

2007 No. 274

CIVIL AVIATION

The Air Navigation (Amendment) Order 2007

Made - - - - *7th February 2007*
Laid before Parliament *14th February 2007*
Coming into force - - *15th March 2007*

At the Court at Buckingham Palace, the 7th day of February 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of and Schedule 13 to the Civil Aviation Act 1982(a) is pleased, by and with the advice of her Privy Council, to order as follows:

Citation and Commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2007 and shall come into force on 15th March 2007.

Amendment of the Air Navigation Order 2005

2. The Air Navigation Order 2005(b) shall be amended as follows.

Visibility requirements for helicopters

3.—(1) In article 25 —

- (a) omit sub-paragraph (7)(b);
- (b) in sub-paragraph (7)(d) omit “or is flying by night with visual ground reference”.
- (c) at the end of sub-paragraph (8)(b) omit “or”;
- (d) at the end of sub-paragraph (8)(c) omit the full stop and insert “; or”; and
- (e) after sub-paragraph (8)(c) add —
“ (d) is flying by day and remains clear of cloud and with the surface in sight.”.

(2) In article 155(1), after the definition of ‘Visual Meteorological Conditions’ insert —

(a) 1982 c.16; sections 60 and 61 have been amended by the Airports Act 1986 (c.31) Schedule 6 Part 11, and section 60 was further amended by the Aviation and Maritime Security Act 1990 (c.31), section 47 and Schedule 4.
(b) S.I. 2005/1970, to which there are amendments not relevant to this Order.

“‘With the surface in sight’ means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument and ‘when the surface is not in sight’ shall be construed accordingly;”.

(3) In Schedule 4, paragraph 5, sub-paragraph (15)(a), in the columns headed respectively “Circumstances of Flight” and “Scale of Equipment Required” for sub-paragraphs (i), (ii) and (iii) substitute —

Table 1

“

(i)	when flying by day under Visual Flight Rules;	
(aa)	with the surface in sight	D
(bb)	when the surface is not in sight	E
(ii)	when flying by day under Instrument Flight Rules;	
(aa)	with the surface in sight	E
(bb)	when the surface is not in sight;	
(aaa)	outside controlled airspace	E with E(2) duplicated
(bbb)	within controlled airspace	E with both E(2) and E(4) duplicated and F
(iii)	when flying by night;	
(aa)	with the surface in sight	C, E, G(3), (5) and (6)
(bb)	outside controlled airspace when the surface is not in sight	C, E with E(2) duplicated, G(3), (5) and (6)
(cc)	within controlled airspace when the surface is not in sight	C, E with both E(2) and E(4) duplicated, F, G(3), (5) and (6).

”

(4) In Schedule 4, paragraph 5, sub-paragraph (15), in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (b) after “F4” omit “for all weights”.

(5) In Schedule 4, paragraph 5, sub-paragraph (15)(b), in the columns headed respectively “Circumstances of Flight” and “Scale of Equipment Required” for sub-paragraphs (i), (ii), (iii) and (iv) substitute —

Table 2

“

(i)	when flying by day under Visual Flight Rules	
(aa)	with the surface in sight	D
(bb)	when the surface is not in sight	E
(ii)	when flying by day under Instrument Flight Rules	
(aa)	with the surface in sight	E
(bb)	when the surface is not in sight	E with both E(2) and E(4) duplicated, F(2), (3) and (5).
(iii)	when flying by night with the	

	surface in sight	
(aa)	when flying in circumstances where one pilot is required	C, E with E(2) duplicated and either E(4) duplicated or a radio altimeter, F(2), (3), (5) and G
(bb)	when flying in circumstances where two pilots are required	C, E, F(2), (3), and (5) and G for each pilot's station
(iv)	when flying by night when the surface is not in sight	C, E with both E(2) and E(4) duplicated, F(2), (3), (5) and G.
		”

(6) In Schedule 8, Part A, Section 1, Sub-Section 2, in the privileges of the Private Pilot's Licence (Helicopters) for sub-paragraph (2)(d) substitute —

“(d) unless his licence includes an instrument rating (helicopter) fly as pilot in command or co-pilot of such a helicopter in circumstances which require compliance with the Instrument Flight Rules —

- (i) in Class A, B or C airspace at any time; or
- (ii) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight;”.

