STATUTORY INSTRUMENTS

1982 No. 161

CIVIL AVIATION

The Air Navigation (Amendment) Order 1982

Made - - - - -	10*th February* 1982
Laid before Parliament	18*th February* 1982
Coming into Operation	
for the purpose of Article 2(3)	11*th September* 1982
for the purpose of Article 2(18)(*c*)(iii)	11*th May* 1982
for the purpose of Article 2(18)(*c*)(iv)	1*st January* 1983
for all other purposes	11*th March* 1982

At the Court at Buckingham Palace, the 10th day of February 1982

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 8 and 57 of the Civil Aviation Act 1949 (**a**) and of 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 (Amendment) Order 1982 and shall come into operation for the purpose of Article 2(3) on 11th September 1982, for the purpose of Article 2(18)(c)(iii) on 11th May 1982, and for the purpose of Article 2(18)(c)(iv) on 1st January 1983 and for all other purposes on 11th March 1982.

Amendment of the Air Navigation Order 1980

2. The Air Navigation Order 1980 (**b**) shall be amended as follows:

(1) In the "ARRANGEMENT OF ORDER" at the beginning of the Order:

(a) for the heading to Article 36 there shall be substituted "Use of flight recording systems and preservation of records." and this heading shall be substituted in the Order;

(b) for the heading to Article 78 there shall be substituted "Customs and Excise airports.";

(2) Article 2(2) is hereby revoked;

(**a**) 1949 c.67.
(**b**) S.I. 1980/1965.

(3) In Article 18 for paragraph (3) there shall be substituted the following paragraph:

"(3) For the purposes of this Article, a licence granted under the law of a Contracting State other than the United Kingdom or under the law of a relevant overseas territory purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Authority in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder—

(a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or

(b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.";

(4) For Article 21 there shall be substituted the following Article:

"21.—(1) Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded.

(a) the name and address of the holder of the log book;

(b) particulars of the holder's licence (if any) to act as member of the flight crew of an aircraft;

(c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including—

(a) the date, the places at which the holder embarked on and disembarked from the aircraft and the times during the course of a flight when he was acting in either capacity;

(b) the type and registration mark of the aircraft;

(c) the capacity in which the holder acted in flight;

(d) particulars of any special conditions under which the flight was conducted including night-flying and instrument flying;

(e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this Article, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including—

(a) the date of the test or examination;

(b) the type of simulator;

(c) the capacity in which the holder acted;

(d) the nature of the test or examination.";

(5) In Article 25(3)*(b)* for "Operator" there shall be substituted "operator";

(6) In Article 27(5) for the full stop between the words "in the aircraft" and "Provided" there shall be substituted a colon;

(7) In Article 30(1) after the words "for the purpose of ensuring the safety" there shall be added "of the aircraft or the safety";

(8) In Article 33, for the word "*tranport*" in the heading, there shall be substituted "*transport*";

(9) In Article 37(3) for sub-paragraph *(a)* there shall be substituted the following sub-paragraph:

"*(a)* that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;";

(10) In Article 40, for the word "*Certificate*" in the heading, there shall be substituted "*Certificates*";

(11) In Article 51 after paragraph (2) there shall be added the following paragraph:

"(3) For the purposes of this Part of the Order, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.";

(12) In Article 57(2):

(a) from sub-paragraph *(d)* the words "and J" shall be deleted;

(b) in sub-paragraph *(g)* after the word "flight" there shall be inserted the word "data";

(13) In Article 62:

(a) in paragraph (7) in sub-paragraph *(b)* after the word "require" there shall be inserted "and such examinations and tests may be conducted by the Authority or by a person approved by the Authority.";

(b) after paragraph (7) there shall be added the following sub-paragraph:

"(7A) Every applicant for and holder of an aerodrome flight information service officer's licence shall, upon such occasions as the Authority may require, subject himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Authority may require and such examinations and tests may be conducted by the Authority or by a person approved by the Authority.";

(14) In Article 70:

(a) in paragraph (1)*(a)* for the word "maintanence" there shall be substituted "maintenance";

(b) in paragraph (5) the following words shall be deleted:
"—*(a)* during the times notified pursuant to paragraph (4)*(b)* of this Article in relation to any aircraft; *(b)*";

(15) In Article 93, in paragraph (1):

