Authority and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of:

- (a) (i) subject to sub-paragraph (ii), an aeronautical beacon within the United Kingdom;
- (ii) 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 Authority shall not give its permission for the purpose of this article except with the consent of that authority; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Authority.

Dangerous lights

99.—(1) A person shall 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 groundlight is liable to endanger aircraft.

(2) If any light which appears to the Authority to be such a light as aforesaid is exhibited the Authority may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice 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 Authority under this article shall not be exercised except with the consent of that authority.

Customs and Excise airports

100.—(1) The Secretary of State may, with the concurrence of the Commissioners for Customs and Excise 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 of Customs and Excise, by order revoke any designation so made.

Aviation fuel at aerodromes

101.—(1) Subject to paragraph (2), a person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless:

- (a) when the aviation fuel is delivered into the installation he is satisfied that:
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) 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
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Paragraph (1) shall not apply in respect of 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.

(3) A person to whom paragraph (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include:

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

and he shall preserve the written record for a period of 12 months or such longer period as the Authority may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

- (a) (4) (a) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
 - (b) If it appears to the Authority or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the Authority or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Authority or by an authorised person.
- (5) For the purpose of 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.

PART XI

GENERAL

Restriction with respect to carriage for valuable consideration in aircraft registered outside the United Kingdom

102.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in the United Kingdom where valuable consideration is given or promised in respect of the carriage of such persons or cargo, except with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject unless that aircraft is exercising traffic rights permitted by virtue of Council Regulation 2408/92⁽¹⁵⁾ on access for Community air carriers to intra-community air routes (as that Regulation has effect in accordance with the EEA Agreement⁽¹⁶⁾ as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994⁽¹⁷⁾).

(2) Without prejudice to the provisions of article 72 of this Order or of paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

Filing and approval of tariffs

103.—(1) Where a permission granted under article 102(1) of this Order contains a tariff provision, the operator or charterer of the aircraft concerned shall file with the Authority the tariff which it proposes to apply on flights to which the said permission relates and the Authority shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it.

(2) For the purposes of this article, “tariff provision” means a condition as to any of the following matters:

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 102(1) of this Order relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

(3) The Authority shall act on behalf of the Crown in performing the functions conferred on it by this article.

Restriction with respect to aerial photography, aerial survey and aerial work in aircraft registered outside the United Kingdom

104.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not fly over the United Kingdom for the purpose of aerial photography or aerial

⁽¹⁵⁾ OJ NO. L 240, 24.8.92, p.8.

⁽¹⁶⁾ Cm 2073 and 2183.

⁽¹⁷⁾ Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: OJ No. L 160, 28.6.94, p.1.

survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to the provisions of article 72 of this Order or of paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

Flights over any foreign country

105.—(1) The operator or commander of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).

(3) The operator or commander of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever:

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country;

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene paragraph (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Mandatory reporting

106.—(1) Subject to the provisions of this article, every person who:

- (a) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2300 kg;
- (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof;
- (c) signs a certificate of maintenance review, or of release to service in respect of such an aircraft, part or equipment;
- (d) performs a function for which he requires an air traffic controller's licence; or
- (e) is the licensee or manager of a licensed aerodrome;
- (f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of equipment on the ground which is used or

intended to be used for the purpose of or in connection with the provision of an air traffic control service or navigational aid to an aircraft; shall:

- (i) make a report to the Authority of any reportable occurrence of which he knows and which is of such a description as may be prescribed; the report shall be made within such time, by such means, and shall contain such information as may be prescribed and it shall be presented in such form as the Authority may in any particular case approve; and
 - (ii) make a report to the Authority, within such time, by such means, and containing such information as the Authority may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this article.
- (a) (2) (a) Subject to sub-paragraph (b), in this article “reportable occurrence” means:
- (i) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person; and
 - (ii) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.
- (b) Any accident notified to the Chief Inspector of Air Accidents in pursuance of regulations made under section 75 of the Civil Aviation Act 1982 shall not constitute a reportable occurrence for the purposes of this article.
- (3) Subject to sub-paragraph (1)(f)(ii), nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this article.
- (4) A person shall not make any report under this article if he knows or has reasons to believe that the report is false in any particular.
- (a) (5) (a) Without prejudice to article 45(2), (4) and (5) and subject to the provisions of article 70 of this Order and sub-paragraph (b), the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct.
- (b) The record referred to in sub-paragraph (a) may be erased if the aircraft is outside the United Kingdom and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom.

Power to prevent aircraft flying

107.—(1) If it appears to the Authority or an authorised person that any aircraft is intended or likely to be flown:

- (a) in such circumstances that any provision of article 3, 5, 6, 8, 20, 21, 31, 45, 51 or 52 of this Order would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order, of any regulations made thereunder or of JAR 145 and be a cause of danger to any person or property whether or not in the aircraft; or

- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulation made thereunder or of JAR 145;

the Authority or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Authority or by an authorised person, and the Authority or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) the Authority or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of article 102, 104 or 105 of this Order would be contravened in relation to the flight, the Secretary of State or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) the Secretary of State or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

- (a) (a) Subject to sub-paragraph (b), the Authority and any authorised person shall have the right of access at all reasonable times:
- (i) to any aerodrome, for the purpose of inspecting the aerodrome;
 - (ii) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order; and
 - (iii) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order.
- (b) Access to a Government aerodrome or aerodrome owned or managed by the Authority shall only be obtained with the permission of the person in charge of the aerodrome.

Obstruction of persons

109. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions

110. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Penalties

111.—(1) If any provision of this Order, of any regulations made thereunder or of JAR 145 is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he

proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made thereunder or of JAR 145 was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, of any regulations made thereunder or of JAR 145 not being a provision referred to in paragraphs (5) or (6), he shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding level 3 on the Standard Scale, or in Northern Ireland to a fine not exceeding £1000.

(5) If any person contravenes any provision specified in Part A of Schedule 12 to this Order he shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding level 4 on the Standard Scale, or in Northern Ireland to a fine not exceeding £2000.

(6) If any person contravenes any provisions specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding the statutory maximum or in Northern Ireland to a fine not exceeding £2000 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

Extra-territorial effect of the Order

112.—(1) Except where the context otherwise requires, the provisions of this Order:

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the United Kingdom, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft shall apply to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons of anything by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be;
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the United Kingdom by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (e) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft on or in the neighbourhood of an offshore installation, shall apply to every person irrespective of his nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(2) Nothing in this article shall be considered as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948⁽¹⁸⁾ (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

⁽¹⁸⁾ 1948 c. 56.

Aircraft in transit over certain United Kingdom territorial waters

113.—(1) Where an aircraft, not being an aircraft registered in the United Kingdom, is flying over the territorial waters adjacent to the United Kingdom within part of a strait referred to in paragraph (4) solely for the purpose of continuous and expeditious transit of the strait, only the following articles of and Schedules to this Order shall apply to that aircraft:

article 15 and Schedule 5, to the extent necessary for the monitoring of the appropriate distress radio frequency, article 74(1)(a), (b) and (e), article 74(2), (3) and (4), together with the regulations made thereunder, article 116 and Part A of Schedule 12.

(2) The powers conferred by the provisions referred to in paragraph (1) shall not be exercised in a way which would hamper the transit of the strait by an aircraft not registered in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(3) In this article “transit of the strait” means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait and “an area of high seas” means any area outside the territorial waters of any State.

(4) The parts of the straits to which this article applies are specified in Schedule 13 to this Order.

Application of Order to British-controlled aircraft not registered in the United Kingdom

114. The Authority may direct that such of the provisions of this Order and of any regulations made or having effect thereunder as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

Application of Order to the Crown and visiting forces, etc.

(a) **115.** (1) (a) Subject to the following provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other aircraft and for the purposes of such application the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(b) Nothing in this article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

(2) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(3) Save as otherwise provided by paragraph (4), article 61(4) and (8), article 74(1)(a) and article 97 of this Order, nothing in this Order shall apply to or in relation to any military aircraft.

(4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty’s naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of this Order shall apply on the occasion of that flight, that is to say, articles 55, 56, 57 and 75 and in addition article 74 (so far as applicable) shall apply unless the aircraft is flown in compliance with Military Flying

Regulations (Joint Service Publication 318) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exemption from Order

116. The Authority may exempt from any of the provisions of this Order (other than articles 72, 102, 103, 104, 105 or 117 thereof) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

Appeal to County Court or Sheriff's Court

117.—(1) Subject to paragraphs (2) and (3), an appeal shall lie to a county court from any decision of the Authority that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller, student air traffic controller or aerodrome flight information service officer, and if the court is satisfied that on the evidence submitted to the Authority it was wrong in so deciding, the court may reverse the Authority's decision and the Authority shall give effect to the court's determination.

(2) An appeal shall not lie from a decision of the Authority that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(a) (3) (a) If the appellant resides or has his registered or principal office in Scotland the appeal shall lie to the sheriff within whose jurisdiction he resides and the appeal shall be brought within 21 days from the date of the Authority's decision or within such further period as the sheriff may in his discretion allow.

(b) Notwithstanding any provision to the contrary in rules governing appeals to a county court in Northern Ireland, if the appellant resides or has his registered or principal office in Northern Ireland the appeal shall lie to the county court held under the County Courts (Northern Ireland) Order 1980(19)

(4) The Authority shall be a respondent to any appeal under this article.

(5) For the purposes of any provision relating to the time within which an appeal may be brought, the Authority's decision shall be deemed to have been taken on the date on which the Authority furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

(6) In the case of an appeal to the sheriff:

(a) the sheriff may, if he thinks fit, and shall on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor, but where it is proposed to appoint any person as an assessor objection to him either personally or in respect of his qualification may be stated by any party to the appeal and shall be considered and disposed of by the sheriff;

(b) the assessors for each sheriffdom shall be appointed from a list of persons approved for the purposes by the sheriff principal and such a list shall be published in such manner as the sheriff principal shall direct and shall be in force for 3 years only, but persons entered in any such list may be again approved in any subsequent list; it shall be lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in his sheriffdom;

(c) the sheriff before whom an appeal is heard with the assistance of an assessor shall make a note of any question submitted by him to such assessor and of the answer thereto;

- (d) an appeal shall lie on a point of law from any decision of a sheriff under this article to the Court of Session.

Interpretation

118.—(1) In this Order, unless the context otherwise requires:

“Aerial work” has the meaning assigned to it by article 119 of this Order;

“Aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“Aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“Aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“Aerodrome control service” means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of the aerodrome traffic zone of that aerodrome by visual reference to the surface;

“Aerodrome flight information unit” means a person appointed by the Authority or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and “aerodrome flight information service” shall be construed accordingly;

“Aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“Aerodrome traffic zone” means the airspace specified below, being airspace in the vicinity of an aerodrome which is notified for the purposes of rule 39 of the Rules of the Air Regulations 1991(20):

- (a) in relation to such an aerodrome other than one which is on an offshore installation:
- (i) at which the length of the longest runway is notified as 1850 metres or less:
 - (aa) subject to sub-paragraph (bb), the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles;
 - (bb) where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this sub-paragraph is notified as being applicable, sub-paragraph (ii) shall apply as though the length of the longest runway is notified as greater than 1850 metres;
 - (ii) at which the length of the longest runway is notified as greater than 1850 metres, the airspace extending from the surface to a height of 2000 feet above the level

of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles;

- (b) in relation to such an aerodrome which is on an offshore installation, the airspace extending from mean sea level to 2000 feet above mean sea level and within 1½ nautical miles of the offshore installation;

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;

“Aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“Aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“Aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“Air Traffic Control Centre” means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

“Air traffic control unit” means a person appointed by the Authority or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to give information to aircraft, and “Air traffic control service” shall be construed accordingly;

“Air transport undertaking” means an undertaking whose business includes the carriage by air of passengers or cargo for valuable consideration;

“Annual costs” in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

“Annual flying hours” means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

“Approach control service” means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

“Approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 feet above the relevant specified decision height or minimum descent height;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

“Appropriate air traffic control unit” means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the case may be;

“Apron” means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

“Area control service” means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone except for an aerodrome traffic zone which has been notified as being subject to an area control service;

“Area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

“Authorised person” means:

- (a) any constable;
- (b) in article 107(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and
- (c) in article 107(1) and (2) and in any article other than article 107, any person authorised by the Authority (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

“the Authority” means the Civil Aviation Authority;

“Beneficial interest” has the same meaning as in section 57 of the Merchant Shipping Act 1894(21);

“Cabin attendant” in relation to an aircraft means a person on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

“Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“Captive flight” means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

“Cargo” includes mail and animals;

“Certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“Certificate of maintenance review” has the meaning assigned to it by article 10(1) of this Order;

“Certificate of release to service issued under JAR 145” means a certificate of release to service issued in accordance with JAR 145;

“Certificate of release to service issued under the Order” has the meaning assigned to it by article 12(5) of this Order;

“Certificated for single pilot operation” means an aircraft which is not required to carry more than one pilot by virtue of any one or more of the following:

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft; or

(d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the Authority, that permit to fly;

“Chief Officer of Police for any area of the United Kingdom” means, in relation to Scotland, the Chief Constable for any area and, in relation to Northern Ireland, the Chief Constable of the Royal Ulster Constabulary;

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” mean airspace respectively notified as such;

“Cloud ceiling” in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

“Commander” in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“the Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981⁽²²⁾ and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction;

“Competent authority” means in relation to the United Kingdom, the Authority, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“Conditional sale agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974⁽²³⁾;

“Congested area” in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State (including the United Kingdom) which is party to the Convention on International Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on the 7th December 1944;

“Controllable balloon” means a balloon, not being a small balloon, which is capable of free controlled flight;

“Controlled airspace” means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

“Control area” means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

“Control zone” means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

“Co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“Country” includes a territory;

“Crew” means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew under article 30(2) of this Order or a cabin attendant;

“Danger area” shall mean airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

(22) 1981 c. 61.

(23) 1974 c. 39.

“Day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

“Decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

“Declared distances” has the meaning which has been notified;

“Direct costs” means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

“Director” has the same meaning as in section 53(1) of the Companies Act 1989⁽²⁴⁾;

“EEA agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a contracting party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;

“Flight” and “to fly” have the meanings respectively assigned to them by paragraph (2);

“Flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

“Flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 millibars;

“Flight plan” means such information as may be notified in respect of an air traffic control service unit being information provided or to be provided to that unit, relative to an intended flight or portion of a flight of an aircraft;

“Flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

“Flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

“Flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“Foreign country” shall, for the purposes of articles 102 and 104, include Hong Kong;

“Free balloon” means a balloon which when in flight is not attached by any form of restraining device to the surface;

“Free controlled flight” means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

“General lighthouse authority” has the same meaning as in section 634 of the Merchant Shipping Act 1894⁽²⁵⁾;

“Government aerodrome” means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

(24) 1989 c. 40.

(25) 1894 c. 60.

“Hire-purchase agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974⁽²⁶⁾;

“Instrument Flight Rules” means Instrument Flight Rules prescribed under article 74(1) of this Order;

“Instrument Meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules;

“International headquarters” means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964⁽²⁷⁾;

“JAA” means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

“JAR” means a joint aviation requirement of the JAA as it has effect under the Technical Harmonisation Regulation and reference to a numbered JAR is a reference to such a requirement bearing that number;

“to land” in relation to aircraft includes alighting on the water;

“Legal personal representative” has the same meaning as in section 742 of the Merchant Shipping Act 1894⁽²⁵⁾;

“Licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“Licence for public use” has the meaning assigned to it by article 92(3) of this Order;

“Licensed aerodrome” means an aerodrome licensed under this Order;

“Lifejacket” includes any device designed to support a person individually in or on the water;

“Log book” in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the Authority in the particular case;

“Manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

“Maximum total weight authorised” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

“Medical attendant” means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

“Microlight aeroplane” means an aeroplane having a maximum total weight authorised not exceeding 390 kg, a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre, a maximum fuel capacity not exceeding 50 litres and which has been designed to carry not more than 2 persons;

“Military aircraft” means the naval, military or air force aircraft of any country and:

- (a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and

(26) 1974 c. 39.

(27) 1964 c. 5.

(25) 1894 c. 60.

