# CIVIL AVIATION

## AIR NAVIGATION

## The Air Navigation (Amendment) Order, 1951

## 1951 No. 319

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| *Made* - - - - | *27th February*, 1951 |
| *Laid before Parliament* | *27th February*, 1951 |
| *Coming into Operation* | *1st April*, 1951 |

At the Court at Buckingham Palace, the 27th day of February, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas in pursuance of the powers conferred upon Him by section one of the Air Navigation Act, 1947(a), and of all other powers enabling Him in that behalf, His Majesty in Council was pleased to make the Air Navigation Order, 1949(b), (hereinafter referred to as " the principal Order "):

And Whereas the principal Order now has effect as if made under the Civil Aviation Act, 1949(c):

And Whereas the principal Order has been amended by the Air Navigation (Amendment) Order, 1950(d):

And Whereas it is expedient that the principal Order should be further amended in manner hereinafter appearing:

Now, therefore, His Majesty in pursuance of the powers conferred upon Him by the Civil Aviation Act, 1949, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

**1.** The principal Order shall be amended in accordance with the following provisions:—

(1) In paragraph (3) of Article 11—

(*a*) in sub-paragraph (*a*) after the words " flight manual " there shall be inserted the words " or performance schedule relating thereto " and the words " with the certificate " shall be omitted:

(*b*) in sub-paragraphs (*b*), (*c*), (*d*) and (*e*) after the words " flight manual " there shall be inserted the words " or performance schedule ":

(*c*) in sub-paragraph (*e*) for the words " with which it is issued " there shall be substituted the words " to which it relates ".

(a) 10 & 11 Geo. 6. c. 18.
(b) S.I. 1949 (No. 349) I, p. 165:
(c) 12, 13 & 14 Geo. 6. c. 67.
(d) S.I. 1950 (No. 563) I, p. 302.

(2) In paragraph (3) of Article 13 the existing provision shall form the subject of a sub-paragraph lettered "(*a*)" and there shall be added the following sub-paragraph:—

"(*b*) For the purpose of satisfying himself that requirements prescribed pursuant to sub-paragraph (*a*) of this paragraph are complied with the Minister may, if he thinks fit, as regards all or any of such requirements accept reports or certificates furnished to him by any person or firm whom he may approve as qualified to furnish such reports or certificates, for which purpose the organisation or the organisations, if more than one, of any person or firm desiring to furnish such reports or certificates shall be subject to such inspection as the Minister may initially and thereafter from time to time require to be made in order that he may be satisfied that such person or firm is so qualified."

(3) In sub-paragraph (vii) of paragraph (2) of Article 16 after the word "aerodrome" in both places where that word occurs there shall be inserted the words "or other place" and before the word "destination" there shall be inserted the word "intended".

(4) In paragraph (10) of Article 17 before the word "landing" where that word first occurs there shall be inserted the word "intended".

(5) In sub-paragraph (*b*) (iii) of paragraph (4) of Article 20 the words "or as second pilot" shall be omitted and before the word "paragraph" there shall be inserted the words and letter "sub-paragraph (*a*) of".

(6) For sub-paragraph (*d*) of paragraph (2) of Article 23 there shall be substituted the following sub-paragraph:—

"(*d*) for the purpose of being satisfied that an applicant is qualified in accordance with the prescribed requirements to have a rating included in his licence or to have a rating extended or renewed, as the case may be, the Minister may accept a certificate that the applicant is so qualified furnished by any person or persons approved by the Minister as qualified to give such a certificate;"

(7) For sub-paragraph (*d*) of paragraph (3) of Article 24 there shall be substituted the following sub-paragraph:—

"(*d*) the log book, except the telecommunication log book, shall be preserved for a period of two years from the date of the last entry therein: the telecommunication log book shall be preserved for a period of at least six months from the date of the last entry therein and, in a case where that log book is required in connection with any enquiry or proceedings, for such longer period as may be required for the purposes thereof."

(8) In paragraph (2) of Article 31—

(*a*) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph:—

"(*a*) (i) An aircraft registered in the United Kingdom shall be equipped with radio apparatus when engaged in any flight in the circumstances of which it is required to be so equipped in accordance with such requirements as may be prescribed;

(ii) radio apparatus in any aircraft registered in the United Kingdom (whether required as aforesaid to be equipped therewith or not) shall be of such type, have been manufactured in conformity with such conditions as to construction, testing and inspection, and be of such operative capacity as may be prescribed and shall be installed in the aircraft in the prescribed manner:

Provided that the approval in writing of the Minister shall be required as to the type and manufacture of such radio apparatus and its installation;

(iii) requirements may be prescribed as to the maintenance, overhaul, repair, modification and inspection of radio apparatus in aircraft of any prescribed class or description;"

(*b*) in sub-paragraph (*c*) after the letter "(*a*)" there shall be inserted the figure "(i)":

(*c*) at the end of proviso (i) there shall be added the word "and":

(*d*) at the end of proviso (ii) the word "and" shall be omitted:

(*e*) proviso (iii) shall be omitted.