(7) In Schedule 8, Part A, Section 1, Sub-Section 2, in the privileges of the Commercial Pilot's Licence (Helicopters and Gyroplanes) —

(a) omit sub-paragraph (2)(a);

(b) for sub-paragraph (2)(d) substitute —

“(d) unless his licence includes an instrument rating (helicopter) fly as pilot in command of such a helicopter in circumstances which require compliance with the Instrument Flight Rules —

- (i) in Class A, B or C airspace at any time; or
- (ii) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight;”;

(c) for sub-paragraph (4)(a) substitute —

“(a) unless his licence includes an instrument rating (helicopter) fly as co-pilot of a helicopter flying in circumstances which require compliance with the Instrument Flight Rules —

- (i) in Class A, B or C airspace at any time; or
- (ii) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight;”;

(d) omit sub-paragraph (4)(c).

(8) In Schedule 8, Part A, Section 2, Sub-Section 2, in the privileges and conditions of the Commercial Pilot Licence (Helicopter) —

(a) for paragraph (2) substitute —

“(2)(a) Subject to sub-paragraph (b), the licence is subject to the conditions and restrictions specified in paragraph 2.175 of Section 1 of JAR-FCL 2.

(b) The holder of a Commercial Pilot Licence (Helicopter) may fly in circumstances which require compliance with the Instrument Flight Rules in the United Kingdom in Class D, E, F or G airspace when remaining clear of cloud and with the surface in sight.”;

(b) at the end of paragraph (3) insert “except when flying by day under the provisions for flight with the surface in sight in Rule 29(1)(d) of the Rules of the Air Regulations 1996”;
and

(c) omit paragraph (4)(a).

(9) In Schedule 8, Part A, Section 2, Sub-section 2, in the privileges and conditions of the Airline Transport Pilot Licence (Helicopter), at the end of paragraph (2) insert “except when flying by day under the provisions for flight with the surface in sight in Rule 29(1)(d) of the Rules of the Air Regulations 1996”.

Requirements for non-public transport flights

4.—(1) After article 49(6) insert —

“(6A) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable alternate aerodrome is available shall not be commenced unless —

- (a) a designated instrument approach procedure is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(6B) A flight shall not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.”.

(2) After article 49(8) add —

“(8A) In this article ‘designated’ in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.”.

(3) After article 50(4) add —

“(5) An operator shall not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article 26 of this Order to act as pilot-in-command of the helicopter.”.

(4) In article 52 in the first line omit “registered in the United Kingdom”.

(5) After article 52 add —

“Non-public transport aircraft - survival equipment

52A—(1) This article shall apply to any aircraft registered in the United Kingdom which is not a public transport aircraft.

(2) The commander of an aircraft to which this article applies shall reasonably satisfy himself before take-off that the aircraft carries such additional equipment as the commander reasonably considers necessary for the purpose of facilitating the survival of the persons carried in the aircraft.

(3) In satisfying himself as required by paragraph (2) the commander shall have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.”.

(6) After article 54 add —

“Non-public transport flights – additional duties of commander

54A—(1) This article shall apply to an aircraft registered in the United Kingdom and flying for any purpose other than public transport.

(2) In relation to every flight to which this article applies the commander of the aircraft shall, except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—

- (a) 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 19 of and Schedule 4 to this Order is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers are recommended to use oxygen;
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130 oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes that is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used by all the flight crew of the aircraft.”.

(7) In article 72 —

- (a) for the heading substitute —

“Exits – public transport aeroplanes and helicopters”;

- (b) in paragraph (4) after “Every exit from the aeroplane or helicopter shall be marked” insert “on interior surfaces”;
- (c) after paragraph (4) insert —

“(4A) Every exit from the aeroplane or helicopter shall be marked on exterior surfaces with the words ‘exit’ or ‘emergency exit’ in capital letters, which shall be located on a background which provides adequate contrast.”;
- (d) in paragraph (5) after “Every exit from the aeroplane or helicopter shall be marked” insert “on interior surfaces on or near the inside surface of the door or other closure of the exit”;
- (e) for paragraph (6) substitute —

“(6) Every exit from the aeroplane or helicopter which may be opened from the outside shall be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be located on a background which provides adequate contrast.”;
- (f) omit paragraphs (7) and (8).

