
STATUTORY INSTRUMENTS

1998 No. 753

CIVIL AVIATION

The Air Navigation (Third Amendment) Order 1998

Made - - - - *18th March 1998*
Laid before Parliament *30th March 1998*
Coming into force - - *1st May 1998*

At the Court at Buckingham Palace, the 18th day of March 1998

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, and Schedule 13 to, the Civil Aviation Act 1982⁽¹⁾ 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 and Commencement

1. This Order may be cited as the Air Navigation (Third Amendment) Order 1998 and shall come into force on 1st May 1998.

2. The Air Navigation (No. 2) Order 1995⁽²⁾ shall be amended as follows:

(1) In article 3(2)(a), for “articles 14, 15, 20 and 38” there shall be substituted “articles 14, 15, 21 and 38”.

(2) For article 10(1) there shall be substituted:

(a) “**10.** (1) An aircraft registered in the United Kingdom in respect of which a certificate of airworthiness is in force shall not fly unless 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.

(b) 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 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

(1) 1982 c. 16.

(2) S.I.1995/1970, amended by S.I. 1996/1301 and S.I. 1997/287.

provisions of this article and such certificate shall certify the date on which the maintenance review was carried out and the date when the next review is due.”.

(3) For article 10(2) there shall be substituted:

“(2) A maintenance schedule approved pursuant to paragraph (1) in relation to an aircraft in respect of which there has been issued a certificate of airworthiness in either the transport or in the aerial work category shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.”.

(4) For article 20(5) there shall be substituted:

“(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 communications apparatus shall carry a flight radiotelephony operator as a member of the flight crew.”.

(5) For article 21(2)(a) there shall be substituted:

“(a) (i) act as a flight radiotelephony operator if:

- (aa) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work;
- (bb) he is authorised to operate the radio station by the holder of the licence granted in respect of that station under any enactment;
- (cc) he does not communicate by radiotelephony with any air traffic control unit;
- (dd) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
- (ee) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Authority for the purposes of this sub-paragraph;
- (ff) the operation of the transmitter requires the use only of external switches; and
- (gg) the stability of the frequency radiated is maintained automatically by the transmitter;

(ii) act as a flight radiotelephony operator if:

- (aa) he does so 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;
- (bb) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
- (cc) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
- (dd) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Authority for the purposes of this sub-paragraph;
- (ee) the operation of the transmitter requires the use only of external switches; and
- (ff) the stability of the frequency radiated is maintained automatically by the transmitter;”.

(6) For article 21(9)(a) there shall be substituted:

“(a) he acts as a flight radiotelephony operator otherwise than in accordance with paragraph (2)(a)(i); or”.

(7) After article 32 there shall be inserted:

“Public transport operations at night or in Instrument Meteorological Conditions by single engined aeroplanes not registered in the United Kingdom.

32A. —An aeroplane which is not registered in the United Kingdom and is powered by one engine only shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.”.

- (8) Article 41(5), (6) and (7) shall be omitted.
 - (a) (9) (a) In article 83(1), for “Subject to paragraphs (3) and (4)” there shall be substituted “Subject to paragraphs (3), (4) and (5)”.
 - (b) After Article 83(4) there shall be inserted:
 - “(5) A licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty’s naval, military or air forces or a visiting force.”.
- (10) In article 118(1), in the definition of “flight crew” for “flight radio operator” there shall be substituted “flight radiotelephony operator”.
- (11) In article 118(1), the definition of “Offshore installation” shall be omitted.
- (12) In Schedule 4, paragraph 5, under the heading “Scale R”, in sub-paragraph (i)(a), for “article 19” on both occasions on which it appears there shall be substituted “article 20”.
- (13) In Schedule 5, for the Table at paragraph 2, there shall be substituted:

“2. Table

<i>Aircraft and Circumstances of Flight</i>	A	B	C	D	E	F	G	H
(1) All aircraft (other than gliders) within the United Kingdom: <ul style="list-style-type: none"> (a) when flying under Instrument Flight Rules within 	A*				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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Aircraft Scale of Equipment Required
and
Circumstances
of
Flight*

controlled
airspace

~~when~~ A*
flying
within
controlled
airspace

~~when~~
making
an
approach
to
landing
at
an
aerodrome
notified
for
the
purpose
of
this
sub-
paragraph

G*

(2) All A*
aircraft
within
the
United
Kingdom:

(a) when
flying
at
or
above
flight
level
245

~~when~~ A*
flying
within

* 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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

*Aircraft Scale of Equipment Required
and
Circumstances
of
Flight*

	airspace notified for the purposes of this sub-paragraph		
(3) All aircraft (other than gliders) within the United Kingdom:		E*	F*
(a) when flying at or above flight level 245			
when flying within airspace notified for the purposes of this sub-paragraph		E*	
when flying at or		E*	

* 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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

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*Aircraft Scale of Equipment Required
and
Circumstances
of
Flight*

	above flight level 100			
(4) All aircraft registered in the United Kingdom, wherever they may be:	A	C	D	H
(a) when flying for the purpose of public transport under Instrument Flight Rules:				
(i) while making an approach to landing				
(ii) on all other occasions	A	C		H
(d) subject to sub-paragraph (d), multi-engined	A			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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

*Aircraft Scale of Equipment Required
and
Circumstances
of
Flight*

aircraft
when
flying
for
the
purpose
of
public
transport
under
Visual
Flight
Rules

subject A

to
sub-
(d), paragraph
single
engined
aircraft
when
flying
for
the
purpose
of
public
transport
under
Visual
Flight
Rules:

(i) over
a
route
on
which
navigation
is
effected
solely
by
visual

* 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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

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*Aircraft Scale of Equipment Required
and
Circumstances
of
Flight*

reference
to
landmarks

(ii) on A B
all
other
occasions

Aircraft A B
(a) which
come
within
paragraphs
3(b)
and
3(c)
above
solely
by
virtue
of
the
provisions
of
article
119(2)
(c)
may
carry
instead
of
the
requirements
of
the
said
paragraphs
3(b)
and
3(c):
(aa) over
a
route

* 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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

*Aircraft Scale of Equipment Required
and
Circumstances
of
Flight*

on
which
navigation
is
not
effected
solely
by
visual
reference
to
landmarks

(bb) over
water,
beyond
gliding
distance
from
any
land

when A*
flying
under
Instrument
Flight
Rules
within
controlled
airspace
and
not
required
to
comply
with
paragraph
3(a)
above

* 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.

Provided that non-public transport aircraft flying in Class D and E airspace shall not be required to be provided with distance measuring equipment.

(14) In Schedule 6, paragraph 1, in sub-paragraph (f) for “article 10(2) and (3)” there shall be substituted “article 11(2) and (3)”.

(15) In Schedule 8, Part A, paragraph 1:

- (a) under the heading “Private Pilot’s Licence (Aeroplanes)” after sub-paragraph (2)(e) there shall be inserted:
- “(f) He shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in Class D or E airspace in circumstances which require compliance with the Instrument Flight Rules.”; and
- (b) under the heading “Basic Commercial Pilot’s Licence (Aeroplanes)” after sub-paragraph (2)(b)(viii) there shall be inserted:
- “(ix) He shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological condition rating (aeroplanes) fly as pilot in command or co-pilot of such an aeroplane flying in Class D or E airspace in circumstances which require compliance with the instrument flight rules.”.
- (16) In Schedule 8, Part A, paragraph 5:
- (a) the heading “Flight Radiotelephony Operator’s General Licence” and the Minimum Age, Maximum Period of Validity and Privileges relating thereto shall be omitted.
- (b) for the heading “Flight Radiotelephony Operator’s Restricted Licence” there shall be substituted “Flight Radiotelephony Operator’s Licence” and for “Minimum Age—17 years” there shall be substituted “Minimum Age—16 years”.
- (c) the heading “Flight Radiotelegraphy Operator’s Licence” and the Minimum Age, Maximum Period of Validity and Privileges relating thereto shall be omitted.
- (d) the heading “Flight Radiotelegraphy Operator’s Temporary Licence” and the Minimum Age, Maximum Period of Validity and Privileges relating thereto shall be omitted.
- (17) In Schedule 8, Part B, paragraph 1 under the heading “Instrumental Meteorological Conditions Rating (Aeroplanes)” for “paragraphs (2)(c) or (2)(b)(vii) of the privileges of such licences” there shall be substituted:
- “paragraphs (2)(c) and (2)(f) of the privileges of the private pilot’s licence (aeroplanes) or (2)(b)(vii) or (ix) of the privileges of the basic commercial pilot’s licence (aeroplanes)”.
- (18) In Schedule 11, for “‘A’ means the licence in force under the Wireless Telegraphy Act 1949 in respect of the aircraft radio station installed in the aircraft, and the current telecommunications log book required by this Order;” there shall be substituted “‘A’ means the licence in force under the Wireless Telegraphy Act 1949 in respect of the aircraft radio station installed in the aircraft;”.
- (19) In Schedule 12, Part A in the column headed “Article of Order” after “32” there shall be inserted “32A” and adjacent thereto in the column headed “Subject Matter” there shall be inserted:
- “Prohibition on public transport flights at night or in Instrument Meteorological Conditions by non-UK registered single engined aeroplanes”.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation (No. 2) Order 1995. In addition to minor and drafting amendments, the following changes are made:

(1) An aircraft registered in the United Kingdom which has a certificate of airworthiness in the private category must be maintained in accordance with an approved maintenance schedule (article 2(2)).

(2) Provision for three categories of licence (Flight Radiotelephony Operator's General Licence, Flight Radiotelegraphy Operator's Licence And Flight Radiotelegraphy Operator's Temporary Licence) are removed from the Order and the remaining radio licence is renamed Flight Radiotelephony Operator's Licence. The minimum age for the holding of a Flight Radiotelephony Operator's Licence is 16 years (article 2 (4), (10) and (16)).

(3) An amendment is made to make it clear that a glider pilot communicating by radio with an air traffic control unit must hold an appropriate radiotelephony operator's licence (article 2 (5) and (6)).

(4) An aeroplane which is not registered in the United Kingdom and is powered by one engine only may not fly for the purpose of public transport at night or when the weather conditions are below specified minima (article 2(7) and (19)).

(5) The requirement to maintain a telecommunications log is omitted (article 2(8) and (18)).

(6) An amendment is made to make it clear that an air traffic controller's licence is not required by members of HM Forces or a visiting force (article 2(9)).

(7) The definition of offshore installation is omitted (article 2(11)).

(8) A glider must carry radiocommunications equipment when flying above Flight Level 245 or in controlled airspace below Flight Level 245 notified for the purpose (article 2(13)).

(9) The holder of a private pilot's licence (aeroplanes) or a basic commercial pilot's licence (aeroplanes) flying in Class D or Class E airspace in circumstances requiring compliance with the Instrument Flight Rules needs to hold either an instrument meteorological conditions rating or an instrument rating (article 2(15) and (17)).