1964 No. 55

CIVIL AVIATION

The Air Navigation (Fifth Amendment) Order 1964

Made - - - -	*20th January* 1964
Laid before Parliament	*24th January* 1964
Coming into Operation	
(*a*) *for the purposes of Article* 3(4)	*1st June* 1964
(*b*) *for the purposes of Article* 3(7)	*1st August* 1964
(*c*) *for all other purposes*	*1st February* 1964

At the Court at Buckingham Palace, the 20th day of January 1964

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 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 (Fifth Amendment) Order 1964 and shall come into operation on 1st June 1964 for the purposes of Article 3(4), on 1st August 1964 for the purposes of Article 3(7) and on 1st February 1964 for all other purposes.

Interpretation

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

(2) The Interpretation Act 1889(d) 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 amended as follows:—

(1) In Article 28(2)—

in sub-paragraph (*g*)(i) for the words "an altitude of 13,000 feet above mean sea level" there shall be substituted the words "flight level 130";

for sub-paragraph (*g*)(iii) there shall be substituted the following sub-paragraph—

"(iii) during any continuous period exceeding 30 minutes when the aircraft is flying above flight level 100 but not above flight

(a) 12, 13 & 14 Geo. 6. c. 67. (b) S.I. 1960/972 (1960 I, p. 599).
(c) The relevant amendments are S.I. 1962/1332, 1963/608, 1488 (1962 II, p. 1423; 1963 I, p. 724; II, p. 2620). (d) 52 & 53 Vict. c. 63.

level 130, and whenever the aircraft is flying above flight level 130, oxygen is used by all the crew of the aircraft.".

(2) In Article 36—

at the end of the proviso to paragraph (2), the following words shall be added—

"and a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment.".

(3) In Article 79(1)—

after the definition of "Flight crew", there shall be inserted the following definition—

"'Flight level' means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013·2 millibars (29·92 inches of mercury).".

(4) In the Fifth Schedule—

for paragraph 4(2)(*d*) there shall be substituted the following—

"(*d*) When flying over water—

(i) in the case of an aeroplane

(*a*) classified in its certificate of airworthiness as being of performance group A, C or X, or

(*b*) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Minister it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5000 feet in the International Standard Atmosphere specified in or ascertainable by reference to the certificate of airworthiness in force in respect of that aircraft,

when either more than 400 nautical miles or more than 90 minutes flying time* from the nearest aerodrome at which an emergency landing can be made;

(ii) in the case of all other flying machines, when more than 30 minutes flying time* from such an aerodrome".

(5) In the Fifth Schedule—

in the Table in paragraph 4 a column headed "Q" shall be added in which the letter Q shall be inserted opposite the following sub-

* For the purposes of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant Certificate of Airworthiness as the speed for compliance with regulations governing flights over water.

paragraph, which shall be inserted after sub-paragraph (*ii*) of paragraph (2) in the first column of the Table:—

"(*iii*) On all flights for the purpose of the public transport of passengers";

in paragraph 5 for Scale K, there shall be substituted the following—

"Scale K

PART I

(i) In every flying machine which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight in the flight crew compartment and in the compartments in which passengers are carried—

(*a*) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II of this Scale, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table, and

(*b*) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(ii) In any other flying machine—

(*a*) a supply of oxygen sufficient for continuous use by all the crew, and, if passengers are carried, by 10 per cent. of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130; and

(*b*) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(iii) The quantity of oxygen required for the purpose of complying with paragraphs (i) and (ii) of this Part of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Item (vA) of Part A of the Tenth Schedule to this Order.

Column 1 *Vertical displacement of the flying machine in relation to flight levels*	*Column 2* *Capability of flying machine to descend (where relevant)*	*Column 3* *Period of supply of oxygen*	*Column 4* *Persons for whom oxygen is to be provided*
Above flight level 100	—	30 minutes or the period specified at A hereunder whichever is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 300	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder	30 minutes or the period specified at A hereunder whichever is the greater	10 per cent of number of passengers
	Flying machine is flying above flight level 150 and is not so capable	10 minutes or the period specified at B hereunder whichever is the greater	All passengers
		and in addition	
		30 minutes or the period specified at C hereunder whichever is the greater	10 per cent of number of passengers
Above flight level 300 but not above flight level 350	Flying machine is capable of descending and continuing to destination as specified at Y hereunder	30 minutes or the period specified at A hereunder whichever is the greater	15 per cent of number of passengers
	Flying machine is not so capable	10 minutes or the period specified at B hereunder whichever is the greater	All passengers
		and in addition	
		30 minutes or the period specified at C hereunder whichever is the greater	15 per cent of number of passengers

PART II (*cont.*)

Column 1	*Column 2*	*Column 3*	*Column 4*
Vertical displacement of the flying machine in relation to flight levels	*Capability of flying machine to descend (where relevant)*	*Period of supply of oxygen*	*Persons for whom oxygen is to be provided*
Above flight level 350	—	10 minutes or the period specified at B hereunder whichever is the greater and in addition 30 minutes or the period specified at C hereunder whichever is the greater	All passengers 15 per cent of number of passengers

A. The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

B. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Y. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.";

in paragraph 5, after Scale P there shall be inserted the following—

"*Scale Q*

If the maximum total weight authorised of the flying machine exceeds 12,500 lb. and it is first registered, whether in the United Kingdom or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.".

(6) In the Sixth Schedule—

in paragraph 3, at the end of Scale B there shall be added the words "including such apparatus as may be prescribed".

(7) In the Ninth Schedule—

in paragraph 2 of Part A—

in the sub-paragraph under the heading "Senior Commercial Pilot's Licence (Flying Machines)" for the figure "30,000" there shall be substituted the figure "45,000"; in the sub-paragraph under the heading "Airline Transport Pilot's Licence (Flying Machines)", under the sub-heading "Privileges", there shall be added after paragraph (*c*) of the proviso, the following—

"(*d*) he shall not at any time after he attains the age of sixty years fly such an aircraft on a flight for the purpose of public transport if its maximum total weight authorised exceeds 45,000 lb.".

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Air Navigation Order 1960, as previously amended. The following changes are made in the Articles and Schedules mentioned below:—

(1) From 1st June 1964, aircraft which previously had to carry a dinghy when flying over water more than 90 minutes flying time from the nearest land are required to do so if they are either more than 400 nautical miles or more than 90 minutes flying time from an aerodrome (Fifth Schedule).

(2) A lockable door is required to be provided between the flight crew compartment and the passenger compartment in flying machines of over 12,500 lb. maximum total weight authorised when flying for the purpose of public transport of passengers. This requirement applies only to aircraft first registered on or after 1st June 1965 (Article 36 and Fifth Schedule).

(3) The requirements for the carriage of oxygen are related to flight levels instead of to altitudes above mean sea level, and the quantities of oxygen required to be carried above flight level 150 are reduced in specified cases (Article 28, Article 79 and Fifth Schedule).

(4) Power is conferred upon the Minister of Aviation to make Regulations prescribing the radio-navigation apparatus to be carried in aircraft (Sixth Schedule).

(5) From 1st August 1964 the maximum total weight authorised of flying machines which may be flown by the holder of a Senior Commercial Pilot's Licence as pilot in command is raised from 30,000 lb. to 45,000 lb. (Ninth Schedule).

(6) From 1st August 1964 holders of Airline Transport Pilot's Licences are prohibited from flying as pilot in command after the age of sixty any aircraft exceeding 45,000 lb. maximum total weight authorised when it is on a flight for the purpose of public transport (Ninth Schedule).