(9) In paragraph (1) of Article 71 in the definition of "Certificate of airworthiness" after the words "flight manual" there shall be inserted the words "or performance schedule relating to" and the word "issued" where that word first occurs shall be omitted.

(10) In Schedule II the amendments specified in the First Schedule to this Order shall be made.

(11) In Schedule IV the amendments specified in the Second Schedule to this Order shall be made.

**2.**—(1) This Order may be cited as the Air Navigation (Amendment) Order, 1951.

(2) This Order shall come into operation on the 1st day of April, 1951.

*E. C. E. Leadbitter.*

## FIRST SCHEDULE

*Amendments in Schedule II to the principal Order*

1. After Rule 6 there shall be inserted the following Rule:—

"6A. The Minister may designate and cause to be notified such control areas, control zones and flight information regions within the United Kingdom as he may consider necessary."

2. At the end of paragraph (2) of Rule 8 there shall be added the following words:—

"The person in command of an aircraft may elect to fly in accordance with Instrument Flight Rules in a control area or a control zone when V.F.R. weather conditions prevail in the area or zone. If he does so elect, he shall not change to flight in accordance with Visual Flight Rules unless he notifies Air Traffic Control that he desires to cancel his I.F.R. flight plan."

3. In Rule 9—

(*a*) in paragraph (2)—

(i) after the words "pursuant to" there shall be inserted the words, letter and figure "sub-paragraph (*c*) of paragraph (1) of":

(ii) for the word "cases" there shall be substituted the word "districts":

(iii) for the words "a district in which restrictions on the flying of aircraft are imposed" in both places where those words occur there shall be substituted the words "such a district":

(*b*) in paragraph (3) for the words "a district in which restrictions on the flying of aircraft are imposed" there shall be substituted the words "such a district as is referred to in paragraph (2) of this Rule".

4. In paragraph (4) of Rule 13 there shall be inserted at the end thereof the following proviso:—

"Provided that, within the United Kingdom, the requirement in this paragraph that an overtaking aircraft shall keep out of the way of the other aircraft by altering its course to the right shall not apply to a glider overtaking another glider if the person in command of the overtaking glider is satisfied that, having regard to all the circumstances, hazard would be caused by altering his course to the right."

5. For paragraph (3) of Rule 16 there shall be substituted the following paragraph:—

"(3) Nothing in this Rule shall be taken to prevent the person in command of an aircraft or any person authorised by him from—

(*a*) dropping ballast in the form of fine sand or water;

(*b*) dropping, in accordance with Rule 61, ropes used for towing aircraft;

(*c*) jettisoning fuel in a case of emergency;

(*d*) using apparatus for the purpose of navigating the aircraft when the approval of the Minister to the type of apparatus and method of use has previously been given; or

(*e*) dropping or projecting material for the purpose of dusting or spraying crops in accordance with an express authorisation for that purpose included in the terms of the certificate of airworthiness or the validation of such a certificate in force in respect of the aircraft."

6. After Rule 18 there shall be inserted, with headings as hereunder shown, the following Rules:—

"*Flying Instruction.*

18A. Any person who within the United Kingdom gives to another person instruction in flying (including directions to that person when flying or about to fly as pilot in charge of an aircraft) shall take care that the instruction which he gives is such as to ensure as far as possible that an aircraft flown by the person receiving the instruction is flown in accordance with these Rules.

*Simulated Instrument Flights and Practice Instrument Approaches.*

18B.—(1) Within the United Kingdom an aircraft shall not be flown in simulated instrument flight conditions unless—

(*a*) the aircraft is equipped with dual controls which are functioning satisfactorily; and

(*b*) a qualified pilot (being the holder of the appropriate pilot's licence and rating) is carried in the second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the person in command thereof: if the field of vision of such pilot is not adequate both forward and to each side of the aircraft, a competent observer shall be carried and shall occupy a position in the aircraft from which his field of vision adequately supplements that of the said pilot and from which he can readily communicate with the said pilot.

For the purposes of this Rule the expression "simulated instrument flight" means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

(2) Within the United Kingdom an aircraft shall not carry out instrument approach practice when flying in V.F.R. weather conditions unless—

(*a*) the flight has been notified to the appropriate Air Traffic Control; and

(*b*) if the flight is being carried out in simulated instrument flight conditions, the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (1) of this Rule are complied with; or

(*c*) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the person in command thereof.