- (b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;
- “Minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;
- “Nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 metres;
- “Night” means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;
- “Non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;
- “Notified” means set forth in a document published by the Authority and entitled “United Kingdom Notam” or “United Kingdom Air Pilot” and for the time being in force;
- “Obstacle limitation surfaces” has the same meaning as in “CAP 168 Licensing of aerodromes” **(28)**;
- “Offshore installation” has the same meaning as in section 1 of the Mineral Workings (Offshore Installations) Act 1971**(29)**;
- “Operator” has the meaning assigned to it by paragraph (3);
- “Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;
- “Passenger” means a person other than a member of the crew;
- “Period of duty” means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;
- “Pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;
- “Police Officer” means any person who is a member of a Police Force or of the Royal Ulster Constabulary (including, for the avoidance of doubt, the Royal Ulster Constabulary Reserve), and any Special Constable;
- “Precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;
- “Prescribed” means prescribed by regulations made by the Secretary of State under this Order, and the expression “prescribe” shall be construed accordingly;
- “Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;
- “Private flight” means a flight which is neither for the purpose of aerial work nor public transport;
- “Public transport” has the meaning assigned to it by article 119 of this Order;
- “Public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;
- “Record” has the same meaning as in section 73 of the Civil Aviation Act 1982**(30)**;

(28) Fourth edition published in October 1990 by the Civil Aviation Authority.

(29) 1971 c. 61: section 1 of this Act was amended by section 24 of the Oil and Gas (Enterprise) Act 1982 (c. 23).

(30) 1982 c. 16.

“Released flight” means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

“Relevant overseas territory” means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

“Replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“Rules of the Air” has the meaning assigned to it by article 74(1) of this Order;

“Runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of and mid-point of the runway; and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

“Scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

“Seaplane” has the same meaning as for the purpose of section 97 of the Civil Aviation Act 1982;

“Sector” means airspace of specified dimensions described in the Manual of Air Traffic Services in respect of a particular place;

“Small balloon” means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“Special VFR flight” means a flight which is a special VFR flight for the purposes of the rules prescribed under article 74(1) of this Order;

“Specified minimum weather provisions” has the meaning assigned to it by paragraph (4);

“Technical Harmonisation Regulation” means Council Regulation (EEC) No 3922/91(31) on the harmonisation of technical requirements and administrative procedures in the field of civil aviation;

“Tethered flight” means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

“Uncontrollable balloon” means a balloon, not being a small balloon, which is not capable of free controlled flight;

“Valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken pursuant to an agreement, which is of more than a nominal nature;

“Visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the Visiting Forces Act 1952(32):

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) which from time to time apply to that country by virtue of paragraph (b) of the said section 1(1) and of any Order in Council made or hereafter to be made under the said

(31) OJ No. L 373, 31.12.91, p.4. Council Regulation 3922/91 applies throughout the area of the EEA by virtue of the amendment of the EEA Agreement (Cm 2073 and 2183) by the Decision of the EEA Joint Committee No. 7/94 of 21.3.94 (OJ No. L 160, 28.6.94, p.1).

(32) 1952 c. 67.

section 1 designating that country for the purposes of all the provisions of that Act following the said section 1(2);

“Visual Flight Rules” means Visual Flight Rules prescribed under article 74(1) of this Order;

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(2) An aircraft shall be deemed to be in flight:

- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expression “a flight” and “to fly” shall be construed accordingly.

- (a) (3) (a) Subject to sub-paragraph (b), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly.
- (b) For the purposes of the application of any provision in Part III of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.

(4) The specified minimum weather provisions shall be as follows:

- (a) outside airspace notified for the purposes of Schedule 8 to this Order:
 - (i) an aircraft flying above 3000 feet above mean sea level shall remain at least 1800 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 10 kilometres;
 - (ii) an aircraft other than a helicopter flying at or below 3000 feet above mean sea level shall:
 - (aa) remain at least 1800 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres; or
 - (bb) be flown at a speed which according to its airspeed indicator is 140 knots or less and remains clear of cloud, in sight of the surface and in a flight visibility of at least 1800 metres;
 - (iii) a helicopter flying at or below 3000 feet above mean sea level shall remain clear of cloud and in sight of the surface or at least 1800 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres.
- (b) within airspace notified for the purposes of Schedule 8 to this Order an aircraft shall:

- (i) remain at least 1800 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 10 kilometres; and
- (ii) in a control zone within such airspace, in the case of a special VFR flight the aircraft shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

(5) The expressions appearing in the “General Classification of Aircraft” set forth in Part A of Schedule 1 to this Order shall have the meanings thereby assigned to them.

(6) A power to make regulations under this Order shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of the Order.

Public transport and aerial work

- (a) **119.** (1) (a) Subject to the provisions of this article, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.
 - (b) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part III of this Order.
- (2) Subject to the provisions of this article, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purposes of public transport:
- (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
 - (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors and, in the case of Authority, the members of the Authority), persons with the authority of the Authority either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
 - (c) for the purposes of Part III of this Order (other than articles 14(2) and 15(2) thereof), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.
- (3) (a) Notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (2)(c), it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given for the carriage of those passengers.
- (b) A glider shall not be deemed to fly for the purpose of public transport for the purposes of Part III of this Order by virtue of sub-paragraph (2)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.
 - (c) Notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (2)(c) in respect of the flight or the purpose of the flight it shall:
 - (i) subject to sub-paragraph (ii) below, for all purposes other than Part III of this Order; and

- (ii) for the purposes of articles 14(2) and 15(2) of this Order;
be deemed to be a private flight.

(4) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

- (a) (5) (a) For the purposes of paragraph (2)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is:

- (i) its holding company;
- (ii) its subsidiary; or
- (iii) another subsidiary of the same holding company.

- (b) For the purposes of this article “holding company” and “subsidiary” have the meanings respectively specified in section 736 of the Companies Act 1985⁽³³⁾

- (a) (6) (a) A flight shall, for the purposes of Part IV of this Order, be deemed to be a private flight if:

- (i) the flight is:

- (aa) wholly or principally for the purpose of taking part in an aircraft race, contest or exhibition of flying;
- (bb) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (aa) hereof and is made with the intention of carrying out such a flight; or
- (cc) for the purpose of returning after such a flight as is specified in sub-paragraph (aa) hereof to a place at which the aircraft is usually based;

- (ii) the only valuable consideration in respect of the flight or the purpose of the flight other than:

- (aa) valuable consideration specified at sub-paragraph (2)(c); or
- (bb) in the case of an aircraft owned in accordance with sub-paragraph (10)(a), valuable consideration which falls within sub-paragraph (10)(b);

is either:

- (cc) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or exhibition of flying and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
- (dd) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission in writing of the Authority granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Authority thinks fit;

or falls within both sub-paragraphs (cc) and (dd).

⁽³³⁾ 1985 c. 6 as amended by section 144 of the Companies Act 1989 (c. 40).

- (b) Any prize falling within sub-paragraph (4)(a)(ii)(dd) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.
- (a) (7) (a) Subject to sub-paragraph (b), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than:
- (i) valuable consideration specified at sub-paragraph (2)(c); or
 - (ii) in the case of an aircraft owned in accordance with sub-paragraph (10)(a), valuable consideration which falls within sub-paragraph (10)(b);
- is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Authority and in accordance with any conditions therein specified.
- (b) If valuable consideration specified at sub-paragraph (2)(c) is given or promised the provisions of that sub-paragraph shall apply to the flight.
- (a) (8) (a) Subject to sub-paragraph (b), a flight shall be deemed to be a private flight if:
- (i) the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than:
 - (aa) valuable consideration specified at sub-paragraph (2)(c); or
 - (bb) in the case of an aircraft owned in accordance with sub-paragraph (10)(a), valuable consideration which fall within sub-paragraph (10)(b);is a contribution to the direct costs of the flight otherwise payable by the pilot in command; and
 - (ii)
 - (aa) no more than 4 persons (including the pilot) are carried on such a flight;
 - (bb) the proportion which such contribution bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot); and
 - (cc) no information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club;
 - (dd) no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight.
- (b) If valuable consideration specified as sub-paragraph (2)(c) is given or promised the provisions of that sub-paragraph shall apply to the flight.
- (a) (9) (a) Subject to sub-paragraph (b), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than:
- (i) valuable consideration specified at sub-paragraph (2)(c); or
 - (ii) in the case of an aircraft owned in accordance with sub-paragraph (10)(a), valuable consideration which falls within sub-paragraph (10)(b);
- is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the

pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.

(b) If valuable consideration specified at sub-paragraph (2)(c) is given or promised the provisions of that sub-paragraph shall apply to the flight.

(10) A flight shall be deemed to be a private flight if:

(a) the aircraft is owned:

(i) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and:

(aa) the aircraft is registered in the names of all the joint owners; or

(bb) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the Authority of the names of all the persons beneficially entitled to a share in the aircraft; or

(ii) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company; and

(b) the only valuable consideration given or promised in respect of the flight or the purpose of the flight is either:

(i) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or

(ii) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);

or falls within both sub-paragraphs (i) and (ii).

(11) A flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of:

(a) the dropping of persons by parachute and which is made under and in accordance with the terms of a written permission granted by the Authority pursuant to article 49 of this Order;

(b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) hereof and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a written permission granted by the Authority pursuant to article 49 of this Order; or

(c) returning after such a flight as is specified in sub-paragraph (a) hereof to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a):

shall be deemed to be for the purposes of aerial work.

Saving

120.—(1) Subject to the provisions of articles 92 and 96 of this Order, nothing in this Order or the regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the Authority to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in

substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

Small aircraft

121. The provisions of this Order, other than articles 56, 74, 118(1) and 118(5), shall not apply to or in relation to:

- (a) any small balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kilogrammes;
- (c) any other aircraft weighing not more than 7 kilogrammes without its fuel; or
- (d) any parachute including a parascending parachute.

Approval of persons to furnish reports

122. In relation to any of its functions pursuant to any of the provisions of this Order the Authority may, either absolutely or subject to such conditions as it thinks fit, approve a person as qualified to furnish reports to it and may accept such reports.

Competent authority for technical harmonisation

123. The Civil Aviation Authority shall be the authority responsible in the United Kingdom for carrying out the functions of the Authority under JAR 145.

N. H. Nicholls
Clerk of the Privy Council

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SCHEDULE 1

Articles 4(6), 25(2) and 118(5)

PART A

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
Aircraft		{ Non-power driven	{ Free Balloon
{ Captive Balloon			
{ Power driven	{ Lighter than air aircraft	{ Airship	
{ Non-power driven		{ Glider	
		{ Kite	
{ Heavier than air aircraft	{ Power driven (flying machines)	{ Aeroplane (Landplane)	
{ Aeroplane (Seaplane)			
{ Aeroplane (Amphibian)			
{ Aeroplane (Self-launching Motor Glider)			
{ Powered Lift (Tilt Rotor)			
{ Rotorcraft	{ Helicopter		
	{ Gyroplane		

Article 5(2)

PART B

NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN THE UNITED KINGDOM

1. General

(1) The nationality mark of the aircraft shall be the capital letter “G” in Roman character and the registration mark shall be a group of four capital letters in Roman character assigned by the Authority on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(2) The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

(3) The letters constituting each group of marks shall be of equal height and they, and the hyphen, shall all be of the same single colour which shall clearly contrast with the background on which they appear.

(4) The nationality and registration marks shall also be inscribed on a fire-proof metal plate affixed in a prominent position:

- (a) in the case of a microlight aeroplane, either in accordance with sub-paragraph (c) or on the wing;

- (b) in the case of a balloon, on the basket or envelope; or
- (c) in the case of any other aircraft on the fuselage or car as the case may be.

(5) The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the manner specified in paragraphs 2 and 3 of this Part.

2. Position and Size of Marks

(1) The position and size of marks on heavier than air aircraft (excluding kites) shall be as follows:

- (a) on the horizontal surfaces of the wings:
 - (i) on aircraft having a fixed wing surface, the marks shall appear on the lower surface of the wing structure and shall be on the port wing unless they extend across the whole surface of both wings. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing;
 - (ii) the height of the letters shall be:
 - (aa) subject to sub-paragraph (bb) at least 50 centimetres;
 - (bb) if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances;
- (b) on the fuselage (or equivalent structure) and vertical tail surfaces:
 - (i) the marks shall also appear either:
 - (aa) on each side of the fuselage (or equivalent structure), and shall, in the case of fixed wing aircraft be located between the wings and the horizontal tail surface; or
 - (bb) on the vertical tail surfaces;
 - (ii) when located on a single vertical tail surface, the marks shall appear on both sides. When located on multi-vertical tail surface, the marks shall appear on the outboard sides of the outer-surfaces. Subject to sub-paragraphs (iv) and (v) below, the height of the letters constituting each group of marks shall be at least 30 centimetres;
 - (iii) if one of the surfaces authorised for displaying the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with sub-paragraph (v) below) and the other is not, marks of 30 centimetres in height shall be placed on the largest authorised surface;
 - (iv) if neither authorised surface is large enough for marks of 30 centimetres in height (whilst complying with sub-paragraph (v) below), marks of the greatest height practicable in the circumstances shall be displayed on the larger of the two authorised surfaces;
 - (v) the marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface;
 - (vi) on rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the side of the fuselage (or equivalent structure) is less than 30 centimetres, the marks shall also appear on the lower surface of the fuselage as close to the line of symmetry as is practicable and shall be placed with the tops of the letters towards the nose. The height of the letters constituting each group of marks shall be:
 - (aa) subject to sub-paragraph (bb) at least 50 centimetres; or
 - (bb) if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances;

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- (c) wherever in this paragraph marks of the greatest height practicable in the circumstances are required, that height shall be such as is consistent with compliance with paragraph 3 of this Part.
- (2) The position and size of marks on airships and free balloons shall be as follows:
 - (a) in the case of airships the marks shall be placed on each side of the airship. They shall be placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser;
 - (b) in the case of free balloons, the marks shall be in two places on diametrically opposite sides of the balloon;
 - (c) in the case of both airships and free balloons the side marks shall be so placed as to be visible from the sides and from the ground. The height of the letters shall be at least 50 centimetres.

3. Width, Spacing and Thickness of Marks

- (1) For the purposes of this paragraph:
 - (a) “standard letter” shall mean any letter other than the letters, I, M and W;
 - (b) the width of each standard letter and the length of the hyphen between the nationality mark and the registration mark shall be two-thirds of the height of a letter;
 - (c) the width of the letters M and W shall be neither less than two-thirds of their height nor more than their height; and
 - (d) the width of the letter I shall be one-sixth of the height of the letter.
- (2) The thickness of the lines comprising each letter and hyphen shall be one-sixth of the height of the letters forming the marks.
- (3) Each letter and hyphen shall be separated from the letter or hyphen which it immediately precedes or follows, by a space equal to either one-quarter or one-half of the width of a standard letter. Each such space shall be equal to every other such space within the marks.

PART C

Aircraft Dealer’s Certificate—Conditions

- (1) The operator of the aircraft shall be the registered owner of the aircraft, who shall be the holder of an aircraft dealer’s certificate granted under this Order.
- (2) The aircraft shall fly only for the purpose of:
 - (a) testing the aircraft;
 - (b) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft;
 - (c) proceeding to or from a place at which the aircraft is to be tested or demonstrated as aforesaid, or overhauled, repaired or modified;
 - (d) delivering the aircraft to a person who has agreed to buy, lease or sell it; or
 - (e) proceeding to or from a place for the purpose of storage.
- (3) Without prejudice to the provisions of article 38 of this Order the operator of the aircraft shall satisfy himself before the aircraft takes off that the aircraft is in every way fit for the intended flight.
- (4) The aircraft shall fly only within the United Kingdom.

SCHEDULE 2

Articles 3(1), 8(1) and 47(7)

A AND B CONDITIONS

The A and B Conditions referred to in articles 3(1), 8(1) and 47(7) of this Order are as follows:

A Conditions

(1) An aircraft registered in the United Kingdom may fly for a purpose set out in paragraph (2) subject to the conditions contained in paragraphs (3) to (8) when either:

- (a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom; or
- (b) the certificate of airworthiness or certificate of validation issued in respect of the aircraft has ceased to be in force by virtue of any of the matters specified in article 9(7) of this Order.