(8) After article 72 add —

“Marking of break-in areas

72A.—(1) This article shall apply to all aircraft registered in the United Kingdom.

(2) An operator shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft to which this article applies, such areas shall be marked upon the exterior surface of the fuselage with markings to show the areas (in this article referred to as ‘break-in areas’) which can, for the purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(3)(a) The break-in areas shall be marked by right angled corner markings, each arm of which shall be 9 cm in length along its outer edge and 3 cm in width.

- (b) If the corner markings are more than 2 metres apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 metres between adjacent marks.

(4) The colour of break-in markings shall be red or yellow, and if necessary they shall be outlined in white to contrast with the background.

(5) If instructions are marked on the break-in areas, the words ‘Cut Here in Emergency’ shall be marked across the centre of each break-in area in capital letters.

- (6) The markings required by this article shall —
- (a) be painted, or affixed by other equally permanent means; and
 - (b) be kept at all times clean and unobscured.”.

(9) In article 155 after the definition of ‘Instructor’s rating’ insert —

“‘Instrument approach procedure’ means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;”.

(10) In Schedule 4, paragraph 5(2), sub-paragraph (a), in the column headed “Scale of Equipment Required”, alongside sub-paragraph (i) for “C and D” substitute “C, D, G(2), G(3) and GG”.

(11) In Schedule 4, paragraph 5(2), sub-paragraph (a), in the columns headed respectively “Circumstances of Flight” and “Scale of Equipment Required”, after sub-paragraph (iii) insert —

Table 3

“		
(iv)	when flying at a height of 13,000 ft or more above mean sea level	L1 or L2
(v)	when flying over water;	
(aa)	beyond gliding distance from land suitable for an emergency landing	H
(bb)	on or after 1st January 2007 when at a distance of more than 10 minutes flying time at normal cruising speed away from land suitable for making an emergency landing	KK(1) or KK(2)
(vi)	when flying over areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult, and where;	KK (2)
(aa)	in the event of an emergency landing, tropical conditions are likely to be met	U (except U(1))
(bb)	in the event of an emergency landing, polar conditions are likely to be met	V (except V(1))
(vii)	on all flights which involve manoeuvres on water	H, J and K (1), (2) and (3)
(viii)	with a certificate of airworthiness	A(3) and (5).
”		

(12) In Schedule 4, paragraph 5(15), in the column headed “Scale of Equipment Required” adjacent to sub-paragraph (a) for “A(1) and (2)” substitute “A(1), (2), (3) and (5)”.

(13) In Schedule 4, paragraph 5(15), sub-paragraph (a), in the columns headed respectively “Circumstances of Flight” and “Scale of Equipment Required”, after sub-paragraph (iii) insert —

- | | | | |
|---|------|---|------------------|
| “ | (iv) | when flying at a height of 13,000 ft or more above mean sea level | L1 or L2 |
| | (v) | when flying over water; | |
| | (aa) | beyond autorotational gliding distance from land suitable for an emergency landing | H |
| | (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) | on or after 1st January 2007 when at a distance of more than 10 minutes flying time at normal cruising speed away from land suitable for making an emergency landing | KK(1) or KK(2) |
| | (vi) | when flying over areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult, and where; | KK(2) |
| | (aa) | in the event of an emergency landing, tropical conditions are likely to be met | U (except U(1)) |
| | (bb) | in the event of an emergency landing, polar conditions are likely to be met. | V (except V(1))” |

(14) In Schedule 4, paragraph 6, Scale A, after paragraph (4) add —

“(5) A hand fire extinguisher for each enclosed passenger and crew compartment, so installed that at least one extinguisher shall be conveniently located for use by a member of the flight crew.”.

