1966 No. 442

CIVIL AVIATION

The Air Navigation (Eighth Amendment) Order 1966

Made - - - -	*20th April* 1966
Laid before Parliament	*26th April* 1966
Coming into Operation	
(*a*) *for all purposes of Article 3(6)(a) and (b)(ii)*	*1st February* 1967
(*b*) *for all other purposes*	*9th May* 1966

At the Court at Buckingham Palace, the 20th day of April 1966

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8, 57, 59 and 61 of the Civil Aviation Act 1949(**a**) and by section 5 of the Civil Aviation (Eurocontrol) Act 1962(**b**) 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 Operation

1. This Order may be cited as the Air Navigation (Eighth Amendment) Order 1966 and shall come into operation on 1st February 1967 for the purposes of paragraphs (6)(*a*) and (*b*)(ii) of Article 3, and on 9th May 1966 for all other purposes.

Interpretation

2.—(1) In this Order the "principal Order" means the Air Navigation Order 1960(**c**), as amended(**d**).

(2) The Interpretation Act 1889(**e**) applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

Amendment of Air Navigation Order 1960

3. The principal Order shall be further amended as follows:—

(1) In Article 2, the following words shall be inserted in paragraph (2)(*a*) after the words "United Kingdom"—

"and that such registration does not cease by operation of law upon the aircraft being registered in the United Kingdom".

(2) In paragraph (*b*) of the proviso to Article 35, there shall be substituted for the word "designated" the word "designed".

(**a**) 1949 c. 67. (**b**) 1962 c. 8. (**c**) S.I. 1960/972 (1960 I, p. 599).
(**d**) S.I. 1960/2410, 1962/1332, 1963/608, 1488, 1964/55, 1965/126, 1884 (1960 I, p. 680; 1962 II, p. 1423; 1963 I, p. 724; II, p. 2620; 1964 I, p. 80; 1965 I, p. 241; III, p. 5679).
(**e**) 1889 c. 63.

(3) The following Article shall be inserted after Article 55 as Article 55A—

"*Use of Certain Records as evidence*

55A. For the purposes of subsection (1) of section 5 of the Civil Aviation (Eurocontrol) Act 1962 (which makes provision for the use in evidence of certain records and copies of such records made by an authority or person designated by this Order for the purposes of that subsection), the Minister and the Secretary of State for Defence are hereby designated in relation to proceedings under this Order to which the said Section 5 applies."

(4) The following Article shall be inserted after Article 61 as Article 61A—

"*Records at Aerodromes*

61A.—(1) The licensee of every aerodrome licensed under this Order which is provided with means of two-way radio communication with aircraft and either with radar equipment or with very high frequency direction finding apparatus for the purpose of providing holding aid, let-down aid or approach aid, shall provide at the aerodrome apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft (either alone or in common with other aircraft) or received from any aircraft, by the air traffic control unit at the aerodrome.

(2) The apparatus provided in compliance with this Article shall—

(*a*) be of a type approved by the Minister in relation to the aerodrome;

(*b*) be installed in a manner so approved;

(*c*) always be maintained in serviceable condition; and

(*d*) be in use at all times when any navigation services are being provided by the air traffic control unit at the aerodrome to any aircraft flying for the purpose of the public transport of passengers.

(3) The licensee of the aerodrome shall ensure that each record made by the apparatus provided in compliance with this Article includes—

(*a*) the date or dates on which the record was made;

(*b*) a means of identifying the person at the aerodrome by whom the message or signal was transmitted, the aircraft to or from which and the frequency on which the message or signal was transmitted or received, and the time at which each message or signal transmitted from the aerodrome was transmitted;

(*c*) the time (if any) at which the radio station at the aerodrome opened or closed as the case may be within the period covered by each such record.

(4) If at any time the apparatus provided in compliance with this Article ceases to be capable of recording the matters required by this Article to be included in the record, the licensee of the aerodrome shall ensure that those matters are recorded in writing.

(5) The licensee of the aerodrome shall preserve any record made in compliance with this Article for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Minister may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, cause it to be produced to that person.

(6) A person required by this Article to preserve any record by reason of his being the licensee of an aerodrome shall, if he ceases to be the licensee of the aerodrome, continue to preserve the record as if he had not ceased to be licensee, and in the event of his death the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the licensee of the aerodrome he or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were the first mentioned licensee."

(5) In Article 79(1), after the definition of "the Minister", there shall be inserted the following definition—

""Navigation services" has the same meaning as in the Civil Aviation (Eurocontrol) Act 1962;".

(6) In Schedule 5—

(*a*) In the Table in paragraph 4 a column headed "R" shall be inserted after column Q and the letter "R" shall be inserted in that column opposite the following sub-paragraph, which shall be inserted after sub-paragraph (*iii*) of paragraph (2) in the first column of the Table—

"(*iiii*) on all flights if the flying machine is provided with means for maintaining in the flight crew compartment or in the compartments in which any passengers or cargo are carried a pressure greater than that of the surrounding atmosphere";

(*b*) In paragraph 5:—

(i) In paragraph (ii) of Scale I there shall be substituted for the words "the Thirteenth Schedule to the Merchant Shipping (Life-Saving Appliances) Rules, 1958" the words "Schedule 14 to the Merchant Shipping (Life-Saving Appliances) Rules 1965"(a);

(ii) After Scale Q there shall be inserted the following:—

"*Scale R*

(i) Equipment sufficient to protect the eyes, nose and mouth of the pilot in command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes; and

(ii) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and

(iii) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment."

(7) In Schedule 10, in the proviso to Part A, for the word and figures "(ix), (xi) and (xii)" there shall be substituted the word and figures "(ix) and (xi)".

W. G. Agnew.

(a) S.I. 1965/1105 (1965 II, p. 2940).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1960 as previously amended. In addition to some minor and drafting amendments, the following changes are made in the Articles and Schedules mentioned below:—

(1) The Minister is empowered to register an aircraft in the United Kingdom notwithstanding that it is already registered outside the United Kingdom if he is satisfied that the registration outside the United Kingdom will be cancelled by operation of law when the aircraft becomes registered in the United Kingdom. (Article 2(2)).

(2) The Minister of Aviation and the Secretary of State for Defence (who together provide the National Air Traffic Control Services) are designated as persons whose records and copies of whose records of the position of aircraft, and of messages and signals transmitted to and from aircraft may be used as evidence in proceedings for offences involving failure to comply with rules or directions relating to the navigation of aircraft. (Article 55A).

(3) Licensed aerodromes equipped with two-way radio and with radar or V.H.F. direction finding apparatus for the purpose of providing holding aid, let-down aid or approach aid are required to be provided with apparatus capable of recording messages transmitted between the aerodrome and aircraft. (Article 61A).

(4) Parachute distress rocket signals are now required to comply with the Merchant Shipping (Life-Saving Appliances) Rules 1965, which have superseded the former (1958) Rules, with a resulting increase in required luminosity from 10,000 to 15,000 candle power. (Schedule 5, Scale I).

(5) Pressurised aircraft flying for the purpose of public transport will from 1st February 1967, be required to carry smoke protection equipment for the flight crew. (Schedule 5, Scale R).