(2) (a) In the case of an aircraft falling within paragraph (1)(a) the aircraft shall fly only for the purpose of enabling it to:

- (i) qualify for the issue or renewal of a certificate of airworthiness or the validation thereof after an application has been made for such issue, renewal or validation as the case may be, or carry out a functional check of a previously approved modification (and for the purpose of this Schedule “a previously approved modification” shall mean a modification which has previously been approved by the Authority in respect of that aircraft or another aircraft of the same type) of the aircraft;
- (ii) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in subparagraph (a), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
- (iii) proceed to or from a place at which the aircraft is to be or has been stored.

(b) In the case of an aircraft falling within paragraph (1)(b), it shall fly only for the purpose of enabling it to:

- (i) proceed to a place at which any inspection or maintenance required by virtue of article 9(7)(b)(ii) of this Order is to take place;
- (ii) proceed to a place at which any inspection, maintenance or modification required by virtue of article 9(7)(b)(i) or (c) of this Order is to take place and in respect of which flight the Authority has given permission in writing; or
- (iii) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the Authority of any overhaul, repair, previously approved modification, inspection or maintenance required by virtue of article 9(7) of this Order.

(3) The aircraft shall be:

- (a) an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under this Order and has not subsequently had any modification which requires approval unless that modification is a previously approved modification which has been granted such an approval under the law of the country in which the aircraft was registered at that time; or
- (b) an aircraft identical in design (including any modifications) with an aircraft in respect of which such a certificate is or has been in force.

(4) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer’s licence granted under this Order, being a licence which entitles him to issue

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that certificate or by a person approved by the Authority for the purpose of issuing certificates under this condition, and in accordance with that approval.

(5) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under the Order in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(6) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2).

(7) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off or land.

(8) Without prejudice to the provisions of article 20(2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) An aircraft may fly for a purpose set out in paragraph (2) subject to the conditions set out in paragraphs (3) to (8) whether or not it is registered in accordance with article 3(1) of the Order and when there is not in force in respect thereof:

- (a) in the case of an aircraft which is so registered, a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or,
- (b) in the case of an aircraft which is not so registered, either a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom or a permit to fly issued by the Authority in respect of that aircraft.

(2) The aircraft shall fly only for the purpose of:

- (a) experimenting with or testing the aircraft (including any engines installed thereon) or any equipment installed or carried in the aircraft;
- (b) enabling it to qualify for the issue of a certificate of airworthiness or the validation thereof or the approval of a modification of the aircraft or the issue of a permit to fly;
- (c) demonstrating and displaying the aircraft, any engines installed thereon or any equipment installed or carried in the aircraft with a view to the sale thereof or of other similar aircraft, engines or equipment;
- (d) demonstrating and displaying the aircraft to employees of the operator;
- (e) the giving of flying training to or the testing of flight crew employed by the operator or the training or testing of other persons employed by the operator and who are carried or are intended to be carried pursuant to sub-paragraph (7)(a); or
- (f) proceeding to or from a place at which any experiment, inspection, repair, modification, maintenance, approval, test or weighing of the aircraft, the installation of equipment in the aircraft, demonstration, display or training is to take place for a purpose referred to sub-paragraphs (a), (b), (c), (d) or (e) or at which installation of furnishings in, or the painting of, the aircraft is to be undertaken.

(3) The flight shall be operated by a person approved by the Authority for the purposes of these Conditions and subject to any additional conditions which may be specified in such an approval.

(4) If not registered in the United Kingdom the aircraft shall be marked in a manner approved by the Authority for the purposes of these Conditions, and the provisions of articles 15, 17, 38, 41, 66 and 68 of this Order shall be complied with in relation to the aircraft as if it was registered in the United Kingdom.

(5) Without prejudice to the provisions of article 20(2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(6) No person shall act as pilot in command of the aircraft except a person approved for the purpose by the Authority.

(7) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following:

- (a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose specified in paragraph (2);
- (b) persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft for carrying out during the flight duties in connection with a purpose so specified;
- (c) persons approved by the Authority under article 122 of this Order as qualified to furnish reports for the purposes of article 9 of this Order;
- (d) persons other than those carried under the preceding provisions of this sub-paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;
- (e) cargo which comprises equipment carried in connection with a purpose specified in sub-paragraph (2)(f); or
- (f) persons employed by the operator or persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with the purpose specified in sub-paragraph (2)(f) which persons have duties in connection with that purpose.

(8) The aircraft shall not fly, except in accordance with procedures which have been approved by the Authority in relation to that flight, over any congested area of a city, town or settlement.

SCHEDULE 3

Article 9

CATEGORIES OF AIRCRAFT

Transport Category (Passenger).

Transport Category (Cargo).

Aerial Work Category.

Private Category.

Special Category.

The purposes for which the aircraft may fly are as follows:

Transport Category (Passenger): Any purpose.

Transport Category (Cargo): Any purpose, other than the public transport of passengers.

Aerial Work Category: Any purpose other than public transport.

Private Category: Any purpose other than public transport or aerial work.

Special Category: Any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

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SCHEDULE 4

Articles 12(5) and 14(2)

AIRCRAFT EQUIPMENT

- (a) (a) Every aircraft of a description specified in the first column of the Table set forth in paragraph 4 of this Schedule and which is registered in the United Kingdom shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression “adequate equipment” shall mean, subject to sub-paragraph (b), the scales of equipment respectively indicated in that Table.
- (b) If the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

2 The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

3 The following items of equipment shall not be required to be of a type approved by the Authority:

- (a) The equipment referred to in Scale A (ii).
- (b) First aid equipment and handbook, referred to in Scale A.
- (c) Time-pieces, referred to in Scale F.
- (d) Torches, referred to in Scales G, H, K and Z.
- (e) Whistles, referred to in Scale H.
- (f) Sea anchors, referred to in Scales J and K.
- (g) Rocket signals, referred to in Scale J.
- (h) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale J.
- (i) Paddles, referred to in Scale K.
- (j) Food and water, referred to in Scales K, U and V.
- (k) First aid equipment, referred to in Scales K, U and V.
- (l) Stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V.
- (m) Megaphones, referred to in Scale Y.

4.

Table

<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
1) Gliders	(a) flying for purposes other than public transport	A (ii)
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* *For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	or aerial work; and when flying by night	
	(b) flying for the purpose of public transport or aerial work; and	A, B (i) and (ii), D and F(i)
	(i) (i) when flying by night	C and G
	(ii) (ii) when carrying out aerobatic manoeuvres	B (iii)
2) Aeroplanes	(a) flying for purposes other than public transport; and	A (i) and (ii) and B (i)
	(i) (i) when flying by night	C and D
	(ii) (ii) when flying under Instrument Flight Rules	
	(aa) outside controlled airspace notified for the purposes of this sub-paragraph	D
	(bb) within controlled airspace notified for the purposes of this sub-paragraph	E with E (iv) duplicated and F
	(iii) (iii) when carrying out aerobatic manoeuvres	B (iii)
	(b) flying for the purpose of public transport; and	A, B (i) and (ii), D and F (i)
	(i) (i) when flying under Instrument Flight Rules except flights outside controlled airspace notified	E with E (iv) duplicated and F
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	for the purposes of this subparagraph by aeroplanes having a maximum total weight authorised not exceeding 1150 kg	
	(ii) (ii) when flying by night; and in the case of aeroplanes of which the maximum total weight authorised exceeds 1150 kg	C and G E with E (iv) duplicated and F
	(iii) (iii) when flying over water beyond gliding distance from land	H
	(iv) (iv) on all flights on which 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 aeroplane would be forced to land onto water	H
	(v) (v) when flying over water:	
	(aa) in the case of an aeroplane:	
	(aaa) classified in its certificate of	
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* *For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	<p>airworthiness as being of performance group A, C or X; or</p> <p>(bbb) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Authority it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5000 ft in the international Standard Atmosphere specified in or ascertainable by reference to the certificate of airworthiness in force in respect of that aircraft;</p>	
	<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>	
	<p>* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>	

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	when either more than 400 nautical miles or more than 90 minutes flying time* from the nearest aerodrome at which an emergency landing can be made	H and K
	(bb) in the case of all other aeroplanes, when more than 30 minutes flying time* from such an aerodrome	H and K
	(vi) (vi) on all flights which involve manoeuvres on water	H, J and K
	(vii) (vii) when flying at a height of 10,000 ft or more above mean sea level:	
	(aa) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 1989	L1 or L2
	(bb) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989	L2
	(viii) (viii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate	M

* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	that conditions favouring ice formation are likely to be met	
	(ix) (ix) when carrying out aerobatic manoeuvres	B (iii)
	(x) (x) on all flights on which the aircraft carries a flight crew of more than one person	N
	(xi) (xi) on all flights for the purpose of the public transport of passengers	Q and Y(i), (ii) and (iii)
	(xii) (xii) on all flights by a pressurised aircraft	R
	(xiii) (xiii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xiv) (xiv) when flying over substantially uninhabited land or other areas where, in the event of any emergency landing, polar	V
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p> <p>* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	conditions are likely to be met (xv) (xv) when W flying at an altitude of more than 49,000 ft	
3) Turbine-jet aeroplanes having a maximum total weight authorised exceeding 5700 kg or pressurised aircraft having a maximum total weight authorised exceeding 11,400 kg	when flying for the purpose of public transport	O
4) Turbine-engined aeroplanes having a maximum total weight authorised exceeding 5700 kg and piston-engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg except for such aeroplanes falling within paragraphs (5) or (6):		
	(a) which are operated by an air transport undertaking under a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or	when flying on any flight P
	(b) in respect of which application has been made and not withdrawn or refused for such a certificate, and which fly under the “A Conditions” or under a certificate of airworthiness in the Special Category	when flying on any flight P
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
<p>5) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the “A Conditions” or in respect of which there is in force a certificate of airworthiness in the Special Category except for such aeroplanes falling within paragraph (6):</p>		
<p>(a) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 5700 kg but not exceeding 11,400 kg; or</p>	<p>when flying on any flight</p>	<p>S(i)</p>
<p>(b) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 11,400 kg but not exceeding 27,000 kg; or</p>	<p>when flying on any flight</p>	<p>S(ii)</p>
<p>(c) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after</p>	<p>when flying on any flight</p>	<p>S(iii)</p>
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p> <p>* *For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
<p>1st April 1971 and which have a maximum total weight authorised exceeding 27,400 kg but not exceeding 230,000 kg; or</p>	<p>(d) which conform to when flying on any flight</p>	<p>S(iii)</p>
<p>a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which have a maximum total weight authorised exceeding 230,000 kg;</p>		
<p>6) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under “A Conditions” or in respect of which there is in force a certificate of airworthiness in the Special Category:</p>		
<p>(a) for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised not exceeding 5700 kg, are powered by two or more turbine engines and are certified to carry more than nine passengers; or</p>	<p>when flying on any flight</p>	<p>S(iv)</p>
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		
<p>* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
(b) for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 5700 kg but not exceeding 27,000 kg; or	when flying on any flight	S(v)
(c) for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 27,000 kg.	when flying on any flight	S(vi)
7) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Aerial Work or Private Category and for which an individual certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st June 1990 and which have a maximum total weight authorised exceeding 27,000 kg.	when flying on any flight	S(vi)
8) Aeroplanes:		
(a) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and having a maximum total	when flying on any flight	T
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p> <p>* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
weight authorised exceeding 27,000 kg and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or	(b) which conform to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which have a maximum total weight authorised exceeding 230,000 kg and in respect of which there is in force such a certificate of airworthiness; or	T
(c) having a maximum total weight authorised exceeding 27,000 kg which conform to a type first issued with a type certificate on or after 1 April 1971 (or 1 January 1970 in the case of an aeroplane having a maximum total weight authorised exceeding 230,000 kg) in respect of which an application has been made, and not withdrawn or refused for such a certificate of airworthiness and which fly under the “A Conditions” or in respect of which there is in force a certificate of airworthiness in the Special Category.	when flying on any flight	T
9) Aeroplanes which have a maximum total weight authorised exceeding 15,000 kg or which in accordance with the	on all flights for the purpose of public transport	X
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
certificate of airworthiness in force in respect thereof may carry more than 30 passengers.		
10) Aeroplanes:		
(a) which are a turbo-jet and which have a maximum total weight authorised exceeding 22,700 kg; or	when flying by night for the purpose of the public transport of passengers	Z(i) and (ii)
(b) having a maximum total weight authorised exceeding 5700 kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the Authority is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or	when flying by night for the purpose of the public transport of passengers	Z(i) and (ii)
(c) which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers; or	when flying by night for the purpose of the public transport of passengers	Z(i)
(d) having a maximum total weight authorised exceeding 5700 kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April	when flying for the purpose of the public transport of passengers	Z(iii)
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p> <p>* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
1972 but not including any aeroplane which in the opinion of the Authority is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or		
(e) which are a turbo-jet and which have a maximum total weight authorised exceeding 22,700 kg; or	when flying for the purpose of the public transport of passengers	Z(iii)
(f) first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st January 1958 and which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers.	when flying for the purpose of the public transport of passengers	Z(iii)
11) Aeroplanes:		
(a) powered by one or more turbine jets	when flying on any flight	AA
(b) powered by one or more turbine propeller engines and having a maximum total weight authorised exceeding 5700 kg and first issued with a certificate of airworthiness in the United Kingdom on or after 1st April 1989.	when flying on any flight	AA
12) Aeroplanes in respect of which there is in force a certificate of airworthiness in	in on all flights for the purpose of the public transport of passengers.	Y (iv)
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
the Transport Category (Passenger);		
13) Helicopters and Gyroplanes	(a) flying for purposes other than public transport; and	A (i) and (ii) and B (i)
	(i) (i) when flying by day under Visual Flight Rules with visual ground reference	D
	(ii) (ii) when flying by day under Instrument Flight Rules or without visual ground reference	
	(aa) outside controlled airspace notified for the purposes of this sub-paragraph	E with E (ii) duplicated
	(bb) within controlled airspace notified for the purposes of this sub-paragraph	E with E (ii) and E (iv) duplicated and F with F (iv) for all weights
	(iii) (iii) when flying at night	
	(aa) with visual ground reference	C, E, G (iii) and G (v)
	(bb) without visual ground reference	
	(aaa) outside controlled airspace notified for the purposes of this sub-paragraph	C, E with E (ii) duplicated, G (iii) and G (v)
	(bbb) within controlled airspace notified for the purposes of this sub-paragraph	C, E with both E (ii) and E (iv) duplicated, F with F (iv) for all weights, G (iii) and G (v)
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	(b) flying for the purpose of public transport; and	A, B (i) and (ii), F (i) and F (iv) for all weights
	(i) (i) when flying by day under Visual Flight Rules with visual ground reference	D
	(ii) (ii) when flying by day under Instrument Flight Rules or without visual ground reference	E with both E (ii) and E (iv) duplicated, F (ii), F (iii) and F (v)
	(iii) (iii) when flying by night with visual ground reference	
	(aa) in the case of a helicopter or gyroplane having a maximum total weight authorised not exceeding 2000 kg	C, E and G
	(bb) in the case of a helicopter or gyroplane having a maximum total weight authorised exceeding 2000 kg	C, E with E (ii) duplicated and either E (iv) duplicated or a radio altimeter, F (ii), F (iii), F (v) and G
	(iv) (iv) when flying by night without visual ground reference	C, E with both E (ii) and E (iv) duplicated, F (ii), F (iii), F (v) and G
	(v) (v) when flying over water	
	(aa) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance	E and H

* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

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	group A2 or B when beyond autorotation gliding distance from land suitable for an emergency landing	
	(bb) on all flights on which 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 helicopter or gyroplane would be forced to land onto water	H
	(cc) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group A2 when beyond 10 minutes flying time* from land	E, H, K and T
	(dd) for more than a total of 3 minutes in any flight	EE
	(ee) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 which is intended to fly beyond 10 minutes flying time from land or which actually flies beyond 10 minutes flying	I
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p> <p>* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	<p>time from land, on a flight which is either in support of or in connection with the offshore exploitation, or exploration of mineral resources (including gas) or is on a flight under and in accordance with the terms of a police air operator's certificate, when in either case the weather reports or forecasts available to the commander of the aircraft indicate that the sea temperature will be less than plus 10°C during the flight or when any part of the flight is at night</p>	
	<p>(vi) (vi) on all flights which involve manoeuvres on water</p>	H, J and K
	<p>(vii) (vii) when flying at a height of 10,000 ft or more above mean sea level:</p>	
	<p>(aa) having a certificate of airworthiness first issued (whether in the United Kingdom or elsewhere) before 1st January 1989</p>	L1 or L2
	<p>(bb) having a certificate of airworthiness first issued (whether in the United Kingdom or</p>	L2
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		
<p>*For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	elsewhere) on or after 1st January 1989	
	(viii) (viii) on M flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	
	(ix) (ix) on all N flights on which the aircraft carries a flight crew of more than one person	
	(x) (x) on all Y(i), (ii) and (iii) flights for the purpose of the public transport of passengers	
	(xi) (xi) when U flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	
	(xii) (xii) when V flying over substantially uninhabited land or other areas where, in the event of an emergency	
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	landing, polar conditions are likely to be met	
<p>14) Helicopters and Gyroplanes:</p>		
<p>(a) having a maximum total weight authorised exceeding 5700 kg and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any helicopter or gyroplane which in the opinion of the Authority is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date; or</p>	<p>when flying by night for the purpose of the public transport of passengers</p>	<p>Z (i) and (ii)</p>
<p>(b) which, in accordance with the the certificate of airworthiness in force in respect thereof may carry more than 19 passengers; or</p>	<p>when flying by night for the purpose of the public transport of passengers</p>	<p>Z (i)</p>
<p>(c) which have a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and helicopters and gyroplanes in respect of which application has been made and not withdrawn or refused for such a certificate of airworthiness and which fly under the “A Conditions” or which have a certificate of</p>		
<p>* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		
<p>*For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.</p>		

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
airworthiness in the Special Category and		
(i) (i) which have a maximum total weight authorised exceeding 2730 kg but not exceeding 7000 kg or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than nine passengers, or both	when flying on any flight	SS(i) or (iii)
(ii) (ii) which have a maximum total weight authorised exceeding 7000 kg	when flying on any flight	SS(ii) or (iii)
* For the purpose of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		
* *For the purposes of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.		