*Avoidance of collision.*

18c. When flying in V.F.R. weather conditions it is the direct responsibility of the person in command of an aircraft to avoid collision with other aircraft notwithstanding that the flight is being conducted on an air traffic clearance."

7. For Rule 22 there shall be substituted the following Rule:—

"22.—(1) The person in command of an aircraft entering or leaving the United Kingdom on any flight, other than a flight to which paragraph (2) of this Rule applies, for which a flight plan or a flight notification has been submitted to the appropriate Air Traffic Control pursuant to Rule 29 or Rule 34 shall be responsible for ensuring that a notification of his arrival is submitted immediately upon landing for transmission to that Control.

(2) The person in command of an aircraft making a flight between any two places in the United Kingdom, or from the United Kingdom to the Channel Islands or the Isle of Man, or from the Channel Islands or the Isle of Man to the United Kingdom, for which a flight plan or a flight notification has been submitted to the appropriate Air Traffic Control pursuant to Rule 29 or Rule 34 shall be responsible for ensuring that notification of his arrival is submitted immediately upon landing for transmission to the Control at his aerodrome of departure if—

(*a*) a requirement that such notification of arrival should be made has been notified for the purpose of this paragraph; or

(*b*) he is required to do so by the appropriate Air Traffic Control.

(3) The person in command of an aircraft making a flight of the nature described in paragraph (1) or paragraph (2) of this Rule who, prior to flight, has made or caused to be made either through the appropriate Air Traffic Control or otherwise a notification of his intended arrival to the responsible aviation authority of the aerodrome of his destination, shall, if he changes his destination, or if he makes a landing en route so that arrival at his destination would be appreciably delayed beyond the time notified, make known or cause to be made known to that authority any such alteration by the most rapid means at his disposal."

8. In Rule 24—

(*a*) for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) in the case of a special V.F.R. flight, be flown in accordance with any instructions received from Air Traffic Control, or":

(*b*) in the proviso the words and figures "(i) if so notified, the aircraft at night shall always comply with paragraph (*b*) of this Rule; and (ii)" shall be omitted.

9. Rule 25 shall be omitted.

10. In paragraph (2) of Rule 28—

(*a*) the existing provision shall form the subject of a sub-paragraph lettered "(*a*)" and in that sub-paragraph—

(i) after the words "the United Kingdom" there shall be inserted the words "flying within a control area or a control zone":

(ii) the words "or, in a case where in pursuance of any provision of this Order a second pilot is required as a member of the operating crew of the flying machine, as second pilot" and the words "valid with respect to that flying machine" shall be omitted:

(*b*) After that sub-paragraph there shall be inserted the following sub-paragraph:—

"(*b*) in the case of a flying machine registered outside the United Kingdom flying within a control area or a control zone no person shall as from the first day of June, 1951, act as pilot in charge thereof unless there is included in the pilot's licence which he holds an instrument rating."

11. In Rule 29 the existing provision shall form the subject of a paragraph numbered "(1)" and there shall be added the following paragraph:—

"(2) The person in command of an aircraft flying in a control area or a control zone shall not cancel his I.F.R. flight plan unless he is able, and intends, to continue his flight in uninterrupted V.F.R. weather conditions."

12. For Rule 34 and the heading thereof there shall be substituted the following Rule, with the heading "Notification of Flight":—

"34.—(1) The following provisions of this paragraph shall have effect in relation to public transport aircraft:—

(*a*) Before commencing a flight—

(i) within an air space notified for the purposes of this paragraph (hereinafter in this paragraph referred to as "a notified air space"), or

(ii) which involves a sea crossing beyond a distance of ten miles from the coast line of the United Kingdom, or

(iii) over an area notified as an area in which search and rescue operations would be difficult,

the person in command of an aircraft shall submit or cause to be submitted to the appropriate Air Traffic Control a flight notification containing such of the particulars specified in paragraph (1) of Rule 29 as may be required by that Control.

(*b*) In addition, if the flight is to be made within a notified air space the person in command of the aircraft shall obtain an air traffic clearance, based on the flight notification, from the appropriate Air Traffic Control. The conditions applicable to flights within a control area or a control zone specified in Rule 30 shall apply to such clearance. If an air traffic clearance is not granted, the aircraft shall not fly within a notified air space except in accordance with the Visual Flight Rules in Section IV of these Rules.

