
STATUTORY INSTRUMENTS

2009 No. 3015

The Air Navigation Order 2009

PART 22

Aircraft in Flight

Rules of the Air

160.—(1) The Secretary of State may make regulations (in this article called the ‘Rules of the Air’) prescribing—

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes; and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to paragraphs (3) and (4), it is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

(4) It is lawful for the Rules of the Air to be departed from by an aircraft of which the commander is acting as such in the course of the commander’s duty as a member of any of Her Majesty’s naval, military or air forces.

(5) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given within 10 days of the departure to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.

(6) Nothing in the Rules of the Air exonerates any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

161.—(1) If the Secretary of State decides it is necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest,

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances are—

- (a) aircraft, whether or not they are registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (b) aircraft which are registered in the United Kingdom, in any other airspace, being airspace for which the United Kingdom has, under international arrangements, undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.

(5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any reason referred to in paragraph (1)(c) the commander must, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft must not begin to descend while over such an area.

(6) The commander of an aircraft flying either within an area for which regulations have been made for any reason referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Flying displays

162.—(1) Subject to paragraphs (15), (16) and (18), no person may act as the organiser of a flying display (in this article referred to as ‘the flying display director’) without first obtaining the permission of the CAA for that flying display.

(2) Subject to paragraphs (16) and (18), the commander of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that—

- (a) the flying display director has been granted an appropriate permission under paragraph (6);
- (b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and
- (c) the pilot has been granted an appropriate pilot display authorisation.

(3) Subject to paragraphs (16) and (18), the commander of an aircraft who is participating in a flying display for which a permission has been granted must comply with any conditions subject to which that permission may have been granted.

(4) Subject to paragraphs (16) and (18), a person acting as pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.

(5) Subject to paragraphs (16) and (18), the flying display director must not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(6) The CAA must grant a permission required by paragraph (1) if it is satisfied that the applicant is fit and competent to safely organise the proposed flying display, having regard in particular to the applicant's—

- (a) previous conduct and experience; and
- (b) organisation, staffing and other arrangements.

(7) The CAA may grant such a permission subject to such conditions, which may include conditions concerning military aircraft, as the CAA thinks fit.

(8) The CAA must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display if it is satisfied that the applicant is—

- (a) a fit person to hold the authorisation; and
- (b) is qualified by having the knowledge, experience, competence, skill, physical and mental fitness to fly in accordance with the authorisation.

(9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.

(10) The CAA may authorise a person to conduct such examinations or tests for the purposes of this article as it may specify.

(11) Subject to article 228, a pilot display authorisation granted in accordance with this article remains in force for the period indicated in the authorisation.

(12) Subject to paragraph (13), for the purposes of this article, an appropriate pilot display authorisation means an authorisation which is valid and appropriate to the intended flight and which has been—

- (a) granted by the CAA under paragraph (8); or
- (b) granted by the competent authority of a JAA Full Member State.

(13) A pilot display authorisation granted by the competent authority of a JAA Full Member State is not an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.

(14) A direction may be issued under paragraph (13) either for a particular authorisation, a specified category of authorisations or generally.

(15) Paragraph (1) does not apply to—

- (a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or
- (b) a flying display at which the only participating aircraft are military aircraft.

(16) Paragraphs (1), (2), (3), (4) and (5) do not apply to a flying display at which the only participating aircraft are balloons.

(17) Subject to paragraph (18), the flying display director must not permit any military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which the permission for the flying display may have been granted.

(18) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot whether or not such race or contest is held in association with a flying display.

Balloons

163.—(1) This article applies to or in relation to balloons within the United Kingdom.

(2) A balloon in captive or tethered flight must not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Except with the permission of the CAA—

- (a) a balloon in captive flight must not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome; and
- (b) a balloon in captive or tethered flight must not be flown at a height measured to the top of the balloon of more than 60 metres above ground level.

(4) Except with the permission of the CAA, an uncontrollable balloon in captive or released flight must not be flown in airspace notified for the purposes of this paragraph.

(5) Except during the day and in Visual Meteorological Conditions, a controllable balloon must not be flown in free controlled flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

(6) Except with the permission of the appropriate air traffic control unit, a controllable balloon must not be flown in tethered flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome.

(7) When in captive flight, a balloon must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(8) A person must not cause or permit—

- (a) a group of small balloons of more than 1000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA at least 28 days previous notice in writing of the release;
- (b) a group of small balloons of more than 2000 but not more than 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome, except with the permission of the CAA; and
- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.

(9) In this article—

- (a) ‘day’ means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level; and
- (b) ‘simultaneously released at a single site’ means the release of a specified number of balloons during a period of not more than 15 minutes from within an area not more than 1 km square.

Glinters, kites and parascending parachutes

164.—(1) This article applies to gliders, kites and parascending parachutes within the United Kingdom.

(2) Except with the permission of the CAA—

- (a) a glider or parascending parachute must not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
- (b) a kite must not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (c) a kite must not be flown at a height of more than 60 metres above ground level; and
- (d) a parascending parachute must not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

Airships

165.—(1) This article applies to airships within the United Kingdom.

(2) An airship with a capacity of more than 3000 cubic metres must not be moored other than on a notified aerodrome except with the permission of the CAA.

(3) An airship with a capacity of 3000 cubic metres or less must not be moored within 2km of a congested area or within the aerodrome traffic zone of a notified aerodrome unless—

- (a) it is moored on a notified aerodrome; or
- (b) it has the permission of the CAA.

(4) An airship when moored in the open must be securely moored and must not be left unattended.

Small unmanned aircraft

166.—(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
- (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Small unmanned surveillance aircraft

167.—(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are—

- (a) over or within 150 metres of any congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
- (d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article ‘a small unmanned surveillance aircraft’ means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Rockets

168.—(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article does not apply to—

- (a) an activity to which the Outer Space Act 1986(1) applies; or
- (b) a military rocket.

(3) No person may launch a small rocket unless the conditions in paragraph (4), and any of the conditions in paragraphs (5), (6) and (7) which are applicable, are satisfied.

(4) The person launching the rocket is satisfied on reasonable grounds that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight remain, clear of any obstructions including any aircraft in flight.

(5) The person launching the rocket on a flight within controlled airspace has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace.

(6) The person launching the rocket on a flight within an aerodrome traffic zone of an aerodrome during its notified operating hours—

- (a) has obtained the permission of the air traffic control unit at the aerodrome; or
- (b) if there is no air traffic control unit, has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or
- (c) if there is no air traffic control unit and no aerodrome flight information service unit, has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely.

(7) A flight for aerial work purposes must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

(8) A flight by a large rocket must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

(1) 1986 c.38.