5. The scales of equipment indicated in the foregoing Table shall be as follows:

Scale A

(i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.

(ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft including any diversion which may reasonably be expected.

(iii) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following:

Roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;

Haemostatic bandages or tourniquets, scissors;

Antiseptic, analgesic and stimulant drugs;

Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700 kg;

A handbook on first aid.

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(iv) in the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency:

- (a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxiing; or
- (b) would be more than 1.82 metres from the ground if the undercarriage or any part thereof should collapse, break or fail to function;

apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

Scale AA

(i) Subject to sub-paragraph (ii), an altitude alerting system capable of alerting the pilot upon approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude and when deviating above or below that preselected altitude, by a visual and an aural signal.

(ii) If the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place which it is reasonably practicable for the system to be repaired or replaced.

Scale B

- (a) (i) (a) If the maximum total weight authorised of the aircraft is 2730 kg or less, for every pilot's seat and for any seat situated alongside a pilot's seat, either a safety belt with one diagonal shoulder strap or a safety harness, or with the permission of the Authority, a safety belt without a diagonal shoulder strap which permission may be granted if the Authority is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.
- (b) If the maximum total weight authorised of the aircraft exceeds 2730 kg, either a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, or with the permission of the Authority, a safety belt with one diagonal shoulder strap which permission may be granted if the Authority is satisfied that it is not reasonably practicable to fit a safety harness.
- (c) For every seat in use (not being a seat referred to in sub-paragraph (a), (b), (e) and (f)) a safety belt with or without one diagonal shoulder strap or a safety harness.
- (d) In addition and to be attached to or secured by the equipment required in sub-paragraph (c) above, a child restraint device for every child under the age of two years.
- (e) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin attendants who are required to be carried under this Order, a safety harness.
- (f) On all flights in aeroplanes in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st February 1989 the maximum total weight authorised of which does not exceed 5700kg which in accordance with the certificate of airworthiness in force thereof is not capable of seating more than 9 passengers (otherwise than in seats referred to under sub-paragraphs (a) and (b)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger.

(ii) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

- (a) (iii) (a) Subject to sub-paragraph (b), a safety harness for every seat in use.

- (b) In the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale C

- (i) Equipment for displaying the lights required by the Rules of the Air;
- (ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight;
- (iii) Unless the aircraft is equipped with radio, devices for making visual signal specified in the Rules of the Air as indicating a request for permission to land.

Scale D

- (a) (i) (a) In the case of a helicopter or gyroplane, a slip indicator;
- (b) In the case of any other flying machine either:
 - (aa) a turn indicator and a slip indicator; or
 - (bb) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.
- (ii) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

- (a) (i) (a) In the case of a helicopter or gyroplane, a slip indicator.
- (b) In the case of any other flying machine, a slip indicator and either a turn indicator or, at the option of the operator, an additional gyroscopic bank and pitch indicator.
- (ii) a gyroscopic bank and pitch indicator;
- (iii) a gyroscopic direction indicator;
- (iv) a sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale EE

- (i) Subject to sub-paragraph (ii), a radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.
- (ii) A helicopter flying under and in accordance with the terms of a police air operator's certificate may instead be equipped with a radio altimeter with an audio warning and a visual warning each capable of operating at a height selectable by the pilot.

Scale F

- (i) A timepiece indicating the time in hours, minutes and seconds;
- (ii) A means of indicating whether the power supply to the gyroscopic instrument is adequate;
- (iii) A rate of climb and descent indicator;

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(iv) If the maximum total weight authorised of the aircraft exceeds 5700 kg a means of indicating outside air temperature;

(v) If the maximum total weight authorised of the aircraft exceeds 5700 kg two air speed indicators.

Scale G

(i) In the case of an aircraft other than a helicopter or gyroplane landing lights consisting of 2 single filament lamps, or one dual filament lamp with separately energised filaments;

(ii) An electrical lighting system to provide illumination in every passenger compartment;

(a) (iii) (a) One electric torch for each member of the crew of the aircraft; or

(b) (aa) one electric torch for each member of the flight crew of the aircraft; and

(bb) at least one electric torch affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches shall:

(aaa) be readily accessible for use by the crew of the aircraft at all times; and

(bbb) number in total not less than the minimum number of cabin attendants required to be carried with a full passenger complement;

(iv) In the case of an aircraft other than a helicopter or gyroplane of which the maximum total weight authorised exceeds 5700 kg, means of observing the existence and build up of ice on the aircraft;

(a) (v) (a) In the case of a helicopter or gyroplane in respect of which there is in force a certificate of airworthiness designating the helicopter or gyroplane as being of performance group A, either:

(aa) 2 landing light both of which are adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane and one of which is adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or

(bb) one landing light or, if the maximum total weight authorised of the helicopter or gyroplane exceeds 5700 kg, one dual filament landing light with separately energised filaments, or 2 single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and 2 parachute flares;

(b) In the case of a helicopter or gyroplane in respect of which there is in force a certificate of airworthiness designating the helicopter or gyroplane as being of performance group B, either:

(aa) one landing light and 2 parachute flares; or

(bb) if the maximum total weight authorised of the helicopter or gyroplane exceeds 5700 kg, either one dual filament landing light with separately energised filaments or 2 single filament landing lights, and 2 parachute flares.

Scale H

(i) Subject to sub-paragraph (ii), for each person on board, a lifejacket equipped with a whistle and waterproof torch.

(ii) Lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

A survival suit for each member of the crew.

Scale J

(i) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine;

(ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air and complying with Part III of Schedule 15 to the Merchant Shipping (Life-Saving Appliances) Regulations 1980(12);

(iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

Scale K

(a) (i) (a) In the case of a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, liferafts sufficient to accommodate all persons on board;

(b) In the case of a helicopter or gyroplane carrying 20 or more persons, a minimum of 2 liferafts sufficient together to accommodate all persons on board.

Each liferaft shall contain the following equipment:

(a) means for maintaining buoyancy;

(b) a sea anchor;

(c) life-lines, and means of attaching one liferaft to another;

(d) paddles or other means of propulsion;

(e) means of protecting the occupants from the elements;

(f) a waterproof torch;

(g) marine type pyrotechnical distress signals;

(h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);

(i) for each 4 or proportion of 4 persons the liferaft is designated to carry;

100 grammes of glucose toffee tablets;

½ litre of fresh water in durable containers or in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (h) to provide ½ litre of water for each 4 or proportion of 4 persons the liferaft is designed to carry.

(j) first aid equipment;

Items (f) to (j) inclusive shall be contained in a pack.

(ii) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2.

(12) Cm 2073 and 2183.

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Column 1	Column 2
Not more than 8 liferafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 liferafts	1 additional survival beacon radio apparatus

(iii) In the case of a helicopter or gyroplane, an emergency beacon which is automatically deployed and activated in the event of a crash.

Scale L1

Part I.—(i) in every flying machine which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight in the flight crew compartment and in the compartments in which the passengers are carried:

- (a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and
- (b) in addition, in every case where the flying machines flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of 2 passengers;

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(ii) In any other flying machine:

- (a) a supply of oxygen sufficient for continuous use by all the crew other than flight crew, and if passengers are carried, by 10% of the number of passengers, for the any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 and the flight crew shall be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and
- (b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130;

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(iii) The quantity of oxygen required for the purpose of complying with paragraphs (i) and (ii) of this Part shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Item (vi) of Part A of Schedule 10 to this Order.

Part II

Column 1	Column 2	Column 3	Column 4
<i>Vertical displacement of the flying machine in relation to flight levels</i>	<i>Capability of flying machine to descend (where relevant)</i>	<i>Period of supply of oxygen</i>	<i>Persons for whom oxygen is to be provided</i>
Above flight level 100	—	30 minutes or the period specified at A hereunder whichever is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew

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Column 1 <i>Vertical displacement of the flying machine in relation to flight levels</i>	Column 2 <i>Capability of flying machine to descend (where relevant)</i>	Column 3 <i>Period of supply of oxygen</i>	Column 4 <i>Persons for whom oxygen is to be provided</i>
Above flight level 100 but not above flight level 300	{ Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder	30 minutes or the period specified at A hereunder whichever is the greater	10% of number of passengers
	{ Flying machine is flying above flight level 150 and is not so capable	{ 10 minutes or the period specified at B hereunder whichever is greater { <i>and in addition</i> { 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 10% of number of passengers
Above flight level 300 but not above flight level 350	{ Flying machine is capable of descending and continuing to destination as specified at Y hereunder	30 minutes or the period specified at A hereunder whichever is the greater	15% of number of passengers
	{ Flying machine is not so capable	{ 10 minutes or the period specified at B hereunder whichever is the greater { <i>and in addition</i> { 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 15% of number of passengers
Above flight level 350	—	{ 10 minutes or the period specified at B hereunder whichever is the greater { <i>and in addition</i> { 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 15% of number of passengers

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- a A The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.
- B The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.
- C The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.
- X The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.
- Y The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

A supply of oxygen and the associated equipment to meet the requirements set out in Parts I and II. The duration for the purposes of this Scale shall be:

(i) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of:

- (a) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;
- (b) the possibility of failure of one or more of the aircraft engines;
- (c) restrictions due to required minimum safe altitude;
- (d) fuel requirement; and
- (e) the performance of the aircraft; or

(ii) the period or periods during which the aircraft is actually flown in the circumstances specified in the said Parts;

whichever is the greater.

Part I

Unpressurised aircraft

- (i) When flying at or below flight level 100:
- (ii) Nil.
- (ii) When flying above flight level 100 but not exceeding flight level 120:

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100
(b) Cabin attendants and 10% of passengers	For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding flight level 120, the duration shall be the period by which 30 minutes is exceeded

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(iii) When flying above flight level 120:

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Cabin attendants and all passengers	Any period during which the aircraft flies above flight level 120

Part II

Pressurised aircraft

(i) When flying at or below flight level 100:

(ii) Nil.

(ii) When flying above flight level 100 but not exceeding flight level 250:

(a) Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Cabin attendants and 10% of passengers	<p>(aa) When the aircraft is capable of descending and continuing to its destination as specified at A() hereunder, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater</p> <p>(bb) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 ft, but does not exceed 12,000 ft</p>
(c) Cabin attendants and passengers	<p>(aa) When the aircraft is capable of descending and continuing to its destination as specified at A() hereunder, no requirement other than that at (ii)(b)(aa) of this part of this scale</p> <p>(bb) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 ft the duration shall be the period when the cabin pressure altitude exceeds 12,000 ft or 10 minutes, whichever is the greater</p>

(iii) When flying above flight level 250:

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<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Cabin attendants	Whenever the cabin pressure altitude exceeds 10,000 ft, and a portable supply for 15 minutes
(c) 10% of passengers	Whenever the cabin pressure altitude exceeds 10,000 ft but does not exceed 12,000 ft
(d) 30% of passengers	Whenever the cabin pressure altitude exceeds 12,000 ft but does not exceed 15,000 ft
(e) All passengers	If the cabin pressure altitude exceeds 15,000 ft, the duration shall be the period when the cabin pressure altitude exceeds 15,000 ft or 10 minutes, whichever is the greater
(f) 2% of passengers or 2 passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or 2 passengers wherever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8000 ft
a A.	The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale M

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale N

An intercommunications system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O

(i) Subject to sub-paragraph (ii), a radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions.

(ii) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter:

- (a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or
- (b) when the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and

avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

(i) Subject to sub-paragraphs (ii) and (v) a flight data recorder which is capable of recording, by reference to a time-scale, the following data:

- (a) indicated airspeed;
- (b) indicated altitude;
- (c) vertical acceleration;
- (d) magnetic heading;
- (e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (g) flap position;
- (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded.

(ii) Subject to sub-paragraph (v), any aeroplane having a maximum total weight authorised not exceeding 11,400 kg may be provided with:

- (a) a flight data recorder capable of recording the data described in sub-paragraph (i)(a) to (i)(h); or
- (b) a 4 channel cockpit voice recorder.

(ii) Subject to sub-paragraph (v), in addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 11,400 kg a 4 channel cockpit voice recorder.

(iv) The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.

(v) An aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Authority.

Scale Q

If the maximum total weight authorised of the aeroplane exceeds 5700 kg and it was first registered, whether in the United Kingdom or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale R

- (a) (i) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5700 kg, equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of article 19 of this Order for a period of not less than 15 minutes and, in addition, where the minimum flight crew required as aforesaid is more than one and a cabin attendant is not required to be carried by virtue of article 19 of this Order, portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.

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- (b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5700 kg, either the equipment specified in paragraph (i)(a) or, in the case of such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder such equipment sufficient to protect the eyes only.
- (a) (ii) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5700 kg, portable equipment to protect the eyes, nose and mouth of all cabin attendants required to be carried by virtue of article 20 of this Order for a period of not less than 15 minutes.
- (b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5700 kg, subject to sub-paragraph (c), the equipment specified in paragraph (ii)(a).
- (c) Sub-paragraph (b) shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder.

(A) The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale S

Subject to sub-paragraph (vii), a flight recording system comprising:

(i) either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude and the basic lift, thrust and drag forces acting upon it;

(ii) a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the information specified in paragraph (i) together with use of VHF transmitters;

(iii) a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude, the basic lift, thrust and drag forces acting upon it, the selection of high lift devices (if any) and airbrakes (if any), the position of primary flying control and pitch trim surfaces, outside air temperature, instrument landing deviations, use of automatic flight control systems, use of VHF transmitters, radio altitude (if any), the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply;

(iv) either a cockpit voice recorder and a flight data recorder or a combined cockpit voice recorder/flight data recorder capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;

(v) a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;

(vi) a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, instrument landing system deviations, marker beacon passage, radio altitude, configuration of the landing gear and lift and

drag devices, position of primary flying controls, pitch trim position, use of automatic flight control systems, use of VHF transmitters, ground speed/drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability, cockpit warnings relating to ground proximity and the master warning system;

(vii) an aircraft shall not be required to carry the said equipment, if before take-off the equipment is found to be unservicable and the aircraft flies in accordance with arrangements approved by the Authority.

The cockpit voice recorder or flight data recorder or combined cockpit voice recorder/flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident.

Scale SS

Subject to sub-paragraph (iv), a 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane:

- (a) flight path;
- (b) speed;
- (c) attitude;
- (d) engine power;
- (e) main rotor speed;
- (f) outside air temperature;
- (g) position of pilot's primary flight controls;
- (h) use of VHF transmitters;
- (j) use of automatic flight controls (if any);
- (k) use of stability augmentation system (if any);
- (l) cockpit warnings relating to the master warning system; and
- (m) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.