(15) In Schedule 4, paragraph 6, Scale G, after sub-paragraph (6)(b) add —

“(c) if the maximum total weight authorised of the helicopter or gyroplane is 5700 kg or less and the flight is for a purpose other than public transport —

- (i) 2 landing lights, one of which is adjustable in flight so as to illuminate the ground in front of, below and on either side of the helicopter; or

- (ii) 2 landing lights in addition to the helicopter standard equipment, which shall be adjusted so as to illuminate the ground in front of the helicopter.”.

(16) In Schedule 4, paragraph 6, after Scale G add —

“Scale GG

A landing light.”.

(17) In Schedule 4, paragraph 6, Scale H, paragraph (1), for “waterproof torch” substitute “a survivor locator light”.

(18) In Schedule 5, paragraph 2 —

- (a) at the beginning of sub-paragraph (5), after “All aircraft” insert “(other than gliders)”;
- (b) in sub-paragraph (5)(e) omit “within controlled airspace”.

(19) In Schedule 14, Part A —

- (a) in the column headed ‘Article of Order’ after ‘52’ insert ‘52A’ and adjacent to it in the column headed ‘Subject Matter’ insert ‘Carriage of survival equipment by non-public transport aircraft’;
- (b) in the column headed ‘Article of Order’ after ‘54’ insert ‘54A’ and adjacent to it in the column headed ‘Subject Matter’ insert ‘Additional duties of commander on non-public transport flights’;
- (c) in the column headed ‘Subject Matter’ adjacent to ‘72’ for ‘Requirement for exits and break-in markings’ substitute ‘Requirements concerning exits from public transport aeroplanes and helicopters’;
- (d) in the column headed ‘Article of Order’ after ‘72’ insert ‘72A’ and adjacent to it in the column headed ‘Subject Matter’ insert ‘Requirement for marking of break-in areas’.

Carriage and use of vibration health monitoring systems

5.—(1) After article 62 insert —

“Use of vibration health monitoring systems

62A. The operator of a helicopter, on which a vibration health monitoring system is required by paragraph 5(15) of Schedule 4 to the Order to be carried, shall operate that equipment in accordance with procedures approved by the CAA.”.

(2) In article 155(1) after the definition of ‘holding’ insert —

“‘Hostile environment’, for the purposes of sub-paragraphs 5(15)(b)(ix) and (xvii) of Schedule 4, means an environment in which —

- (a) a safe forced landing cannot be accomplished because the surface is inadequate; or
- (b) the helicopter occupants cannot be adequately protected from the elements; or
- (c) search and rescue response and capability is not provided consistent with anticipated exposure; or
- (d) there is an unacceptable risk of endangering persons or property on the ground;”.

(3) In Schedule 4, paragraph 5(15), after sub-paragraph (b)(xvi) in the column headed ‘Circumstances of Flight’ add “(xvii) with a maximum approved passenger seating configuration of more than nine and operating in a hostile environment” and adjacent to it in the column headed ‘Scale of Equipment Required’ insert “SS(6)”.

(4) In Schedule 4, paragraph 6, after paragraph (5) of Scale SS add —

“(6) A vibration health monitoring system capable of monitoring the vibration of critical helicopter rotor and rotor drive system components.”.

(5) In Schedule 9, Part A —

- (a) at the end of sub-paragraph 1(r) omit “and”;
- (b) at the end of sub-paragraph 1(s) omit the full stop and insert “; and”; and
- (c) after sub-paragraph 1(s) insert —
 - “(t) in the case of a helicopter, the maximum approved passenger seating configuration.”.

(6) In Schedule 14, Part A in the column headed ‘Article of Order’ after ‘62’ insert ‘62A’ and adjacent to it in the column headed ‘Subject Matter’ insert ‘Use of vibration health monitoring systems’.

Balloon flying displays

- 6. In article 80 after paragraph (11) insert —
 - “(11A) Paragraphs (1), (2), (3) and (4) shall not apply to a flying display at which the only participating aircraft are balloons.”.

