

1986 No. 2238

CIVIL AVIATION

The Air Navigation (Amendment) Order 1986

Made - - - - - 16th December 1986

Laid before Parliament - - - - - 6th January 1987

Coming into operation in accordance with article 1

At the Court at Buckingham Palace, the 16th day of December 1986

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of the Civil Aviation Act 1982(a) and of 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 and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 1986 and shall come into operation for the purpose of article 2(1), (2), (3), (4), (5), (12) and (18) on 1st April 1987, for the purpose of article 2(15) on 9th April 1987 and for all other purposes on 27th January 1987.

Amendment of the Air Navigation Order 1985

2. The Air Navigation Order 1985(b) shall be amended as follows:

(1) In article 12(1), the words "of a category specified in Schedule 4 to this Order," shall be deleted;

(2) For article 12(2) and (3) there shall be substituted the following—

"(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 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) In article 12(4), for the words "not exceeding two years" shall be substituted the words "not exceeding five years";

(4) In article 12(5), the words "or aircraft radio maintenance engineer" shall be deleted;

(5) In article 12, after paragraph (6) there shall be added—

"(7) 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;

(c) approve a person to provide or conduct any course of training or instruction; and

(d) approve a person as qualified to furnish reports to it and to accept such reports.";

(6) For the words in article 40(4) "Nothing in this article or in article 41 shall prohibit the lowering of any person, animal or article" there shall be substituted the words—

"Nothing in this article shall prohibit the lowering of any article or animal";

(7) In article 41, after paragraph (7) there shall be added—

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

(9) 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.";

(8) In article 70(1), after sub-paragraph (e) there shall be added—

"(f) 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,";

(9) For article 71(2)(a) there shall be substituted the following—

"(a) aeroplanes of which the maximum total weight authorised exceeds 2,730 kg. and which are flying—

(i) for the purpose of public transport of passengers; or

(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;"

(10) for article 71(2)(b)(iii) there shall be substituted the following—

"(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";

(11) In article 71(2)(c), for the words "specified in sub-paragraphs (i) and (iii)" there shall be substituted the words "specified in sub-paragraphs (b)(i) and (iii)";

(12) In article 76, paragraphs (1) and (2) shall be deleted;

(13) In article 84, after the words "aerial survey" there shall be inserted the following—

"(whether or not hire or reward 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";

(14) After article 84 there shall be added the following—

"Flights over any foreign country

84A—(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) of this article 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) of this article if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) of this article 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.";

(15) In article 96(1), for the definition of "Aerodrome traffic zone" there shall be substituted the following new definition—

" "Aerodrome traffic zone" means the airspace specified below, being airspace in the vicinity of an aerodrome which is notified for the purposes of rule 35 of the Rules of the Air and Air Traffic Control Regulations 1985(a)—

(a) in relation to such an aerodrome other than one which is on an off-shore installation—

(i) at which the length of the longest runway is notified as 1850 metres or less, 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:

Provided that where such an aerodrome traffic zone would extend less than $1\frac{1}{2}$ nautical miles beyond the end of any runway at the aerodrome and this proviso is notified as being applicable, subparagraph (ii) hereof 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 $2\frac{1}{2}$ nautical miles;

(b) in relation to such an aerodrome which is on an off-shore installation, the airspace extending from mean sea level to 2000 feet above mean sea level and within $1\frac{1}{2}$ nautical miles of the off-shore 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;"

(16) In article 96(1), there shall be inserted immediately before the words "Pilot in command" the following—

" "Parascending parachute" means a parachute which is towed by cable in such a manner as to cause it to ascend;"

(17) For article 98 there shall be substituted the following—

98. The provisions of this Order, other than articles 48, 70, 96(1), and 96(6), shall not apply to or in relation to—

(a) S.I. 1985/1714; the relevant amending instrument is S.I. 1986/2121.