(ii) Subject to sub-paragraph (iv), a 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the information specified in paragraph (i) together with the following matters accurately in respect of the helicopter or gyroplane:

- (n) landing gear configuration;
- (p) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;
- (q) radio altitude;
- (r) instrument landing system deviations;
- (s) marker beacon passage;

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- (t) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and
- (u) main gear box oil temperature and pressure.
- (iii) Subject to sub-paragraph (iv):
 - (a) A combined cockpit voice recorder/flight data recorder which meets the following requirements:
 - (aa) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (i) the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;
 - (bb) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (ii), the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;
 - (cc) the cockpit voice recorder shall be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels.
 - (b) (aa) In any case when a combined cockpit voice recorder/flight data recorder specified at paragraph (iii)(a) is required to be carried by or under this Order, the flight data recorder shall be capable, subject to sub-paragraph (bb), of retaining as protected data the data recorded during at least the last 5 hours of its operation or the maximum duration of the flight, whichever is the greater. It shall also be capable of retaining additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of 8 hours.
 - (bb) The flight data recorder need not be capable of retaining the said additional data if additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the Authority may permit pursuant to article 45 of this Order and the additional data is retained in accordance with arrangements approved by the Authority.
- (iv) A helicopter or gyroplane shall not be required to carry the said equipment if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Authority.

With the exception of flight data which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder and flight data recorder, as the case may be, shall be so constructed and installed that the record (herein referred to as “protected data”) would be likely to be preserved in the event of an accident and each cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane shall have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter.

Scale T

An underwater sonar location device except in respect of those helicopters or gyroplanes which are required to carry equipment in accordance with Scale SS.

Scale U

- (a) 1 survival beacon radio apparatus;
- (b) marine type pyrotechnical distress signals;
- (c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;
- (d) for each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers;

- (e) first aid equipment.

Scale V

- (a) 1 survival beacon radio apparatus;
- (b) marine type pyrotechnical distress signals;
- (c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;
- (d) for each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers;
- (e) first aid equipment;
- (f) for every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel;
- (g) 1 cooking utensil, in which snow or ice can be melted;
- (h) 2 snow shovels;
- (i) 2 ice saws;
- (j) single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board;
- (k) 1 Arctic suit for each member of the crew of the aircraft.

Scale W

(i) Subject to sub-paragraph (ii), cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate.

(ii) An aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

Scale X

(i) Subject to paragraph (ii), equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water.

(ii) If the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale Y

(i) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 and less than 100 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

(ii) If the aircraft may in accordance with its certificate of airworthiness carry more than 99 and less than 200 passengers, 2 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(iii) If the aircraft may in accordance with its certificate of airworthiness carry more than 199 passengers, 3 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(iv) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 passengers:

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- (a) a public address system; and
- (b) an interphone system of communication between members of the flight crew and the cabin attendants.

Scale Z

(i) An emergency lighting system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G.

(ii) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.

- (a) (iii) (a) Subject to sub-paragraph (b), an emergency floor path lighting system in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G.
- (b) If the equipment specified in sub-paragraph (a) becomes unserviceable the aircraft may fly or continue to fly in accordance with arrangements approved by the Authority.

SCHEDULE 5

Article 15

RADIO AND RADIO NAVIGATION EQUIPMENT TO BE CARRIED IN AIRCRAFT

1. Every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. Table

<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
(1) All aircraft within the United Kingdom: when flying under Instrument Flight Rules					E*	F*		

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

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<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
<p>within controlled airspace notified for the purposes of this sub-paragraph</p> <p>when (b) flying within controlled airspace notified for the purposes of this sub-paragraph</p> <p>when (c) making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph</p> <p>(2) All aircraft</p>							G	

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

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<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
(other than gliders) within the United Kingdom when (a) flying at or above flight level 245 when (b) flying within airspace notified for the purposes of this sub-paragraph when (c) flying at or above flight level 100 (3) All aircraft registered in the United Kingdom, wherever					E**	F**		

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

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<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
they may be								
when (a) flying for the purpose of public transport under Instrument Flight Rules:								
(i) while making an approach to landing			C	D				H
(ii) on all other occasions	A		C					H
subject to sub-paragraph (d), multi-engined aircraft when flying for the purpose of public transport under Visual								H

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

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<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
<p>Flight Rules</p> <p>subject (c) to sub-paragraph (d), paragraph single-engined aircraft when flying for the purpose of public transport under Visual Flight Rules:</p> <p>(i) over A a route on which navigation is effected solely by visual reference to landmarks</p> <p>(ii) on A B all other occasions</p> <p>Aircraft (d) which come within</p>								

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
<p>paragraphs 3(b) and 3(c) above solely by virtue of the provisions of article 118(2) (c) may carry instead of the requirements of the said paragraphs 3(b) and 3(c):</p> <p>(aa) over a route on which navigation is not effected solely by visual reference to landmarks</p>		B						

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

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<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
<p>(bb) over water, beyond gliding distance from any land</p> <p>when flying under Instrument Flight Rules within controlled airspace and not required to comply with paragraph 3(a) above</p>								

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

3. The scales of radio and radio navigation equipment indicated in the foregoing Table shall be as follows:

Scale A

Radio equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E

Secondary surveillance radar equipment.

Scale F

Radio and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including either:

- (a) (i) automatic direction finding equipment;
- (ii) distance measuring equipment; and
- (iii) VHF omni-range equipment; or
- (b) Equipment, including the Decca Flight Log, which will enable the aircraft to be navigated by means of signals received from radio navigation land stations forming part of the Decca radio navigation system and which provides the pilot with a visual indication of the aircraft's position relative to the intended route.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale H

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including:

- (a) automatic direction finding equipment;
- (b) distance measuring equipment;
- (c) duplicated VHF omni-range equipment; and
- (d) a 75 MHz marker beacon receiver.

Except that:

an aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternative radio navigation equipment or navigational equipment approved by the Authority in writing in accordance with the provisions of article 14(7) of this Order;

where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if:

- (i) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;
- (ii) the aircraft has not made more than one flight since the item was last serviceable; and
- (iii) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including

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any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

4. In this Schedule:

(1) “automatic direction finding equipment” means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

(2) “VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges;

(3) “distance measuring equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations; and

(4) “secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of (a) replying to an interrogation from secondary surveillance radar units on the surface and (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit.

SCHEDULE 6

Article 17

AIRCRAFT ENGINE AND PROPELLER LOG BOOKS

1. Aircraft Log Book

The following entries shall be included in the aircraft log book:

- (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
- (b) the nationality and registration marks of the aircraft;
- (c) the name and address of the operator of the aircraft;
- (d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;
- (e) subject to sub-paragraph (h), particulars of all maintenance work carried out on the aircraft or its equipment;
- (f) subject to sub-paragraph (h), particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under this Order, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by article 10(2) and (3) of this Order;
- (g) subject to sub-paragraph (h), particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid;
- (h) entries shall not be required to be made under sub-paragraphs (c), (f) and (g) in respect of any engine or variable pitch propeller.

2. Engine Log Book

The following entries shall be included in the engine log book:

- (a) the name of the constructor, the type of engine, the number assigned to it by the constructor and the date of the construction of the engine;
- (b) the nationality and registration marks of each aircraft in which the engine is fitted;

- (c) the name and address of the operator of each such aircraft;
- (d) either:
 - (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or
 - (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance overhaul, repair, replacement, modification or inspection was undertaken on the engine;
- (e) particulars of all maintenance work done on the engine;
- (f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by article 11(2) and (3) of this Order;
- (g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. Variable Pitch Propeller Log Book

The following entries shall be included in the variable pitch propeller log book:

- (a) the name of the constructor, the type of propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
- (b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;
- (c) the name and address of the operator of each such aircraft;
- (d) either:
 - (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or
 - (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance overhaul, repair, replacement, modification or inspection was undertaken on the propeller;
- (e) particulars of all maintenance work done on the propeller;
- (f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by article 11(2) and (3) of this Order;
- (g) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

SCHEDULE 7

Article 20(4)

Areas specified in connection with the Carriage of Flight Navigators as members of the Flight Crews or Approved Navigational Equipment on Public Transport Aircraft

The following areas are hereby specified for the purposes of article 20(4) of this Order:

Area A—Arctic

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All that area north of latitude 68° north, but excluding any part thereof within the area enclosed by rhumb lines joining successively the following points:

- 68° north latitude 00° east/west longitude
- 73° north latitude 15° east longitude
- 73° north latitude 30° east longitude
- 68° north latitude 45° east longitude
- 68° north latitude 00° east/west longitude

Area B—Antarctic

All that area south of latitude 55° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points:

- 30° north latitude 05° west longitude
- 24° north latitude 11° west longitude
- 14° north latitude 11° west longitude
- 14° north latitude 28° east longitude
- 24° north latitude 28° east longitude
- 28° north latitude 23° east longitude
- 30° north latitude 15° east longitude
- 30° north latitude 05° west longitude

Area D—South America

All that area enclosed by rhumb lines joining successively the following points:

- 04° north latitude 72° west longitude
- 04° north latitude 60° west longitude
- 08° south latitude 42° west longitude
- 18° south latitude 54° west longitude
- 18° south latitude 60° west longitude
- 14° south latitude 72° west longitude
- 05° south latitude 76° west longitude
- 04° north latitude 72° west longitude

Area E—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

- 60° north latitude 180° east/west longitude
- 20° north latitude 128° east longitude
- 04° north latitude 128° east longitude
- 04° north latitude 180° east/west longitude
- 55° south latitude 180° east/west longitude
- 55° south latitude 82° west longitude
- 25° south latitude 82° west longitude
- 60° north latitude 155° west longitude
- 60° north latitude 180° east/west longitude

Area F—Australia

All that area enclosed by rhumb lines joining successively the following points:

18° south latitude 123° east longitude

30° south latitude 118° east longitude

30° south latitude 135° east longitude

18° south latitude 123° east longitude

Area G—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

35° south latitude 110° east longitude

55° south latitude 180° east/west longitude

55° south latitude 10° east longitude

40° south latitude 10° east longitude

25° south latitude 60° east longitude

20° south latitude 60° east longitude

05° south latitude 43° east longitude

10° north latitude 55° east longitude

10° north latitude 73° east longitude

04° north latitude 77° east longitude

04° north latitude 92° east longitude

10° south latitude 100° east longitude

10° south latitude 110° east longitude

35° south latitude 110° east longitude

Area H—North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

55° north latitude 15° west longitude

68° north latitude 28° west longitude

68° north latitude 60° west longitude

45° north latitude 45° west longitude

40° north latitude 60° west longitude

40° north latitude 19° west longitude

55° north latitude 15° west longitude

Area I—South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

40° north latitude 60° west longitude

18° north latitude 60° west longitude

05° south latitude 30° west longitude

55° south latitude 55° west longitude

55° south latitude 10° east longitude

40° south latitude 10° east longitude

02° north latitude 05° east longitude

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02° north latitude 10° west longitude
15° north latitude 25° west longitude
40° north latitude 19° west longitude
40° north latitude 60° west longitude

Area J—Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 130° west longitude
55° north latitude 115° west longitude
55° north latitude 70° west longitude
68° north latitude 60° west longitude
68° north latitude 130° west longitude

Area K—Northern Asia

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 56° east longitude
68° north latitude 160° east longitude
50° north latitude 125° east longitude
50° north latitude 56° east longitude
68° north latitude 56° east longitude

Area L—Southern Asia

All that area enclosed by rhumb lines joining successively the following points:

50° north latitude 56° east longitude
50° north latitude 125° east longitude
40° north latitude 110° east longitude
30° north latitude 110° east longitude
30° north latitude 80° east longitude
35° north latitude 80° east longitude
35° north latitude 56° east longitude
50° north latitude 56° east longitude

SCHEDULE 8

Article 22

FLIGHT CREW OF AIRCRAFT—LICENCES AND RATINGS

PART A—
LICENCES

MINIMUM AGE, PERIOD OF VALIDITY, PRIVILEGES

1. Aeroplane Pilots

Private Pilot's Licence (Aeroplanes)

Minimum Age—17 years

No Maximum Period of Validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified or otherwise falling within the aircraft rating included in the licence.

(a) (2) (a) He shall not fly such an aeroplane for the purpose of public transport or aerial work save as hereinafter provided:

(i) he may fly such an aeroplane for the purpose of aerial work which consists of:

(aa) the giving of instruction in flying, if his licence includes a flying instructor's rating or an assistant flying instructor's rating:

or

(bb) the conducting of flying tests for the purposes of this Order;

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(ii) he may fly such an aeroplane for the purpose of aerial work which consists of:

(aa) towing a glider in flight; or

(bb) a flight for the purpose of dropping of persons by parachute;

in either case in an aeroplane owned, or operated under arrangements entered into, by a club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members.

(b) He shall not receive any remuneration for his services as a pilot on a flight save that if his licence includes a flying instructor's rating or an assistant flying instructor's rating by virtue of which he is entitled to give instruction in flying microlight aircraft or self-launching motor gliders he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a)(i) in a microlight aircraft or a self-launching motor glider.

(c) He shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as a pilot in command of such an aeroplane:

(i) on a flight outside controlled airspace notified for the purposes of this Schedule:

(aa) when the flight visibility is less than 3 km; or

(bb) when any passenger is carried and the aeroplane is flying either above 3000 ft above mean sea level in conditions such that it cannot remain at least 1800 metres horizontally and 1000 ft vertically away from cloud and in a flight visibility of at least 10 km or at or below 3000 ft above mean sea level in a flight visibility of less than 5 km;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purpose of this sub-paragraph;

(iii) out of sight of the surface; and

(d) He shall not fly as pilot in command of such an aeroplane at night unless:

(i) his licence includes a night rating (aeroplanes); and

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- (ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (e) He shall not unless his licence includes an instrument rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule:
 - (i) in conditions such that he cannot comply with the specified minimum weather provisions; or
 - (ii) in circumstances which require compliance with the Instrument Flight Rules.

Basic Commercial Pilot's Licence (Aeroplanes)

Minimum Age—18 years

Maximum Period of Validity—10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes).

- (a) (2) (a) Subject to sub-paragraph (b), he shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.
- (b) (i) He shall not fly such an aeroplane on a flight for the purpose of public transport if he has less than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders or microlight aircraft.
- (ii) He shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 2300 kg.
- (iii) He shall not fly such an aeroplane on any scheduled journey.
- (iv) He shall not fly such an aeroplane on a flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome.
- (v) He shall not fly such an aeroplane on a flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane.
- (vi) He shall not fly such an aeroplane at night, unless:
 - (aa) his licence includes a night rating (aeroplanes); and
 - (bb) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (vii) He shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane:
 - (aa) on a flight outside controlled airspace notified for the purposes of this Schedule:
 - (aaa) when the flight visibility is less than 3 km; or

- (bbb) when any passenger is carried and the aeroplane is flying either above 3000 ft above mean sea level in conditions such that it cannot remain at least 1800 metres horizontally and 1000 ft vertically away from cloud and in a flight visibility of at least 10 km or at or below 3000 ft above mean sea level in a flight visibility of less than 5 km;
 - (bb) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;
 - (cc) out of sight of the surface.
- (viii) He shall not unless his licence includes an instrument rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule:
- (i) in conditions such that he cannot comply with the specified minimum weather provisions; or
 - (ii) in circumstances which require compliance with the Instrument Flight Rules.
- (a) (3) (a) Subject to sub-paragraph (b), he shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor's rating or assistant flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of:
- (i) the giving of instruction in flying; or
 - (ii) the conducting of flying tests for the purposes of this Order;
- in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (b) He shall not be entitled to exercise the privileges contained in this paragraph other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight or a public transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.
- (4) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever provided that he shall not be entitled to fly as co-pilot of an aeroplane which is engaged on a flight for the purpose of public transport unless he has more than 400 hours of flying experience as pilot in command of aeroplanes other than self-launching motor gliders and microlight aircraft and the aeroplane is certificated for single pilot operation.
- (5) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.

Commercial Pilot's Licence (Aeroplanes)

Minimum Age—18 years

Maximum Period of Validity—10 years

Privileges:

- (1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot in command of an aeroplane:
- (a) on a special VFR flight notwithstanding that the flight visibility is less than 3 km; and
 - (b) when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than 1800 metres.

