STATUTORY INSTRUMENTS

1973 No. 1750

CIVIL AVIATION

The Air Navigation (Fifth Amendment) Order 1973

Made - - - -	24*th October* 1973
Laid before Parliament	30*th October* 1973
Coming into Operation—	
for the purposes of Articles 3(2), (3), (4) *and* (8)	6*th December* 1973
for the purposes of Article 3(5)(*a*), (*b*) *and* (*c*)(*iii*), (*iv*), (*v*) *and* (*vi*) - - - - - - -	1*st January* 1974
for all other purposes - - - - -	1*st December* 1973

At the Court at Buckingham Palace, the 24th day of October 1973

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 8, 57, and 59 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 1973 and shall come into operation for the purposes of Articles 3(2), (3), (4) and (8) on 6th December 1973, for the purposes of Article 3(5)(*a*), (*b*) and (*c*)(iii), (iv), (v) and (vi) on 1st January 1974, and for all other purposes on 1st December 1973.

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

Amendment of Air Navigation Order 1972

3. The Air Navigation Order 1972(**c**), as amended(**d**), shall be further amended as follows:

(1) In Articles 9 and 10, for paragraph (5)(*a*) in each case, there shall be substituted:

" (*a*) the times when the aircraft took off and landed ; and " ;

(2) In Article 28(3) for " weather conditions " there shall be substituted " aerodrome operating minima " ;

(3) For Article 29 there shall be substituted: —

" *Aircraft not registered in the United Kingdom—aerodrome operating minima*

(**a**) 1949 c. 67. (**b**) 1889 c. 63. (**c**) S.I. 1972/129 (1972 I, p. 366).
(**d**) The relevant amending instrument is S.I. 1973/71 (1973 I, p. 405).

29.—(1) A public transport aircraft registered in a country other than the United Kingdom shall not fly in or over the United Kingdom unless the operator thereof shall have furnished to the Authority such particulars as it may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in the United Kingdom for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not fly in or over the United Kingdom unless the operator shall have made such amendments of or additions to the aerodrome operating minima so specified and any instructions so given as the Authority may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(2) The aircraft shall not begin or end a flight at an aerodrome in the United Kingdom in contravention of the aerodrome operating minima so specified in relation to that aerodrome or of the instructions referred to in paragraph (1) of this Article.

(3) Without prejudice to the provisions of paragraph (2) of this Article, a public transport aircraft registered in a country other than the United Kingdom shall not:—

(*a*) commence or continue an approach to landing at any aerodrome in the United Kingdom if the runway visual range at that aerodrome is at the time less than the specified minimum for landing: provided that an approach to landing may be continued if the commander of the aircraft receives information that the runway visual range is less than the specified minimum for landing and—

(i) when he receives that information the aircraft is below the specified decision height, and

(ii) the specified visual reference has been established at the decision height and is maintained, and

(iii) the approach to landing has, at least until the specified visual reference has been established, been made by use of an instrument landing system notified for the purposes of this Article ; or

(*b*) continue an approach to landing at any aerodrome in the United Kingdom by flying below the specified decision height unless from that height the specified visual reference is established and is maintained.

(4) In this Article " specified " in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the operations manual relating to that aircraft." ;

(4) In Article 89(1):

(*a*) after the definition of " Aerodrome " there shall be inserted:

" " Aerodrome operating minima " in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height, runway visual range and visual reference for landing, specified by the operator in, or ascertainable by reference to, the operations manual as being the minima for the operation of that aircraft at that aerodrome ; " ;

(*b*) after the definition of " Crew " there shall be inserted:

" " Decision height " in relation to the operation of an aircraft at an aerodrome means the minimum height specified by the operator in, or ascertainable by reference to the operations manual as being the minimum height to which an approach to landing can safely be made by that aircraft at that aerodrome without visual reference to the ground ; " ;

(*c*) after the definition of " Rules of the Air and Air Traffic Control " there shall be inserted:

" " Runway visual range " in relation to a runway or landing strip means the maximum distance in the direction of take-off or landing, as the case may be, at which the runway or landing strip or the markers or lights delineating it can be seen from a point 5 metres above its centre line ; and in the case of an aerodrome in the United Kingdom the distance, if any, communicated to the commander of the aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being ; " ;

(5) In Schedule 5:

(*a*) in paragraph 3:

(i) for sub-paragraph (x) there shall be substituted:

" (x) Food and water, referred to in Scales J, U and V." ;

(ii) after sub-paragraph (x) there shall be added the following sub-paragraphs:

" (xi) First aid equipment, referred to in Scales J, U, and V.

(xii) Stoves, cooking utensils, snow shovels, ice saws, sleeping-bags and Arctic suits, referred to in Scale V." ;

(*b*) in paragraph 4(2) after sub-paragraph (*m*) there shall be added the following sub-paragraphs:

" (*n*) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met . . .