(a) any 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 kg.;

(c) any other aircraft weighing not more than 5 kg. without its fuel;

(d) any parachute including a parascending parachute.”;

(18) Schedule 4 shall be deleted;

(19) In Schedule 5, paragraph 5, for Scale D (ii) there shall be substituted—

“(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.”;

(20) In Schedule 5, paragraph 5, for Scale E (iv) there shall be substituted—

“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.”;

(21) In Schedule 12, after the words ““B” means the certificate of airworthiness in force in respect of the aircraft” there shall be inserted the following—

“Provided that, with the permission in writing of the Authority, an aircraft to which article 25 of this Order applies need not carry the flight manual as part of this document if it carries an operation manual which includes—

(i) the information shown in the Limitations and Emergency Procedures section of the flight manual, and

(ii) performance instructions which are derived from the material contained in the performance section of the flight manual.”;

(22) In Schedule 13, Part A, for the entries in the first and second columns thereof relating to articles 6 to 11 there shall be substituted the following entries in the first and second columns respectively—

“9(1)(a)	Flight without appropriate maintenance
9(1)(b)	Flight without a certificate of maintenance review
10	Failure to keep technical log
11	Flight without a certificate of release to service”;

(23) In Schedule 13, Part B, there shall be added in the first and second columns respectively the following entries—

“6	Flight for the purpose of public transport without an air operator’s certificate
7	Flight without a certificate of airworthiness
84A	Operators’ or commanders’ obligations in respect of flights over any foreign country”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1985.

The principal changes are:

(1) The privileges attaching to an aircraft maintenance engineer's licence are no longer specified in the Order but are specified in the licence itself (article 2(1), (2) and (18)).

(2) The maximum period of validity of an aircraft maintenance engineer's licence is extended to 5 years (article 2(3)).

(3) For the avoidance of doubt it is expressly provided that the Authority may approve courses of training or instruction, persons to provide such courses, persons as qualified to furnish reports to it and the Authority may authorise persons to conduct examinations and tests specified by it in relation to the functions of the Authority in licensing aircraft maintenance engineers (article 2(5)).

(4) The launching by winch and cable or by ground tow of gliders or parascending parachutes to a height of more than 60 metres is prohibited except with the permission of the Authority and in accordance with any conditions imposed (article 2(8)).

(5) The requirement that all aeroplanes flying for the purpose of instruction in flying shall take off or land at a licensed aerodrome, a government aerodrome, or an aerodrome owned or managed by the Authority is amended so that it now only applies to instruction in flying given for the purpose of becoming qualified for the grant of a pilot's licence, the inclusion of an aircraft rating or a night rating in a licence, or for the purpose of carrying out flying tests in respect of such a purpose (article 2(9), (10) and (11)).

(6) There is no longer provision for the Secretary of State to regulate charges at aerodromes: the empowering provision (section 60(3)(o) of the Civil Aviation Act 1982) is revoked by Part II of Schedule 6 to the Airports Act 1986. The day appointed for the coming into force of the repeal is 1st April 1987 (article 2(12)).

(7) Aircraft registered other than in the United Kingdom are restricted from flying over the United Kingdom for the purpose of any form of aerial work except with the permission of the Secretary of State and in accordance with any conditions to which such permission may be subject (article 2(13)).

(8) Certain requirements as to the purposes for which an aircraft is being used and as to compliance with the direction of a foreign country's aeronautical authorities are imposed on the operator or commander of aircraft flying over any foreign country as provided for in the Protocol relating to an amendment (article 3 bis) to the Convention on Civil Aviation of 7th December 1944 (the Chicago Convention) (Cmd. 8742) which was approved at Montreal on 10th

May 1984 (Cmnd. 9275). A person is liable for a contravention on summary conviction to a fine not exceeding £2,000 and on conviction on indictment to an unlimited fine or imprisonment for a term not exceeding two years or both (article 2(14) and (23)).

(9) The aerodrome traffic zone of an aerodrome on land is now defined in relation to the mid point of the longest runway at the aerodrome. The size of the aerodrome traffic zone depends on the length of that runway, and the runway end clearance provided for that and the other runways at the aerodrome (article 2(15)).

(10) Where a sensitive pressure altimeter is required to be carried it shall be adjustable for the forecast sea level barometric pressure (article 2(19) and (20)).

(11) With the written permission of the Authority, a flight manual need not be carried as part of the certificate of airworthiness if an operations manual is carried which includes specified information extracted from the flight manual (article 2(21)).

(12) Public transport flights without an air operators certificate and flights without a certificate of airworthiness are now subject to a maximum penalty of a fine of £2,000 on summary conviction or to an unlimited fine or to imprisonment for a term not exceeding two years or both on conviction on indictment (article 2(22) and (23)).