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- (a) (2) (a) Subject to sub-paragraph (b), he shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.
- (b) (i) He shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey.
- (ii) He shall not fly such an aeroplane at night unless his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (iii) He shall not, unless his licence includes an instrument rating (aeroplanes) fly any such aeroplane of which the maximum total weight authorised exceeds 2300 kg. on any flight for the purpose of public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome.
- (iv) He shall not fly such an aeroplane on a flight for the purpose of public transport unless it is certificated for single pilot operation.
- (v) He shall not fly such an aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane.
- (vi) He shall not unless his licence includes an instrument rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule:
- (aa) in conditions such that he cannot comply with the specified minimum weather provisions; or
- (bb) in circumstances which require compliance with the Instrument Flight Rules.
- (a) (3) (a) Subject to sub-paragraph (b), he shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor's rating or assistant flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of:
- (i) the giving of instruction in flying; or
- (ii) the conducting of flying tests for the purposes of this Order
- in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (b) He shall not be entitled to exercise privileges contained in this paragraph other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight or a public transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.
- (a) (4) (a) Subject to sub-paragraph (b), he shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.
- (b) He shall not act as co-pilot of any aeroplane whose maximum total weight authorised exceeds 20,000 kg. on any flight for the purpose of public transport after he attains the age of 60 years.

(5) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.

Senior Commercial Pilot's Licence (Aeroplanes)

Minimum Age—21 years

Maximum Period of Validity—10 years or until 3rd December 1994 (whichever is the earlier)

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that sub-paragraph (2)(b)(iv) of those privileges shall not apply and he shall not act as pilot in command of an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that sub-paragraph (2)(b)(iv) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot in command or co-pilot of any aeroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.

2. Helicopter and Gyroplane Pilots

Private Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age—17 years.

No Maximum Period of Validity.

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot in command or co-pilot of a helicopter or a gyroplane of any of the types specified in the aircraft rating included in the licence.

(a) (2) (a) He shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than aerial work which consists of:

(i) the giving of instruction in flying if his licence includes a flying instructor's rating or an assistant flying instructor's rating; or

(ii) the conducting of flying tests for the purposes of this Order;

in either case in a helicopter or gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(b) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a).

(c) He shall not fly as pilot in command of such a gyroplane at night unless his licence includes a night rating (helicopters and gyroplanes) and he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.

(d) He shall not fly as pilot in command of such a helicopter at night unless:

(i) his licence includes a night rating (helicopters and gyroplanes); and

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- (ii) his licence includes an instrument rating (helicopters) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 feet and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (e) He shall not unless his licence includes an instrument rating (helicopters) fly as pilot in command or co-pilot of such a helicopter flying in airspace notified for the purposes of this Schedule:
 - (i) in conditions such that he cannot comply with the specified minimum weather provisions; or
 - (ii) in circumstances which require compliance with the Instrument Flight Rules.

Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age—18 years.

Maximum Period of Validity—10 years.

Privileges:

- (1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Helicopters and Gyroplanes) which includes a night rating (helicopters and gyroplanes).
 - (a) (2) (a) Subject to sub-paragraph (b), he shall be entitled to fly as pilot in command of any helicopter or gyroplane specified in Part I of the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.
 - (b) (i) He shall not, unless his licence includes an instrument rating (helicopters) fly such a helicopter on any scheduled journey or on any flight for the purpose of public transport in conditions such that the helicopter cannot comply with the specified minimum weather provisions.
 - (ii) He shall not fly such a helicopter or gyroplane on a flight for the purpose of public transport unless it is certificated for single pilot operation.
 - (iii) He shall not fly such a gyroplane at night unless he has within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.
 - (iv) He shall not fly such a helicopter at night unless his licence includes an instrument rating (helicopters) or he has within the immediately preceding 13 months carried out as pilot in command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 feet and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.
 - (v) He shall not fly such a helicopter or gyroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the helicopter or gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that helicopter or gyroplane.
 - (vi) He shall not unless his licence includes an instrument rating (helicopters) fly as pilot in command or co-pilot of such a helicopter flying in airspace notified for the purposes of this Schedule:
 - (aa) in conditions such that he cannot comply with the specified minimum weather provisions; or
 - (bb) in circumstances which require compliance with the Instrument Flight Rules.

- (a) (3) (a) Subject to sub-paragraph (b), he shall be entitled to fly as co-pilot of any helicopter or gyroplane specified in the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.
 - (b) He shall not act as co-pilot of any helicopter or gyroplane whose maximum total weight authorised exceeds 20,000 kilogrammes on any flight for the purpose of public transport after he attains the age of 60 years.
- (4) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any helicopter or gyroplane on a flight for the purpose of public transport.

Airline Transport Pilot's Licence (Helicopter and Gyroplanes)

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that sub-paragraph (2)(b)(ii) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot in command or co-pilot of any helicopter or gyroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kilogrammes.

3. Balloon and Airship Pilots

Private Pilot's Licence (Balloons and Airships)

Minimum Age—17 years

No Maximum Period of Validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot in command of any type of balloon or airship specified in Part 1 of the aircraft rating included in the licence and co-pilot of any type of balloon or airship specified in such aircraft rating.

- (a) (2) (a) He shall not fly such a balloon or airship for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in either case in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (b) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a).
- (c) He shall not fly such a balloon unless he has within the immediately preceding 13 months carried out as pilot in command in a free balloon 5 flights each of not less than 5 minutes duration.

Commercial Pilot's Licence (Balloons)

Minimum Age—18 years

Maximum Period of Validity—10 years*

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

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- (a) (2) (a) Subject to sub-paragraph (b), he shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.
- (b) He shall not act as pilot in command on a flight for the purpose of the public transport of passengers unless he has within the immediately preceding 90 days carried out as pilot in command in a free balloon 3 flights each of not less than 5 minutes duration.

In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

Commercial Pilot's Licence (Airships)

Minimum Age—18 years

Maximum Period of Validity—10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(2) He shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot in command of any type of airship specified in Part 1 of the aircraft rating included in the licence and as co-pilot of any type of airship specified in such aircraft rating.

4. Glider Pilots

Commercial Pilot's Licence (Gliders)

Minimum Age—18 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to fly for any purpose as pilot in command or co-pilot of:

- (a) any glider of which the maximum total weight authorised does not exceed 680 kg;
- (b) any glider of which the maximum total weight authorised exceeds 680 kg and which is of a type specified in the rating included in the licence.

5. Other Flight Crew

Flight Navigator's Licence

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to act as flight navigator in any aircraft.

Flight Engineer's Licence

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radiotelephony Operator's General Licence

Minimum Age—18 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.

Flight Radiotelephony Operator's Restricted Licence

Minimum Age—17 years

Maximum Period of Validity—10 years

Privileges:

The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

Flight Radiotelegraphy Operator's Licence

Minimum Age—20 years

Maximum Period of Validity—12 months

Privileges:

The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.

Flight Radiotelegraphy Operator's Temporary Licence

Minimum Age—18 years

Maximum Period of Validity—12 months

Privileges:

The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a flight radiotelegraphy operator's licence.

PART B—

RATINGS

1. The following ratings may be included in a pilot's licence granted under Part IV of this Order, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

Aircraft Ratings: The licence shall entitle the holder to act as pilot of aircraft of the types specified in the aircraft rating and different types of aircraft may be specified in respect of different privileges of a licence.

Instrument Meteorological Conditions Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) or a basic commercial pilot's licence (aeroplanes) to fly as pilot in command of an aeroplane without being subject to the restrictions contained respectively in paragraphs 2(c) or (2)(b)(vii) of the privileges of such licences set out in Part A of this Schedule provided that he shall not fly:

- (a) on a special VFR flight in a control zone in a flight visibility of less than 3 km;
- (b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1,800 metres.

Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying in airspace notified for the purposes of this Schedule either

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in conditions such that he cannot comply with the specified minimum weather provisions or in circumstances which require compliance with the Instrument Flight Rules.

Instrument Rating (Helicopters) shall entitle the holder of the licence to act as pilot in command or co-pilot of a helicopter flying in airspace notified for the purposes of this Schedule either in conditions such that he cannot comply with the specified minimum weather provisions or in circumstances which require compliance with the Instrument Flight Rules.

Night Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) or a basic commercial pilot's licence (aeroplanes) to act as pilot in command of an aeroplane at night.

Night Rating (Helicopters and Gyroplanes) shall entitle the holder of a private pilot's licence (helicopters and gyroplanes) to act as pilot in command of a helicopter or gyroplane at night.

Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purposes of public transport or aerial work.

Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose.

Assistant Flying Instructor's Rating shall:

- (a) subject to sub-paragraph (b), entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose;
- (b) (i) such instruction shall only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with a flying instructor's rating;
- (ii) an assistant flying instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of:
 - (aa) his first solo flight;
 - (bb) his first solo flight by night;
 - (cc) his first solo cross-country flight otherwise than by night; or
 - (dd) his first solo cross-country flight by night.

2. An aircraft rating included in a flight engineer's licence shall entitle the holder of the licence to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. For the purposes of this Schedule:

"Solo flight" means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot's licence granted or rendered valid under this Order.

"Cross-country flight" means any flight during the course of which the aircraft is more than three nautical miles from the aerodrome of departure.

PART C—

CERTIFICATE OF TEST OR EXPERIENCE

- (a) (a) A certificate of test or a certificate of experience required by article 22(5) of this Order shall not be appropriate to the functions to be performed on a flight unless it is a certificate appropriate to the description of the flight according to the following Table:

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<i>Case</i>	<i>Class of Licence</i>	<i>Description of Flight</i>	<i>Certificate Required</i>
A	Private Pilot's Licence (Aeroplanes) Private Pilot's Licence (Helicopters and Gyroplanes)	Any flight within the privileges of the licence	Certificate of test or certificate of experience
B	Basic Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Balloons) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	Carriage of passengers on a flight in respect of which the holder of the licence receives remuneration	Certificate of test
C	Basic Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Balloons) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships)	For public transport	Certificate of test

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<i>Case</i>	<i>Class of Licence</i>	<i>Description of Flight</i>	<i>Certificate Required</i>
	Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)		
D	Basic Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Balloons) Commercial Pilot's Licence (Gliders) Commercial Pilot's Licence (Airships) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For aerial work	Certificate of test or certificate of experience
E	Basic Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Balloons) Commercial Pilot's Licence (Gliders)	Any flight within the privileges of a Private Pilot's Licence	Certificate of test or certificate of experience

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<i>Case</i>	<i>Class of Licence</i>	<i>Description of Flight</i>	<i>Certificate Required</i>
	Commercial Pilot's Licence (Airships) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)		
F	Flight Navigator's Licence	Flights to which article 20(4) of this Order applies	Certificate of experience
G	Flight Engineer's Licence	For public transport	Certificate of test
H	Flight Engineer's Licence	Any flight other than for public transport	Certificate of test or certificate of experience

- (b) For the purposes of this Part of this Schedule references to Cases are references to the Cases indicated in the first Column of the Table in paragraph 1(a) of this Part of this Schedule.

Certificate of Test

2. A certificate of test required by article 22(5) or 22(6) of this Order shall be signed by a person authorised by the Authority to sign certificates of this kind and shall certify the following particulars:

- (a) the functions to which the certificate relates;
- (b) that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence or personal flying logbook of which the certificate forms part, as the case may be, passed an appropriate test of his ability to perform the functions to which the certificate relates;
- (c) the type of aircraft or flight simulator in or by means of which the test was conducted; and
- (d) the date on which it was signed.

Nature of Test

3. The appropriate test referred to in paragraph 2 of this Part of this Schedule shall be:

- (a) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as pilot in command and/or co-pilot of aircraft of the type specified in the certificate, a test of the pilot's competence to fly the aircraft as pilot in command and/or co-pilot and shall where the Authority so specifies in respect of the whole or part of a test be conducted in an aircraft in flight or by means of a flight simulator approved by the Authority;
- (b) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as flight engineer of aircraft of the type specified in the certificate, a test of the flight engineer's competence to perform the duties of a flight engineer in the type of

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aircraft to be used on the flight and shall, where the Authority so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Authority;

- (c) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which an Instrument Rating relates a test of his ability to perform the functions to which the rating relates and shall, where the Authority so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Authority;
- (d) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which a flying instructor's rating, an assistant flying instructor's rating or an instrument meteorological conditions rating relates, a test of his ability to perform the functions to which the rating relates and shall where the Authority so specifies in respect of the whole or part of the test be conducted in an aircraft in flight.

Period of Validity of Certificate of Test

- (a) (i) Subject to sub-paragraph (ii), a certificate of test required by article 22(5) of this Order in respect of a Commercial Pilot's Licence (Balloons) shall not be valid in relation to a flight made more than 13 months after the date of the test which it certifies and in respect of any other licence shall not be valid in relation to a flight made more than 13 months in Cases A, B, E and H, or more than 6 months in Cases C, D and G, after the date of the test which it certifies.
- (ii) In the case of Cases C, D and G 2 certificates of test shall together be deemed to constitute a valid certificate of test if they certify flying tests conducted on 2 occasions within the period of 13 months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than 4 months, and if both certificates are appropriate to those functions.
- (b) A certificate of test required by article 22(6) of this Order shall not be valid in relation to a flight made more than 13 months in the case of an instrument rating (aeroplanes), an instrument rating (helicopters) and an assistant flying instructor's rating or more than 25 months in the case of an instrument meteorological conditions rating (aeroplanes) and a flying instructor's rating, after the date of the test which it certifies.

Certificate of Experience

5. A certificate of experience required by article 22(5) of this Order shall be signed by a person authorised by the Authority to sign such a certificate and shall certify the following particulars:

- (a) the functions to which the certificate relates;
- (b) in the case of a pilot or flight engineer, that on the date on which the certificate was signed the holder of the licence or personal flying log book of which it forms part, as the case may be, produced his personal flying log book to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which his licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;
- (c) in the case of a flight navigator that on the date on which the certificate was signed the holder of the licence of which it forms part produced his navigation logs, charts and workings of astronomical observations to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which the licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;
- (d) in the case of a pilot or flight engineer the type or types of aircraft in which the experience was gained;

- (e) the date on which it was signed.

Period of Experience

6. A certificate of experience shall not be valid unless the experience was gained within the period of 13 months preceding the signing of the certificate in the case of Cases A, E, F and H, or 6 months preceding the signing of the certificate in the case of Case D.

Period of Validity of Certificate of Experience

7. A certificate of experience in respect of a Commercial Pilot's Licence (Balloons) shall not be valid more than 13 months after it was signed and in respect of any other licence shall not be valid more than 6 months after it was signed for Case D nor more than 13 months after it was signed for any other Case.

SCHEDULE 9

Article 81(3)

AIR TRAFFIC CONTROLLERS—RATINGS

- (a) (a) Subject to sub-paragraph (b), the holder of a licence which includes ratings of 2 or more of the classes specified in paragraph 2 of this Schedule shall not at any one time perform the functions specified in respect of more than one of those ratings.
- (b) the functions of any one of the following groups of ratings may be exercised at the same time:
- (i) the aerodrome control rating and the approach control rating;
 - (ii) the approach control rating, the approach radar control rating and the area radar control rating; except that the functions of the approach control rating shall not be exercised at the same time as the functions of the approach radar control rating if the service being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway.
2. Ratings of the following classes may be included in an air traffic controller's licence (other than a student air traffic controller's licence) granted under article 81 of the Order and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:
- (1) An Aerodrome Control Rating shall, subject to article 81(4) of this Order, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an aerodrome control service but not with any type of radar equipment for which a radar control rating is required under this paragraph.
- (2) An Approach Control Rating shall, subject to article 81(4) of this Order, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an approach control service but without the aid of any type of radar equipment.
- (3) An Approach Radar Control Rating shall, subject to article 81(4) of this Order, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an approach control service with the aid of any type of surveillance radar or precision approach radar equipment for any aircraft which is flying not more than 40 nautical miles from the aerodrome traffic zone of the aerodrome in respect of which the service is being provided.

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(4) An Area Radar Control Rating shall, subject to article 81(4) of this Order, entitle the holder of the licence to act as an air traffic controller in the course of the provision of an area control service at a place other than an air traffic control centre with the aid of any type of surveillance radar equipment.

(5) An Air Traffic Control Centre Rating shall, subject to article 81(4) of this Order, entitle the holder of the licence to act as an air traffic controller at an air traffic control centre in the course of the provision of an area control service with or without the aid of any type of surveillance radar equipment.

