
STATUTORY INSTRUMENTS

1995 No. 1038

The Air Navigation Order 1995

PART V

OPERATION OF AIRCRAFT

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).