STATUTORY INSTRUMENTS

1979 No. 1318

CIVIL AVIATION

The Air Navigation (Fifth Amendment) Order 1979

Made - - - - - - - -	19*th October* 1979
Laid before Parliament - - -	29*th October* 1979
Coming into Operation—	
for the purposes of Article 2(6)(*a*)(ii) *and* (iii) *and* (*b*) - - - -	1*st January* 1981
for all other purposes - -	19*th November* 1979

At the Court at Buckingham Palace, the 19th day of October 1979

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 (Fifth Amendment) Order 1979 and shall come into operation for the purposes of Article 2(6)(*a*)(ii) and (iii) and (*b*) on 1st January 1981, and for all other purposes on 19th November 1979.

Amendment of Air Navigation Order 1976

2. The Air Navigation Order 1976(b) shall be further amended as follows:

(1) To Article 9(8) there shall be added the following new proviso:

"Provided that in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg., or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Authority for that purpose.";

(2) For the proviso to Article 28(5) there shall be substituted:

"Provided that in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg., or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept

(a) 1949 c. 67; section 8(4) was amended by the Civil Aviation Act 1971(c. 75), section 62(1).
(b) S.I. 1976/1783; relevant amending instruments are S.I. 1977/1255 and S.I. 1978/1627.

on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Authority for that purpose.";

(3) At the end of Article 59(1), there shall be added the words "and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.";

(4) In Article 64(2) for the words "paragraph (1)(*c*) of this Article" there shall be substituted "paragraph (1)(*a*)(iii) of this Article".;

(5) In Article 76(1) after the words "relating to customs" there shall be added "and excise".;

(6) In Schedule 5

(*a*) in the Table in paragraph 4:

(i) for subparagraph (7) there shall be substituted the following subparagraph:

"

(7) Aeroplanes which have a maximum total weight authorised exceeding 15,000 kg. or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers.	*on all flights for the purpose of public transport*	X

"

(ii) There shall be added after subparagraph (7) the following new subparagraph:

"

(7A) Aeroplanes—		
(*a*) which are turbo-jet and which have a maximum total weight authorised exceeding 22,700 kg.; or	*when flying by night for the purpose of the public transport of passengers*	Z (i) and (ii)
(*b*) having a maximum total weight authorised exceeding 5,700 kg. and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any aeroplane which in the opinion of the Authority is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of	*when flying by night for the purpose of the public transport of passengers*	Z (i) and (ii)

	airworthiness was first applied for before that date; or		
(*c*)	which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 persons over 3 years of age.	*when flying by night for the purpose of the public transport of passengers*	Z (i)

"

(iii) there shall be added after subparagraph (8) the following new subparagraph:

"

(9) Helicopters and Gyroplanes—			
(*a*)	having a maximum total weight authorised exceeding 5,700 kg. and which conform to a type for which a certificate of airworthiness was first applied for (whether in the United Kingdom or elsewhere) after 30th April 1972 but not including any helicopter or gyroplane which in the opinion of the Authority is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date; or	*when flying by night for the purpose of the public transport of passengers*	Z (i) and (ii)
(*b*)	which, in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 persons over 3 years of age.	*when flying by night for the purpose of the public transport of passengers*	Z (i)

"

(*b*) In paragraph 5:

(i) in Scale G, paragraph (iii), subparagraph (*a*) shall be deleted and in subparagraph (*b*) the words "In the case of any other aircraft" shall be deleted;

(ii) after Scale Y there shall be added the following new Scale:

"Scale Z

(i) In addition to the electric torches referred to in Scale G, two electric torches and an emergency lighting system to provide illumination in the passenger compartments

sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G;

(ii) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.".

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 1976, as amended. In addition to minor and drafting amendments the following changes are made:

(1) Aeroplanes not exceeding 2,730 kg. maximum total weight authorised and all helicopters may now carry both copies of the technical log entries in the aircraft if it is not reasonably practicable for one copy to be kept on the ground and if one copy is carried in a box approved by the Civil Aviation Authority. Previously one copy was required to be kept on the ground (Article 2(1)).

(2) Aeroplanes not exceeding 2,730 kg. maximum total weight authorised may now carry both copies of the load sheet in the aircraft if it is not reasonably practicable for one copy to be kept on the ground and if one copy is carried in a box approved by the Authority. Previously one copy was required to be kept on the ground (Article 2(2)).

(3) All turbo-jet aeroplanes exceeding 22,700 kg. maximum total weight authorised and all aeroplanes, helicopters and gyroplanes exceeding 5,700 kg. maximum total weight authorised and of a type for which an application for a certificate of airworthiness was first made after 30th April 1972 are now required to be equipped with both internal and external emergency lighting to facilitate the evacuation of passengers (Article 2(6)).

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