SCHEDULE 10

Article 27

PUBLIC TRANSPORT—OPERATIONAL REQUIREMENTS

PART A—

OPERATIONS MANUAL

- (a) Information and instructions relating to the following matters shall be included in the operations manual referred to in article 27(2) of this Order:
- (i) the number of the crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instructions as to the order and circumstances in which command is to be assumed by members of the crew;
 - (ii) the respective duties of each member of the crew and the other members of the operating staff;
 - (iii) the scheme referred to in article 63(1)(c)(i) of this Order;
 - (iv) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties;
 - (v) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained; the instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines;
 - (vi) the manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Scale L1 or L2 in Schedule 4 to this Order is to be computed;
 - (vii) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule forming part of the relevant certificate of airworthiness are complied with;
 - (viii) the circumstances in which a radio watch is to be maintained;
 - (ix) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;
 - (x) subject to sub-paragraph (b), communication, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator may deem necessary for the proper conduct of flight

operations; the information referred to in this paragraph shall be contained in a route guide, which may be in the form of a separate volume;

- (xi) the reporting in flight to the notified authorities of meteorological observations;
 - (xii) subject to sub-paragraph (b), the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of the United Kingdom or of the countries whose territory is to be flown over;
 - (xiii) the particulars referred to in article 33 of this Order;
 - (xiv) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance;
 - (xv) in the case of aircraft intended to fly at an altitude of more than 49 000 ft the procedures for the use of cosmic radiation detection equipment;
 - (xvi) the labelling and marking of dangerous goods, the manner in which they must be loaded on or suspended beneath an aircraft, the responsibilities of members of the crew in respect of the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods;
 - (xvii) such particulars of any permission granted to the operator pursuant to article 16 of this Order as may be necessary to enable the commander of the aircraft to determine whether he can comply with article 38(b)(ii) of this Order.
- (b) In relation to any flight which is not one of a series of flights between the same two places it shall be sufficient if, to the extent that it is not practicable to comply with paragraphs (x) and (xii), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

Article 30

PART B—

CREW TRAINING AND TESTS

1. The training, experience, practice and periodical tests required under article 30(2) of this Order in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows:

(1) The Crew

Every member of the crew shall:

- (a) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight; and
- (b) have practised within the relevant period under the supervision of the operator or of a person appointed by him for the purpose the carrying out of the duties required of him in case of an emergency occurring to the aircraft either in an aircraft of the type to be used on the flight or in apparatus approved by the Authority for the purpose and controlled by persons so approved.

(2) Pilots

- (a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator:

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- (i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft;
- (ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority under article 22(11) of this Order. The tests specified in sub-paragraph (2)(a)(ii) when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the Authority.

- (b) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relevant period have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight:
 - (i) as to his competence to act as pilot thereof, while executing normal manoeuvres and procedures; and
 - (ii) as to his competence to act as pilot thereof while executing emergency manoeuvres and procedures.
- (c) Every pilot included in the flight crew who is seated at the flying controls during the take-off or landing and who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Authority or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority.
- (d) Every pilot included in the flight crew and who is seated at the flying controls during take-off or landing shall within the relevant period have carried out, when seated at the flying controls not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(3) Flight Engineers

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator:

- (a) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight;
- (b) as to his competence to perform his duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight.

A flight engineer's ability to carry out normal procedures shall be tested in an aircraft in flight. The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority.

(4) Flight Navigators and Flight Radio Operators

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under articles 20(4) and (5) respectively of this Order shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight:

- (a) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for purposes of navigation;
- (b) in the case of a flight radio operator using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of his ability to carry out emergency procedures.

(5) Aircraft Commanders

- (a) The pilot designated as commander of the aircraft for the flight shall within the relevant period have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of:

- (i) the terrain;
 - (ii) the seasonal meteorological conditions;
 - (iii) the meteorological, communications and air traffic facilities, services and procedures;
 - (iv) the search and rescue procedures; and
 - (v) the navigational facilities;
- relevant to the route.

- (b) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (a) is sufficient to render him competent to perform the duties of aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following:

- (i) the experience of other members of the intended flight crew;
- (ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;
- (iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;
- (iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;
- (v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;
- (vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;
- (vii) the nature of air traffic control procedures and the familiarity of the pilot with such procedures;
- (viii) the influence of terrain on route conditions and the extent of the assistance obtainable en route from navigational aids and air-to-ground communication facilities; and
- (ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

- (6) For the purposes of this paragraph:

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- (a) “instrument flight conditions” and weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft.
- (b) “relevant period” means a period which immediately precedes the commencement of the flight, being, subject to sub-paragraph (c), a period:
 - (i) in the case of sub-paragraph (2)(c)(ii), of three months;
 - (ii) in the case of sub-paragraphs (2)(a)(ii), (2)(b)(ii), (2)(c)(i) and (3)(b), of six months;
 - (iii) in the case of sub-paragraphs (1), (2)(a)(i), (2)(b)(i), (3)(a), (4) and (5)(a), of 13 months.
- (c)
 - (i) Any pilot of the aircraft to whom the provisions of sub-paragraphs (2)(a)(ii), (2)(b)(ii) or (2)(c)(i) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3)(b) apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on two occasions within the period of 13 months immediately preceding the flight, such occasions being separated by an interval of not less than four months.
 - (ii) The requirement of sub-paragraph (5)(a) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so as to act on flights between the same places over the same route more than 13 months before commencement of the flight, he has within the period of 13 months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2.—(1) The records required to be maintained by an operator under article 30(2) of this Order shall be accurate and up-to-date records so kept as to show, on any date, in relation to each person who has during the period of two years immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator:

- (a) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualifications of the examiner;
- (b) the date upon which that person last practised the carrying out of duties referred to in paragraph 1(1)(b) of this Schedule;
- (c) the operator’s conclusions based on each such test and practice as to that person’s competence to perform his duties;
- (d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1(5)(a) of this Schedule including particulars of the evidence upon which that decision was based;

(2) The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person authorised all records referred to on the preceding sub-paragraph and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books, certificates, papers and other documents, whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

Article 29

PART C—

TRAINING MANUAL

The following information and instructions in relation to the training, experience, practice and periodical tests required under article 30(2) of this Order shall be included in the training manual referred to in article 29(2) of this Order:

- (i) the manner in which the training, practice and periodical tests required under article 30(2) and specified in Part B of Schedule 10 to this Order are to be carried out;
- (ii)
 - (a) the minimum qualifications and experience which the operator requires of persons appointed by him to give or to supervise the said training, practice and periodical tests;
 - (b) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and
 - (c) the type of aircraft in respect of which each such person is appointed to give or to supervise the said training, practice and periodical tests;
- (iii) the minimum qualifications and experience required for each member of the crew undergoing the said training, practice and periodical tests;
- (iv) the syllabus for, and specimen forms for recording, the said training, practice and periodical tests;
- (v) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft inflight;
- (vi) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport;
- (vii) the use to be made in the said training and testing of apparatus approved for the purpose by the Authority.

SCHEDULE 11

Articles 66 and 68

DOCUMENTS TO BE CARRIED BY AIRCRAFT REGISTERED IN THE UNITED KINGDOM

On a flight for the purpose of public transport:

Documents A, B, C, D, E, F, H and, if the flight is international air navigation, Documents G and I.

On a flight for the purpose of aerial work:

Documents A, B, C, E, F and, if the flight is international air navigation, Documents G and I.

On a private flight, being international air navigation:

Documents A, B, C, G and I.

On a flight made in accordance with the terms of a permission granted to the operator pursuant to article 15 of this Order:

Document J.

For the purposes of this Schedule:

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“A” means the licence in force under the Wireless Telegraphy Act 1949(13) in respect of the aircraft radio station installed in the aircraft, and the current telecommunication log book required by this Order;

“B” means the certificate of airworthiness in force in respect of the aircraft;

Provided that, with the permission in writing of the Authority, which may be granted subject to such conditions as it thinks fit, an aircraft to which article 27 of this Order applies need not carry the flight manual as part of this document;

“C” means the licences of the members of the flight crew of the aircraft;

“D” means one copy of the load sheet, if any, required by article 31 of this Order in respect of the flight;

“E” means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;

“F” means the technical log, if any, in which entries are required to be made under article 10 of this Order;

“G” means the certificate of registration in force in respect of the aircraft;

“H” means the operations manual, if any, required by article 27(2)(a)(iii) of this Order to be carried on the flight;

“I” means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;

“J” means the permission, if any, granted in respect of the aircraft pursuant to article 16 of this Order;

Provided that, with the permission in writing of the Authority, which may be granted subject to such conditions as it thinks fit, an aircraft to which article 27 of this Order applies need not carry such a permission if it carries an operations manual which includes the particulars specified at sub-paragraph (xvii) of Part A of Schedule 10 to this Order.

“International air navigation” means any flight which includes passage over the territory of any country other than the United Kingdom, except any of the Channel Islands, the Isle of Man, any country to which there is power to extend the Civil Aviation Act 1982 under section 108(1) thereof or any British Protected State.

SCHEDULE 12

Article 111

PENALTIES

PART A—

PROVISIONS REFERRED TO IN ARTICLE 111(5)

<i>Article of Order</i>	<i>Subject Matter</i>
3	Aircraft flying unregistered
5	Aircraft flying with false or incorrect markings

(13) Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: OJ No. L 160, 28.6.94, p.1.

<i>Article of Order</i>	<i>Subject Matter</i>
10(1)(a)	Flight without appropriate maintenance
10(1)(b)	Flight without a certificate of maintenance review
11	Failure to keep a technical log
12	Flight without a certificate of release to service
13(7) and (8)	Exercise of privileges of aircraft maintenance engineer's licence whilst unfit
14	Flight without required equipment
15	Flight without required radio equipment
16	Minimum equipment requirements
17	Failure to keep log books
18	Requirement to weigh aircraft and keep weight schedule
20	Crew requirement
22	Requirement for appropriate licence
23(5) and (6)	Requirement for appropriate certificates
23(7)	Prohibition of flight after failure of test
23(8)(a)	Flight without valid medical certificate
23(9)	Flight in unfit condition
25	Instruction in flying without appropriate licence and rating
27	Operations manual requirement
28	Police Operator's manual requirements
29	Training manual requirement
30	Operator's responsibilities in connection with crew
31	Requirements for loading aircraft
32	Operational restrictions on aircraft
33	Aerodrome operating minima—UK registered aircraft
34	Aerodrome operating minima—foreign registered public transport aircraft
35	Aerodrome operating minima—non-public transport aircraft
36	Requirement for pilot to remain at controls
38	Pre-flight action by commander of aircraft
39	Requirement for passenger briefing

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<i>Article of Order</i>	<i>Subject Matter</i>
40	Additional duties of commander on flight for public transport of passengers
41	Requirements for radio station in aircraft to be licensed and for operation of same
42	Requirement for minimum navigation performance system
45	Use of flight recording systems and preservation of records
46	Towing of gliders
47	Towing, picking up and raising of persons and articles by aircraft
48	Dropping of articles and animals from aircraft
49	Dropping of persons
50	Requirement for aerial application certificate
53	Carriage of persons in or on any part of an aircraft not designed for that purpose
54	Requirement for exits and break-in markings
58	Prohibitions of smoking in aircraft
59	Requirement to obey lawful commands of aircraft commander
60	Prohibition of stowaways
61	Exhibitions of flying
63(3)	Operator's obligation to obtain flight time records of flight crew
64(2)	Flight crew member's obligation to inform operator of flight times
65	Flight time limitations
74	Breach of the Rules of the Air
75	Flight in contravention of restriction of flying regulations
76	Flight by balloons, kites, airships, gliders and parascending parachutes
79	Provision of air traffic services
80	Use of radio call signs at aerodromes
83	Requirement for licensing of air traffic controllers
88	Requirement for licensing of flight information service officers

<i>Article of Order</i>	<i>Subject Matter</i>
89	Requirement for aerodrome information service manual
90	Requirement for licensed aerodrome
92(5)	Contravention of conditions of aerodrome licence
93	Use of aeronautical radio stations
94	Requirement to keep aeronautical radio station records
98	Use of aeronautical lights
99(1)	Prohibition of dangerous lights
99(2)	Failure to extinguish or screen dangerous lights
101(1) and (3)	Management of aviation fuel at aerodromes
106 (except(4))	Requirement to report occurrences
109	Obstruction of persons performing duties under the Order
JAR 145	
JAR 145.1(a)	

PART B—
PROVISIONS REFERRED TO IN ARTICLE 111(6)

<i>Article of Order</i>	<i>Subject Matter</i>
6	Flight for the purpose of public transport without an air operator's certificate
7	Flight without a certificate of airworthiness
51	Prohibition of carriage of weapons and munitions of war
52	Prohibition of carriage of dangerous goods
55	Endangering safety of aircraft
56	Endangering safety of persons or property
57	Prohibition of drunkenness in aircraft
63(1)	Operator's obligation to regulate flight times of flight crew
63(2)	Operator's obligation not to allow flight by crew in dangerous state of fatigue
64(1)	Crew's obligation not to fly in dangerous state of fatigue

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<i>Article of Order</i>	<i>Subject Matter</i>
73 (except(3))	Use of false or unauthorised documents and records
77	Provision of an air traffic control service without an approval
85	Prohibition of drunkenness etc. of controllers
86	Controller's obligation not to act in a dangerous state of fatigue
101(4)	Use of aviation fuel which is unfit for use in aircraft
102	Restriction of flights for valuable consideration by non-UK registered aircraft
104	Restriction of flights for aerial photography, aerial survey and aerial work by non-UK registered aircraft
105	Operators' or commanders' obligations in respect of flights over any foreign country
106(4)	Making false reports
107	Flight in contravention of direction not to fly

SCHEDULE 13

Article 113

PARTS OF STRAITS SPECIFIED IN CONNECTION WITH THE FLIGHT OF AIRCRAFT IN TRANSIT OVER UNITED KINGDOM TERRITORIAL WATERS

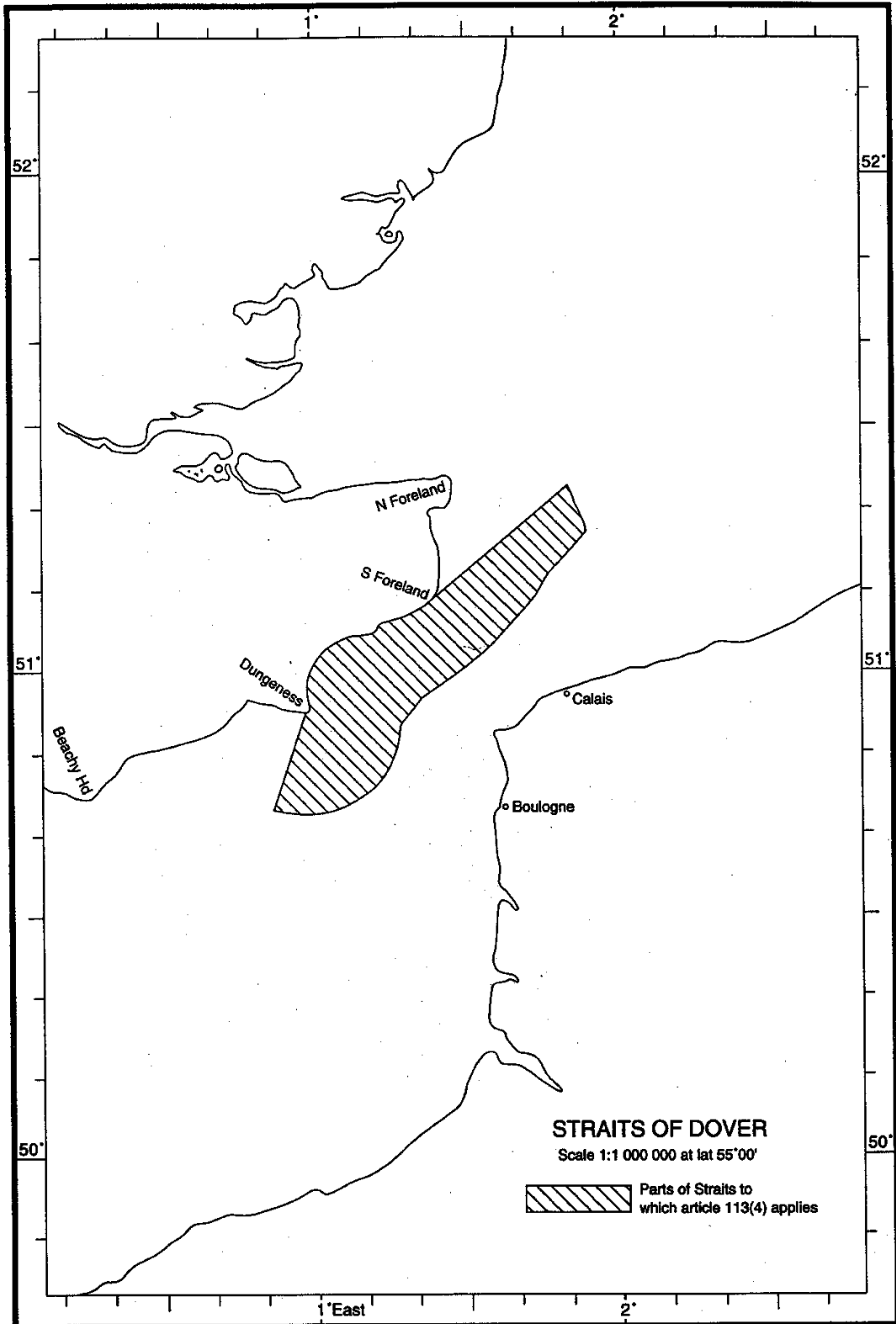
(1) The following parts of the straits named hereafter are hereby specified for the purposes of Article 113(4) of this Order:

- (a) In the Straits of Dover, the territorial waters adjacent to the United Kingdom which are:
- (i) to the south of a rhumb line joining
 - position 51°08'23" north latitude: 1°23'00" east longitude and
 - position 51°22'41" north latitude: 1°50'06" east longitude: and
 - (ii) to the east of a rhumb line joining
 - position 50°54'33" north latitude: 0°58'05" east longitude and
 - position 50°43'15" north latitude: 0°51'39" east longitude:
- (b) In the North Channel, the territorial waters adjacent to the United Kingdom which are:
- (i) to the north of a rhumb line joining
 - position 54°13'30" north latitude: 5°39'28" west longitude and
 - position 54°09'02" north latitude: 5°18'07" west longitude:
 - (ii) to the west of a rhumb line joining
 - position 54°26'02" north latitude: 4°51'37" west longitude and
 - position 54°38'01" north latitude: 4°51'16" west longitude: and

- (iii) to the east of a rhumb line joining
 - (a) position 55°40'24" north latitude: 6°30'59" west longitude and position 55°29'24" north latitude: 6°40'31" west longitude:
 - (b) position 55°24'54" north latitude: 6°44'33" west longitude and position 55°10'15" north latitude: 6°44'33" west longitude:
 - (c) In the Fair Isle Channel, the territorial waters adjacent to the United Kingdom which are:
 - (i) to the north of a rhumb line joining
 - position 59°10'54" north latitude: 2°01'32" west longitude and position 59°33'27" north latitude: 2°38'35" west longitude: and
 - (ii) to the south of a rhumb line joining
 - position 59°51'06" north latitude: 0°52'10" west longitude and position 59°51'06" north latitude: 1°46'36" west longitude.
- (2) The parts of each of the Straits specified in paragraph (1) are shown hatched on Charts A, B and C respectively.

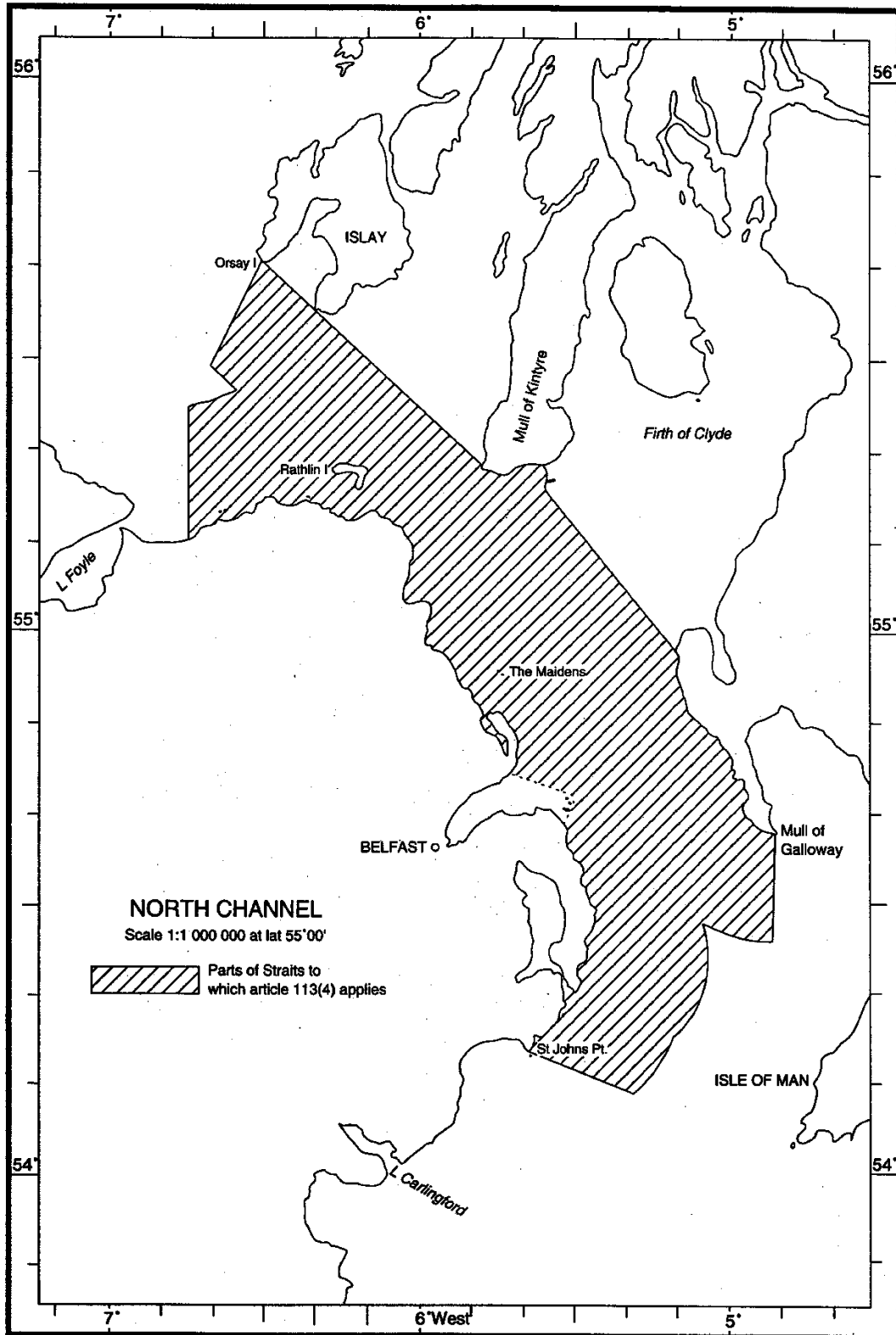
CHART A
CHART A

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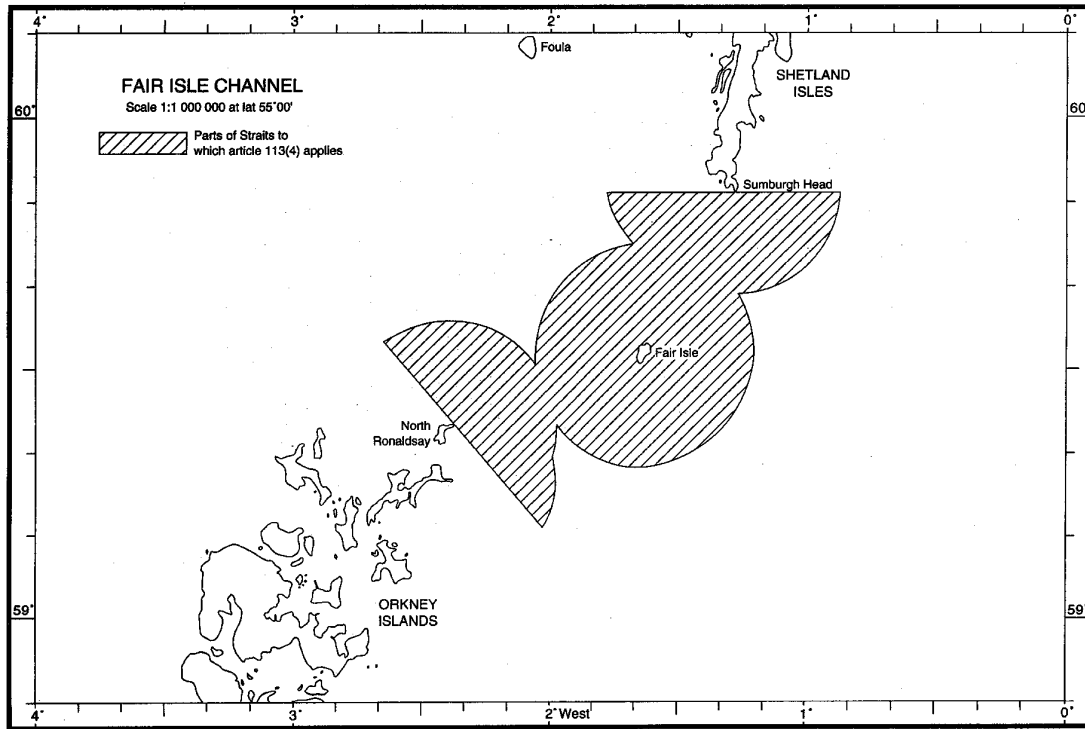
Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CHART B
CHART B



Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CHART C
CHART C



SCHEDULE 14

Article 92

AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in article 92 of this Order:

- (i) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge;
- (ii) the system of aeronautical information service available;
- (iii) procedures for promulgating information concerning the aerodrome's state;
- (iv) procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron;
- (v) procedures for complying with article 106 of this Order and for the removal of disabled aircraft;
- (vi) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 101 of this Order;
- (vii) (aa) subject to paragraph (bb), plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip;

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- (bb) in the case of copies of the manual or extracts thereof provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of article 92(10) of this Order;
- (viii) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome;
- (ix) description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit;
- (x) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance;
- (xi) method of calculating reduced declared distances and the procedure for their promulgation;
- (xii) details of surfaces and bearing strengths of runways, taxiways and aprons;
- (xiii) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the co-ordination of traffic with adjacent aerodromes, except any such information or procedures already published in any manual of air traffic services;
- (xiv) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons;
- (xv) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods;
- (xvi) procedures for the safe integration of all aviation activities undertaken at the aerodrome;
- (xvii) procedures for the control of bird hazards;
- (xviii) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided; and
- (xix) the scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.

TABLE OF COMPARISON

The following Table shows, in relation to each article of and Schedule to the Air Navigation Order 1989, as amended, the article of or Schedule to the 1995 Order in which it is reproduced.

<i>Articles</i>	
<i>1989 Order as amended</i>	<i>1995 Order</i>
1	1
2	2
3	3
4	4
5	5
6	6
6A	7
7	8
8	9

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<i>Articles</i>	
<i>1989 Order as amended</i>	<i>1995 Order</i>
9	10
10	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
18	19
19	20
20	21
21	22
22	23
23	24
24	25
25	26
26	27
26A	28
27	29
28	30
29	31
30	32
31	33
32	34
32A	35
33	36
34	37
35	38
36	39
37	40
38	41
39	42
39A	43

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<i>Articles</i>	
<i>1989 Order as amended</i>	<i>1995 Order</i>
39B	44
40	45
41	46
42	47
43	48
44	49
45	50
46	51
47	52
48	53
49	54
50	55
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62	67
63	68
64	69
65	70
66	71
67	72
68	73
69	74
69A	77 and 79
69B	80
70	71 and 87

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<i>Articles</i>	
<i>1989 Order as amended</i>	<i>1995 Order</i>
71	83 and 88
71A	86
72	89
73	84
73A	85
74	76
75	76
76	90
77	91
78	92
79	93
80	94
81	95
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86	100
87	101
88	102
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92	104
93	105
94	106
95	107
96	108
97	109
98	110
99	111
100	112
101	113
102	114
103	115
104	116

<i>Articles</i>	
<i>1989 Order as amended</i>	<i>1995 Order</i>
105	117
106	118
107	119
108	120
109	121
110	122
	123

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates the Air Navigation Order 1989, as amended. In addition to some minor drafting amendments the following changes are made:

1. The requirement for an aircraft to be maintained in accordance with the Order and to have a certificate of release to service issued in accordance with those requirements does not apply to an aircraft which is required to be maintained in accordance with JAR 145. JAR 145 is a joint aviation requirement annexed to Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation. JAR 145 applies to aircraft flying for the purpose of commercial transport (articles 10, 11, 12 and 13).

2. It is an offence for the holder of an aircraft maintenance engineer's licence to exercise the privileges of that licence when physically or mentally unfit or under the influence of drink or a drug (article 13(7) and (8)).

3. The Civil Aviation Authority must issue a certificate of validation for any licence issued by the competent authority of a Member State of the European Community based on requirements equivalent to those for the equivalent licence granted by the Authority (article 23).

4. The operator of an aircraft flying for the purpose of public transport must satisfy himself as to the suitability of any site at which it is intended to take off or land. He need not generally satisfy himself about the adequacy of emergency services which are not required to be based at the site but such a requirement may be imposed by way of a condition of the air operator's certificate (article 30(1)(c)).

5. A person may be carried outside a hovering helicopter flying under a police air operator's certificate whilst disembarking in accordance with a procedure contained in the police operations manual for the helicopter (article 53).

6. The operator of an aircraft with a certificate of airworthiness in the transport or aerial work category must produce the technical log of that aircraft if required to do so by an authorised person (article 68(2) and Schedule 11).

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7. The Order provides for the enforcement of JAR 145 as it has effect under Council Regulation (EEC) No 3922/91 as follows:

- (a) there are new offences relating to documents and records issued, required or having effect under JAR 145 (article 73);
- (b) the power conferred on the Civil Aviation Authority and others to prevent aircraft flying may be exercised in circumstances where the flight would be in contravention of JAR 145 (article 107); and
- (c) the penalties provision has been extended to refer to the provisions of JAR 145 (article 111).

8. The restrictions applicable to flight by balloons, kites, airships, gliders and parascending parachutes have been revised. New definitions are introduced for controllable and uncontrollable balloons and for free controlled flight, tethered flight, captive flight and released flight. Restrictions are placed on the simultaneous release of large numbers of small balloons from a single site (articles 76 and 118(1) and (2)).

9. The provisions concerning the licensing of persons providing air traffic services entitle the Civil Aviation Authority to require applicants for licences to undertake courses of training and to approve such courses. A certificate of competence is required to be included in an air traffic controller's licence and renewed annually. A new rating is introduced for the exercise of licence privileges at an air traffic control centre. A new rating is introduced for the task of providing radar services to en route aircraft more than 40 miles from an aerodrome. Only specifically approved licence holders are entitled to supervise student air traffic controllers or air traffic controllers who do not hold an appropriate rating. Definitions are introduced for an aerodrome control service, an approach control service, an area control service and an air traffic control centre. An area control centre rating and an area radar rating are introduced. The area radar control (aerodrome) rating and the precision approach radar control rating are deleted. To provide radar services to en route aircraft more than 40 miles from the aerodrome at which the controller is based, a controller will require an area radar rating. The functions of the area radar control rating, the approach control rating and the approach radar control rating may be exercised at the same time (Part IX, article 118 and Schedule 9).

10. An air traffic controller's licence shall not be granted to a person under the age of 20 years (article 81(1)).

11. The penalties provision refers to standard level fines rather than fixed nominal maximum penalties.

12. The meaning of "police officer" and "chief officer of police for any area of the United Kingdom" is defined (article 118 (1)).

13. Valuable consideration passing wholly within a group of companies is disregarded for the purpose of considering whether a flight is for the purpose of public transport (article 119(5)).

14. The Civil Aviation Authority is the authority for carrying out functions under JAR 145 in the United Kingdom (article 123).

15. The purposes for which an aircraft may fly in accordance with A or B Conditions are extended and clarified (Schedule 2).