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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (“the 2015 Regulations”) introduce the Rules of the Air 2015 (“the 2015 Rules”) and revoke the Rules of the Air Regulations 2007 (S.I. 2007/734) (“the 2007 Regulations”) and the instruments that amend the 2007 Regulations.

The 2015 Regulations are made in consequence of the coming into force in the United Kingdom of Commission Implementing Regulation (EU) No. 923/2012 of the European Parliament and of the Council of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (O.J. No.L281 of 13.10.2012, p.1) (“the SERA Regulation”).

The 2015 Rules supplement Annex 1 (“SERA”) of the SERA Regulation and should be read in conjunction with SERA. This is permitted by article 8 of the SERA Regulation which enables Member States to retain additional rules of the air providing they are consistent with a standard of the International Civil Aviation Organisation and do not constitute a difference under the Convention on International Civil Aviation and its Annexes signed on behalf of the Government of the United Kingdom on the 7th December 1944 at the International Civil Aviation Conference in Chicago.

Copies of the Convention and its Annexes may be purchased from the International Civil Aviation Organisation at this website: <http://store1.icao.int/> or from Airplan Flight Equipment Limited, 1a Ringway Trading Estate, Shadowmoss Road, Manchester M22 5LH; telephone 0161 499 0023; e-mail [enquiries@afeonline.com](mailto:enquiries@afeonline.com); <http://www.afeonline.com>.

Copies of the United Kingdom Aeronautical Information Publication can be obtained from the UK Aeronautical Information Service, NATS Limited, 1<sup>st</sup> Floor, North Wing, Heathrow House, Bath Road, Hounslow, Middlesex TW5 9AT or viewed online at: [http://www.nats-uk.ead-it.com/public/index.php?option=com\\_content&task=blogcategory&id=1&Itemid=2.html](http://www.nats-uk.ead-it.com/public/index.php?option=com_content&task=blogcategory&id=1&Itemid=2.html).

The 2015 Rules, which follow the arrangement of SERA, therefore specify provisions from the 2007 Regulations which are not included in the SERA Regulation.

The 2015 Rules apply to all aircraft within the United Kingdom (other than military aircraft, as defined in article 255(1) of the Air Navigation Order 2009) and to all UK registered aircraft wherever they may be unless it is necessary for the pilot to depart from the Rules in order to avoid immediate danger, to comply with the law of any country over which the aircraft is being flown or to comply with Military Flying Regulations or Flying Orders to Contractors issued by the Secretary of State. (See articles 160(3) and 247(1)(a) of the Air Navigation Order 2009. Article 160(3) was amended by the Air Navigation (Amendment) (No. 4) Order 2014).

Section 3 of the 2015 Rules sets out requirements for collision avoidance and protection of persons and property. It also specifies supplementary markings for runways and taxiways.

Section 4 of the 2015 Rules sets out requirements for lights and signals to be displayed by aircraft, in relation to helicopters on an offshore or renewable energy installation, the failure of anti-collision or navigation lights and airships flying by day. These supplement SERA.3215.

Section 5 of the 2015 Rules sets out prohibitions for the misuse of signals and markings at an aerodrome and prescribes requirements for aerodrome markings which are additional to those prescribed in appendix 1 to SERA.

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

*Section 6* of the 2015 Rules sets out requirements relating to visual flight and instrument flight rules. These supplement section 5 of SERA and SERA.6001.

*Rule 22* requires aircraft to be flown in accordance with the requirements for flight in airspace that have been notified in accordance with the airspace classification and flight rules specified in SERA.6001 and appendix 4 of SERA. Airspace is classified and notified in the United Kingdom by the Civil Aviation Authority in the Aeronautical Information Publication.

*Rule 23* requires aircraft to be flown in accordance with the instrument flight rules when flying in Class C airspace in visual meteorological conditions above flight level 195 or along a Class C ATS route at any level. This is a requirement under article 3 of [Commission Regulation \(EC\) No 730/2006](#) (O.J. L. 128 of 16.05.2006, p.3) and which is subject to article 4 of that Regulation.

*Rule 25* prohibits aircraft not equipped with radio equipment from flying in class B, C, D or E airspace unless it has been authorised by the appropriate air traffic control unit and subject to further conditions specified in that rule.

It is an offence under articles 160(2) and 241(6) of, and Part B of Schedule 13 to, the Air Navigation Order 2009 to contravene any of the 2015 Rules. The offences are punishable on summary conviction by a fine not exceeding level 4 on the standard scale. Part B of Schedule 13 to the Air Navigation Order 2009 was amended by the Air Navigation (Amendment) (No. 4) Order 2014.

Regulation 3 requires the Secretary of State to review the operation and effect of the 2015 Rules and to publish a report by the fifth anniversary of their coming into force, setting out the conclusions of the review, and every five years thereafter. Following a review it will fall to the Secretary of State to consider whether the 2015 Rules should remain as they are or whether they should be amended or revoked. A further instrument would be needed to amend or revoke the 2015 Rules.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available and is published with the Explanatory Memorandum alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).