(*c*) When a flight notification has been submitted in accordance with sub-paragraph (*a*) of this paragraph the person in command of an aircraft which is able to communicate by radio with an appropriate radio station shall, if he finds it necessary to deviate in respect of any particular from the said flight notification, report by radio the nature of the proposed deviation to the appropriate Air Traffic Control as soon as practicable and, if the flight is being made in accordance with an air traffic clearance, shall obtain an amended air traffic clearance.

(2) The person in command of an aircraft other than a public transport aircraft which is to be flown in any of the circumstances described in sub-paragraph (*a*) of paragraph (1) of this Rule may, if he so desires, submit or cause to be submitted to the appropriate Air Traffic Control a flight notification containing such of the particulars specified in paragraph (1) of Rule 29 as may be required by that Control. If a flight notification is submitted, the person in command of the aircraft shall comply with the requirements specified in sub-paragraphs (*b*) and (*c*) of paragraph (1) of this Rule in so far as they may be appropriate."

13. In paragraph (2) of Rule 37 there shall be inserted at the end thereof the following proviso:—

"Provided that paragraph (3) of Rule 40 and paragraph (3) of Rule 42 shall be applicable only to helicopters."

14. In Rule 40—

(*a*) after paragraph (2) there shall be inserted the following paragraph:—

"(3) When the "H" signal described in paragraph (5) of Rule 46 is displayed at a land aerodrome a helicopter shall land in the area marked by the ground signal described in paragraph (6) of that Rule unless otherwise given permission by Air Traffic Control."

(*b*) the paragraphs numbered "(3)", "(4)", and "(5)" shall be renumbered "(4)", "(5)" and "(6)" respectively.

15. In Rule 42—

(*a*) after paragraph (2) there shall be inserted the following paragraph:—

"(3)" When the "H" signal described in paragraph (5) of Rule 46 is displayed at a land aerodrome a helicopter shall take off from the area marked by the ground signal described in paragraph (6) of that Rule unless otherwise given permission by Air Traffic Control."

(*b*) the paragraphs numbered "(3)" and "(4)" shall be renumbered "(4)" and "(5)" respectively.

16. In paragraph (3) of Rule 43 —

(*a*) sub-paragraph (*b*) shall be omitted:

(*b*) sub-paragraph (*c*) shall be re-lettered "(*b*)":

(*c*) after the sub-paragraph to be re-lettered "(*b*)" there shall be inserted the following sub-paragraph:—

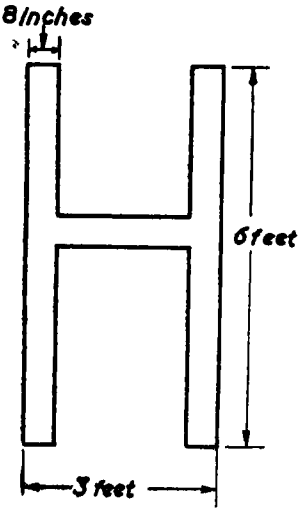
"(*c*) when an aeroplane or a vehicle is overtaking another aeroplane or vehicle, the one which is overtaking shall keep out of the way of the other by altering its course to the left and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from its obligation until it is finally past and clear of the other."

17. In Rule 46—

(*a*) in paragraph (3) in the illustration of the cross diagram the words "Perpendicular to boundary of area marked" and the arrow drawn therefrom shall be omitted:

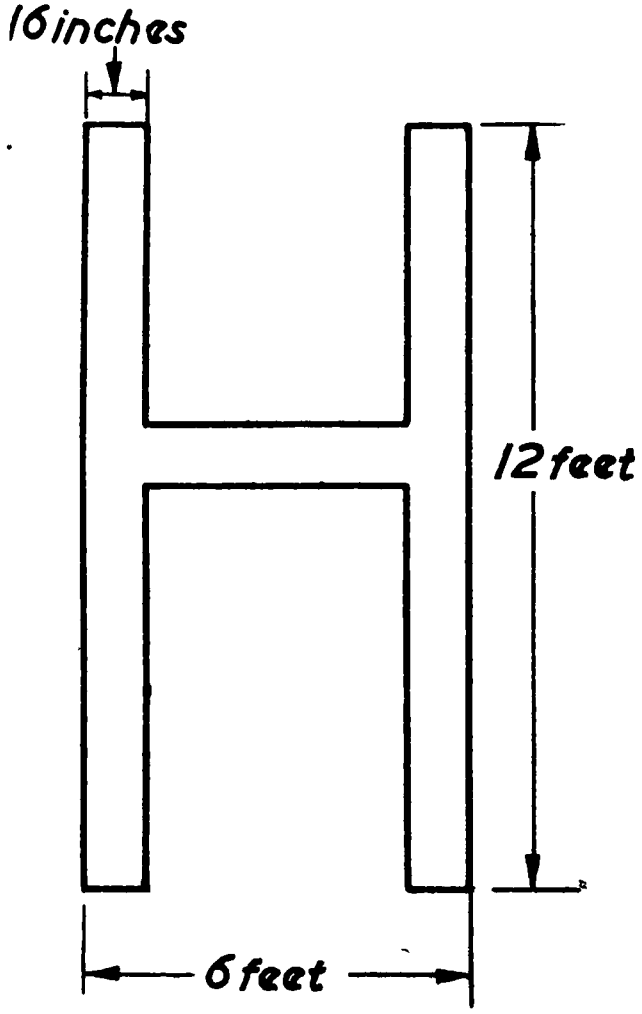
(*b*) after paragraph (4) there shall be inserted the following paragraphs:—

