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STATUTORY INSTRUMENTS

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**1995 No. 1038**

**The Air Navigation Order 1995**

**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;

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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.

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“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.