Introduction of 8.33kHz channel spacing

- 7. In Schedule 5 —
 - (a) in sub-paragraph 2(2)(a), for “when flying at or above flight level 245” substitute “when flying at or above flight level 195”;
 - (b) in paragraph 4, for Scale A substitute —

“Scale A

Radiocommunications equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.”.

Other changes

- 8.—(1) After article 8(5) insert —
 - “(6) An aircraft flying clear of cloud and with the surface in sight shall, for the purposes of this article, be deemed to be flying in accordance with the Visual Flight Rules.”.
- (2) In article 155 for the definition of JAR-FCL 1 substitute —
 - “‘JAR-FCL 1’ means the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;”.
- (3) In article 155 for the definitions of JAR-OPS 1 and JAR-OPS 3 substitute —
 - “‘JAR-OPS 1’ means the Joint Aviation Requirement of the JAA bearing that title including Amendment 10 adopted by the JAA on 1st March 2006;
 - ‘JAR-OPS 3’ means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st April 2004 and the Corrigendum adopted by the JAA on 1st July 2004;”.
- (4) In Schedule 4, paragraph 6, in paragraph (6) of Scale B for “with a maximum approved passenger seating configuration of more than 9” substitute “and with a maximum approved passenger seating configuration of 9 or less”.
- (5) In Schedule 5, paragraph 2(5) —
 - (a) in sub-paragraph (d)(i) in the column “Scale of Equipment Required” omit “B”; and
 - (b) in sub-paragraph (d)(ii) in the column “Scale of Equipment Required” insert “B”.
- (6) In Schedule 8, Part C, Section 2, in paragraph 2(1)(c)(i) for “the requirements in paragraph (b) above” substitute “the requirements in sub-paragraph (a) above”.

(7) In Schedule 10, paragraph 2(2), for “the certificate of airworthiness in force in respect of the aircraft” substitute “in the case of a non-EASA aircraft the national certificate of airworthiness in force in respect of the aircraft”(a).

Christine Cook
Deputy Clerk of the Privy Council

(a) An EASA aircraft is required by virtue of Part 21 to carry its certificate of airworthiness, restricted certificate of airworthiness or permit to fly, as the case may be, during all flights.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 2005. In addition to minor and drafting amendments the following changes are made —

Visibility requirements for helicopters

1.—(1) The term “with the surface in sight” is defined and is used in place of “in sight of the surface”. (Article 3(1), (2), (3), (5) and (8)).

(2) A minimum scale of flight instrumentation is required for flight conducted under the Instrument Flight Rules by day, when the surface is in sight. (Article 3(3)).

(3) A private pilot is required to hold an instrument rating for flight under the Instrument Flight Rules in any airspace except when flying by visual reference at night. (Article 3(6)).

(4) All helicopter pilots, including those with a professional pilot’s licence, are required to hold an instrument rating to fly under the Instrument Flight Rules by reference to instruments. (Article 3(7), (8) and (9)).

Requirements for non-public transport flights

2.—(1) A flight under instrument flight rules to an aerodrome where there is no suitable alternate available must not commence unless the destination aerodrome has a designated instrument approach procedure and the weather forecast for two hours either side of the estimated time of arrival is for visual meteorological conditions. (Article 4(1), (2) and (9)).

(2) An operator must ensure that a helicopter rotor is not turned under power without a qualified pilot at the controls. (Article 4(3)).

(3) The commander of an aircraft in the United Kingdom must reasonably satisfy himself before the aircraft takes off as to a number of specified safety matters, whether or not that aircraft is registered in the United Kingdom. (Article 4(4)).

(4) The commander of an aircraft flying for a purpose other than public transport must carry such additional equipment as he reasonably considers necessary for the purposes of facilitating the survival of persons carried in the aircraft having regard to the circumstances of its intended flight. (Article 4(5) and (19)).

(5) An aeroplane flying for a purpose other than public transport over water beyond gliding distance from land must carry life jackets, each equipped with a whistle and a survival locator light. (Article 4(11)).