"(5) When helicopters are required to land or take off within an area set aside for their operation at a land aerodrome which is open for use by aeroplanes and helicopters there shall be displayed in the signal area a letter "H" as illustrated below:—



(6) At a land aerodrome which is open for use by aeroplanes and helicopters, when an area is set aside for the take-off and landing of helicopters, the centre of the said area shall be marked by a letter " H " as illustrated below.

If the said area forms part of the landing area for aeroplanes, its boundaries, if not otherwise clearly defined, shall be marked by the boundary markers described in paragraph (3) of this Rule."




(*c*) the paragraph numbered " (5) " shall be re-numbered " (7) ".

18. In the heading of Section IX after the word " Aerodromes " there shall be inserted the words " and other places ".

19. For paragraph (1) of Rule 48 there shall be substituted the following paragraph:—

" (1) (*a*) Whenever aeroplanes are making use of or may be expected to make use of any aerodrome referred to in Rule 45 by night the Rules in this Section shall be complied with;

(*b*) Whenever aeroplanes carrying passengers for hire or reward are making use of or may be expected to make use of any aerodrome or place other than an aerodrome referred to in Rule 45 by night the Rules in this Section, excepting Rule 56, shall be complied with;

(*c*) Whenever aeroplanes not carrying passengers for hire or reward are making use of or may be expected to make use of any aerodrome or place other than an aerodrome referred to in Rule 45 by night lights shall be provided which shall be adequate for the purposes of such use;

except in so far as exemption from any of the foregoing requirements may be notified in respect of any such aerodrome or place:

Provided that at a water aerodrome the Rules in this Section shall apply only in so far as compliance therewith is practicable in the circumstances."

## SECOND SCHEDULE

*Amendments in Schedule IV to the principal Order*

1. In sub-paragraph (*b*) of paragraph 5 before the word "when" there shall be inserted the words "Subject as provided below" and at the end of the sub-paragraph there shall be inserted the following proviso:—

"Provided that in respect of an aircraft which is classified in accordance with the scheme of classification specified in Regulation 10 in the Air Navigation (General) Regulations, 1949(a), only in sub-division (*d*) of the normal, semi-aerobatic, or aerobatic category and the maximum total weight authorised for which, as shown in the certificate of airworthiness, exceeds 2,000 lb. but does not exceed 3,500 lb. the fee chargeable shall be £5 0s. 0d. If, however, such an aircraft is subsequently classified in a sub-division or sub-divisions other than or in addition to sub-division (*d*), a further fee shall, on such classification, be chargeable amounting to £3 0s. 0d. in respect of each 500 lb. or part thereof by which the said weight of the aircraft exceeds 2,000 lb."

2. In paragraph 8 after the words and figures "paragraph (2) of Article 11" there shall be inserted the words, letter and figures "or sub-paragraph (*b*) of paragraph (3) of Article 13".

3. Paragraph 22 shall be omitted.

4. In paragraph 24 after the word "destroyed" there shall be inserted the words "except in the case of a flight manual, where a fee equivalent to the amount of the cost of preparing the copy or document in replacement shall be chargeable subject to a maximum charge of £5 5s. 0d.".

5. In paragraph 26 after the letter "(*a*)" there shall be inserted the figure "(ii)".

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## EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

This Order, made under Section 8 of the Civil Aviation Act, 1949, amends the Air Navigation Order, 1949, as amended by the Air Navigation (Amendment) Order, 1950. The amendments relate to a number of matters, including aircraft performance, the grant of instructors' ratings, the approval of radio apparatus, the rules of the air and air traffic control. Provision is also made for a reduced fee for the renewal of airworthiness certificates of the smaller types of private aircraft.

(a) S.I. 1949 (No. 374) I, p. 264 as amended by S.I. 1950 (No. 569) I, p. 313.