(a) for the definition of "Aerodrome traffic zone" there shall be substituted the following new definition—
""Aerodrome traffic zone" means—
(a) in relation to an aerodrome other than one which is on an offshore installation the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome and within the distance of $1\frac{1}{2}$ nautical miles of its boundary;
(b) in relation to an aerodrome which is on an offshore installation the airspace extending from mean sea level to 2,000 feet above mean sea level and within $1\frac{1}{2}$ nautical miles of the offshore installation
except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;";

(b) after the definition of "Flight level" there shall be inserted the following new definition—
""Flight recording system" means a system comprising either a flight data recorder or a cockpit voice recorder or both;";

(16) In Schedule 1, in Column 4 of the Table in Part A the word "Rotorcraft" shall be aligned to the left of and between the words "Helicopter" and "Gyroplane" which shall be bracketed together;

(17) In Schedule 4:

(a) in the heading for the word "PpRIVILEGES" there shall be substituted "PRIVILEGES";

(b) from sub-paragraph *(a)* of the paragraph with the heading *Aircraft Maintenance Engineers—Category A (Aircraft)* there shall be deleted the following words "of release";

(c) in the paragraph with the heading *"Aircraft Maintenance Engineers—Category B (Aircraft)* after the word "aircraft" the bracket shall be reversed;

(18) In Schedule 5:

(a) in paragraph 3(iv) there shall be substituted after the word "Scales" the following "G, H, J and Z.";

(b) in paragraph 4, for sub-paragraphs (2)*(b)*(xiii) and (9)*(b)*(xii), in the column "Circumstances of Flight" of the Table the following words shall be substituted "when flying over substantially uninhabited land or other areas where, in the event of any emergency landing, polar conditions are likely to be met";

(c) in paragraph 5:
(i) in sub-paragraph (iii)*(a)* of Scale A, after the words "Scale B(iii)" there shall be added "*(a)*";

(ii) in sub-paragraph (iii)*(b)* of Scale A at the beginning there shall be inserted the following words "Subject to Scale B (iii)*(b)* for";

(iii) in sub-paragraph (iii) of Scale B, after (iii) there shall be added "*(a)*" and at the end thereof the following new sub-paragraph:

"*(b)* On all flights for the public transport of passengers by aeroplanes, for each seat for use by cabin attendants who are required to be carried under this Order, a safety harness:

Provided that the provisions of this sub-paragraph shall not apply before 11th March 1984 to aeroplanes in respect of which a Certificate of Airworthiness was issued before 1st January 1981.";

(iv) in Scale P, for "27,000" there shall be substituted "11,400";

(v) in the penultimate paragraph of Scale S between the words "flight" and "recorder" there shall be added the word "data";

(vi) in sub-paragraph (i) of Scale Z after the word "compartments" there shall be added "sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems";

(19) In Schedule 6, in paragraph 2:

(a) in sub-paragraph (1)*(a)* there shall be added to the column headed "E", "E*";

(b) sub-paragraph (1)*(b)* shall be deleted;

(20) In Schedule 9 Part A in paragraph 1:

(a) for paragraph *(c)* of the proviso to the privileges of the Private Pilot's Licence (Aeroplanes) there shall be substituted the following paragraph—

"*(c)* he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane—

(i) on a flight outside controlled airspace—

(aa) when the flight visibility is less than $1\frac{1}{2}$ nautical miles; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a flight visibility of less than 3 nautical miles;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;

(iii) out of sight of the surface,";

(b) for paragraph (1) of the privileges of the Commercial Pilot's Licence (Aeroplanes) there shall be substituted the following paragraph—

"(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot in command of an aeroplane—

(a) on a special VFR flight notwithstanding that the flight visibility is less than $1\frac{1}{2}$ nautical miles;

(b) when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than 1 nautical mile; and";

(21) In Schedule 9 Part B in paragraph 1 there shall be substituted for the paragraph relating to the instrument meteorological conditions rating (aeroplanes) the following paragraph:

"*Instrument Meteorological Conditions Rating (Aeroplanes)* shall entitle the holder of a private pilot's licence (aeroplanes) to fly as pilot in command of an aeroplane without being subject to the restrictions contained in proviso *(c)* to the privileges of such a licence set out in Part A of this Schedule provided that he shall not fly—

(a) on a special VFR flight in a control zone in a flight visibility of less than $1\frac{1}{2}$ nautical miles;

(b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1 nautical mile.".