(6) A helicopter flying for a purpose other than public transport over water beyond auto-rotational gliding distance from land or on a flight where it may be forced to land on water must carry life jackets, each equipped with a whistle and a survivor locator light. (Article 4(13)).

(7) Aeroplanes and helicopters flying for a purpose other than public transport where, in the event of an emergency landing, tropical conditions or polar conditions are likely to be met, must carry signalling devices and life saving equipment as may be appropriate to the area overflown. (Article 4(11) and (13)).

(8) The commander of an aircraft flying for a purpose other than public transport must demonstrate the use of oxygen equipment carried on board to all passengers, recommend its use where appropriate and ensure that the flight crew use oxygen where appropriate. (Article 4(6)).

(9) On any aircraft registered in the United Kingdom, where an area of the fuselage suitable for break-in by rescue crews in an emergency are marked on the aircraft, the markings must conform to international requirements. (Article 4(8)).

(10) An aeroplane flying at night for a purpose other than public transport must be equipped with a landing light, torches for all crew members and electric lighting in each passenger compartment. (Article 4(10) and (16)).

(11) A helicopter flying at night for a purpose other than public transport must be equipped with electric lighting in each passenger compartment (landing lights and crew torches are already required). (Article 3(3)).(a)

(12) Aircraft flying for a purpose other than public transport at or above 13,000 feet must carry sufficient supplies of oxygen together with suitable apparatus for its use. (Article 4(11)).

(13) Seaplanes flying for a purpose other than public transport on a flight which will involve manoeuvring on water must carry equipment appropriate for that purpose. (Article 4(11)).

(14) When flying for a purpose other than public transport, aeroplanes with a certificate of airworthiness and helicopters must carry first aid equipment and a fire extinguisher. (Article 4(11), (12) and (14)).

(15) From 1st January 2007 an aeroplane or a helicopter flying for a purpose other than public transport more than 10 minutes flying time away from land must carry an emergency locator transmitter (ELT). The ELT must either be removable from the aircraft and be manually activated by survivors or be permanently attached to an aircraft and automatically activated in an emergency (an automatic ELT). When flying over areas in which search and rescue would be especially difficult an automatic ELT must be carried. (Article 4(11) and (13)).

(16) Aircraft other than gliders flying under instrument flight rules for a purpose other than public transport must carry radio equipment. (Article 4(18)).

Carriage and use of vibration health monitoring systems

3. All helicopters with a maximum approved passenger seating configuration of more than nine operating in a hostile environment for the purpose of public transport must carry a vibration health monitoring system. The equipment must be operated in accordance with procedures approved by the CAA. (Article 5).

Balloon flying displays

4. Flying displays in which the only participating aircraft are balloons do not need a flying display permission. (Article 6).

Introduction of 8.33kHz channel spacing

5. From 15th March 2007, an aircraft flying above flight level 195 in the United Kingdom must carry radio communications equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified by the CAA for that purpose. (Article 7).

Other changes

6.—(1) An aircraft which is certificated for use under the Visual Flight Rules is not thereby prohibited from flying in accordance with the visual reference provisions of the Rules of the Air. (Article 8(1)).

(2) JAR-FCL 1 is defined as the version including Amendment 5 adopted by the JAA on 1st March 2006. (Article 8(2)).

(3) JAR-OPS 1 and 3 are defined respectively as the version including Amendment 10 adopted by the JAA on 1st March 2006 and the version including Amendment 3 adopted by the JAA on 1st April 2004. (Article 8(3)).

(a) The additional requirement for helicopters, namely the requirement to carry Scale G(2) equipment, is included in article 3(3) for clarity and convenience since this requirement is contained in the part of Schedule 4 to the Air Navigation Order 2005 which article 3(3) substitutes in order to make changes in relation to flight visibility.

New offences

7. New offences are created for breaches of Articles 52A, 54A and 62A. (Articles 4(19) and 5(6)).

Regulatory Impact Assessments

8. Save in the case of the changes relating to Balloon Flying Displays referred to in paragraph 4 above and the other changes referred to in paragraph 6 above, a Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department's website which is at www.dft.gov.uk.

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