(*o*) when flying over substantially uninhabited land areas where, in the event of an emergency landing, polar conditions are likely to be met . . . " ;

two additional columns headed " U " and " V " shall be added to the Table after the column headed " T " ; and " U " shall be put in column " U " opposite sub-paragraph (*n*) ; and " V " shall be put in column " V " opposite sub-paragraph (*o*).

(*c*) in paragraph 5:

(i) in Scale D(i)(*a*) and Scale E(i) for " a turn and slip indicator " there shall be substituted " a turn indicator and a slip indicator " ;

(ii) at the end of Scale E there shall be added:

" Provided that any aircraft may, at the option of the operator, be equipped with an additional gyroscopic bank and pitch indicator in lieu of the turn indicator referred to in (i) of this Scale ".

(iii) in Scale J(i):

(*aa*) at the end of sub-paragraph (*h*) there shall be added:
" unless the full quantity of fresh water is carried as specified in sub-paragraph (*i*) ; " ;

(*bb*) for sub-paragraph (*i*) there shall be substituted the following sub-paragraph:

" (*i*) for each 4 or proportion of 4 persons the liferaft is designed to carry:

100 grammes of glucose toffee tablets ;
$\frac{1}{2}$ litre of fresh water in durable containers:
Provided that in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (*h*), to provide $\frac{1}{2}$ litre of water for each 4 or proportion of 4 persons the liferaft is designed to carry." ;

(*cc*) in the general words after sub-paragraph (*j*) " stowed with the liferaft " shall be deleted.

(iv) for Scale J(ii) there shall be substituted:
" (ii) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2:

TABLE

Column 1	*Column* 2
Not more than 8 liferafts.	2 survival beacon radio apparatus.
For every additional 4 or proportion of 4 liferafts.	1 additional survival beacon radio apparatus." ;

(v) after Scale T there shall be added the following:

" Scale U

(*a*) 1 survival beacon radio apparatus ;

(*b*) marine type pyrotechnical distress signals ;

(*c*) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets ;

(*d*) for each 4 or proportion of 4 persons on board, $\frac{1}{2}$ litre of fresh water in durable containers ;

(*e*) first aid equipment.

Scale V

(*a*) 1 survival beacon radio apparatus ;

(*b*) marine type pyrotechnical distress signals ;

(*c*) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets ;

(*d*) for each 4 or proportion of 4 persons on board, $\frac{1}{2}$ litre of fresh water in durable containers ;

(*e*) first aid equipment ;

(*f*) for every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel ;

(*g*) 1 cooking utensil, in which snow or ice can be melted ;

(*h*) 2 snow shovels ;

(*i*) 2 ice saws ;

(*j*) single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board ;

(*k*) 1 Arctic suit for each member of the crew of the aircraft." ;

(vi) in sub-paragraph (iii) of Scale S after " the attitude of the aeroplane " there shall be added " the basic lift, thrust and drag forces acting upon the aeroplane ; " ;

(6) In Schedule 7, for paragraph 1(*d*), 2(*d*) and 3(*d*) in each case there shall be substituted:

" (*d*) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take offs and landings on that day ; " ;

(7) In Schedule 10, in paragraph 1 at the end of sub-paragraph (*b*) of the proviso, there shall be added:

" except that the functions of the Approach Control Rating shall not be exercised at the same time as the functions of the Approach Radar Control Rating if the service being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway ; " ;

(8) In Schedule 11, in paragraph (xiii) of Part A for " weather conditions " there shall be substituted " aerodrome operating minima ".

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order further amends the Air Navigation Order 1972 (the principal Order). In addition to some minor and drafting amendments the following changes are made:

(1) Only the duration of the period between take-off and landing need now be recorded in the log books whereas previously the obligation was to record the entire period during which the aircraft was deemed to be in flight (as defined in Article 89(3) of the principal Order). (Article 3(1) and (6)) ;

(2) An aircraft registered outside the United Kingdom may now commence or continue an approach to landing at an aerodrome in the United Kingdom when the runway visual range at that aerodrome is less than the minimum for landing specified by the operator in the operations manual for that aircraft, if specified conditions are complied with. (Article 3(3) and (4)) ;

(3) Changes are made in the survival equipment required to be carried in aircraft. (Article 3(5)) ;

(4) Specified aircraft must now be equipped with a slip indicator and either a turn indicator or an additional gyroscopic bank and pitch indicator instead of the turn and slip indicator previously required. (Article 3(5)) ;

(5) An Air Traffic Controller may no longer simultaneously exercise the functions of the Approach Control Rating and the Approach Radar Control Rating, if the service being provided under the latter is a surveillance radar approach terminating at a point less than two nautical miles from the point of intended landing. (Article 3(7)).

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