N. E. Leigh,
Clerk of the Privy Council

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1980.

In addition to some minor and drafting amendments, the following changes are made:

(1) From 11th September 1982, the holder of a pilot's licence issued by a State other than the United Kingdom or by a relevant overseas territory will no longer be entitled either to act by virtue of the privileges of that licence as pilot of an aircraft registered in the United Kingdom and flying in United Kingdom controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying in an aircraft registered in the United Kingdom. (Article 2(3)).

(2) The holder of a personal flying log book is now required to record particulars of a flight at the end of a flight or as soon as practicable thereafter and the particulars to be recorded now include the date and places of embarkation on and disembarkation from an aircraft and the times during which he acted either as a member of the flight crew thereof or for the purpose of qualifying for the grant or renewal of a licence. (Article 2(4)).

(3) For the purposes of the holder of a personal flying log book recording particulars therein and for the purposes of recording the flight times during which a person acted as a member of the flight crew of a helicopter, a helicopter is now deemed to be in flight from the moment it first moves under its own power for the purpose of taking off until the rotors are next stopped. (Article 2(4) and (11)).

(4) The commander of an aircraft about to tow a glider is now additionally required to satisfy himself before the towing aircraft takes off that it is capable of reaching and maintaining a safe height at which to separate the towing aircraft and glider. (Article 2(9)).

(5) For the avoidance of doubt it is expressly provided that the Authority may approve persons to conduct examinations and tests on applicants for and the holders of an air traffic controller's licence, a student air traffic controller's licence or an aerodrome flight information officer's licence.

The Authority may now require an applicant for or holder of an aerodrome flight information service officer's licence to subject himself to examinations and tests and to furnish evidence as to his knowledge, experience, competence and skill. (Article 2(13)).

(6) Contravention of an aerodrome licence or of a condition of such a licence is now an offence only if the contravention relates to an aircraft engaged on a flight for which it is required to take off or land from a licensed aerodrome. (Article 2(14)).

(7) The definition of "aerodrome traffic zone" in relation to offshore installations now refers to airspace from mean sea level to 2,000 feet above mean sea level. Previously, it referred to airspace extending from the surface to a height of 2,000 feet above the surface of the aerodrome. (Article 2(15)).

(8) There is a new definition of "flight recording system" which comprises flight data recorders and cockpit voice recorders. (Article 2(15)).

(9) Torches carried to provide illumination in the passenger compartment in an emergency are not required to be of an approved type. (Article 2(18)).

(10) On all flights for the purpose of the public transport of passengers on aeroplanes whose Certificate of Airworthiness was first issued on or after 1st January 1981 there shall be a safety harness for each seat for use by cabin attendants and the minimum number of harnesses shall correspond to the minimum number of cabin attendants which the aircraft is required to carry. From 11th March 1984 the requirement will extend to aeroplanes first issued with a Certificate of Airworthiness before 1st January 1981. (Article 2(18)).

(11) All turbine powered aeroplanes having a maximum total weight exceeding 11,400 kg. are required from 1st January 1983 to carry a four channel cockpit voice recorder on all flights. (Article 2(18)).

(12) All aircraft within the United Kingdom when flying under Instrument Flight Rules in controlled airspace are required to be provided with secondary surveillance radar equipment unless the appropriate air traffic control unit otherwise permits in relation to a particular flight and provided the aircraft complies with any instructions given by the air traffic control unit in a particular case. (Article 2(19)).

(13) The holder of a Private Pilot's Licence (Aeroplanes) may not now fly on a flight outside controlled airspace when the flight visibility is less than $1\frac{1}{2}$ nautical miles or out of sight of the surface unless he holds an instrument meteorological conditions rating. (Article 2(20)).

(14) The holder of a Private Pilot's Licence (Aeroplanes) which includes an instrument meteorological conditions (aeroplanes) rating may not fly as pilot in command of an aeroplane when it is taking off or landing at any place if the flight visibility below cloud is less than 1 nautical mile, (Article 2(21)). A consequential amendment has been made to the privileges of a holder of a Commercial Pilot's Licence (Aeroplanes). (Article 2(20)).

SI 1982/161
ISBN 0-11-026161-5

