1963 No. 1488

CIVIL AVIATION

The Air Navigation (Fourth Amendment) Order 1963

Made - - - - - -	*29th August* 1963
Laid before Parliament - -	*4th September* 1963
Coming into Operation	
(a) *for the purposes of Article* 3(2) *to* (9) - - -	*1st January* 1964
(b) *for all other purposes* -	*5th September* 1963

At the Court at Balmoral, the 29th day of August 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty in exercise of the powers conferred upon 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 Operation

1. This Order may be cited as the Air Navigation (Fourth Amendment) Order 1963 and shall come into operation on 1st January 1964 for the purposes of paragraphs (2) to (9) of Article 3, and on 5th September 1963 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) After Article 29, the following shall be added as Article 29A :

" *Use of flight recorders and preservation of records*

29A.—(1) On any flight on which a flight recorder is required by or under this Order to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run until the end of the landing run.

(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 (1962 II, p. 1423, 1963 I, p. 724).
(d) 52 & 53 Vict. c. 63.

(2) The operator of the aircraft shall, subject to the provisions of Article 53 of this Order, preserve the record made by the flight recorder, together with means of identifying the record with the flight to which it relates, for a period of 60 days after the end of the flight or such longer period as the Minister may in a particular case direct."

(2) In Article 43(2)(*a*) the words "other than an aircraft of which the maximum total weight authorised does not exceed 3,500 lb. and which is not flying for the purpose of public transport or aerial work" shall be inserted in parentheses after the word "aircraft".

(3) In Article 45—

in paragraph (1)(*a*) there shall be substituted for the figure "30" the figure "28";

the following words shall be added at the end of paragraph (2):—

"including, without prejudice to the generality of the foregoing—

(*a*) the type of aircraft in which the flight will be made;

(*b*) the area in which the flight will be made;

(*c*) the number of landings which will be made during the course of each flying duty period;

(*d*) the amount of night flying during each flying duty period;

(*e*) the number of consecutive occasions on which each member of the flight crew will be required to fly for the maximum period permitted under this Part of the Order.";

the following paragraph shall be substituted for paragraph (3):—

"(3) No limits or minimum rest periods may be established under paragraph (1) of this Article which would require or permit any person to fly in any aircraft at a time when such flying would constitute a contravention of any of the provisions of Articles 46, 47 and 49 of this Order, or would require or permit any person to fly in any aircraft as a member of the flight crew thereof within the period of one hour immediately preceding the end of the specified time referred to in Article 46(2), or, when the specified time is 24 hours, within the period of two hours immediately preceding the end of the specified time."

(4) In the heading of Article 46 there shall be substituted for the words "*pilots and flight engineers*" the words "*flight crew*".

(5) The following Article shall be substituted for Article 46:—

"46.—(1) Without prejudice to the provisions of Article 44 of this Order, a person shall not fly in an aircraft to which this Article applies as a member of the flight crew thereof in the course of any duty period of that person after more than the specified time has elapsed since the beginning of that duty period.

(2) In paragraph (1) of this Article the expression "the specified time" means—

(*a*) in relation to a pilot whenever sub-paragraph (*b*) does not apply, 11 hours:

Provided that if, during the duty period, there has been a period of not less than five continuous hours throughout which that person has not flown in any aircraft to which this Article applies or performed any duties, the foregoing provisions of this sub-paragraph shall have effect as if 13 hours were substituted therein for 11 hours;

(*b*) in relation to a person who, at all times when he flies as a pilot in the course of his duty period, is one of two or more persons carried as pilots of the aircraft, 16 hours :

Provided that the foregoing provisions of this sub-paragraph shall have effect as if 24 hours were substituted therein for 16 hours if that person is one of three or more persons carried as pilots of the aircraft and the following conditions are fulfilled :—

(i) at least two of the pilots are qualified to act as commander of the aircraft in the circumstances both by their respective licences and in accordance with the requirements of paragraph 1(5)(*a*)(i) and (ii) of Part B of the Tenth Schedule to this Order (except in respect of their knowledge of the aerodromes of take-off and landing and any alternate aerodromes) ;

(ii) at least one of the pilots is carried in addition to those members of the flight crew who are required to be carried in the circumstances by or under this Order ;

(iii) one suitable bunk is always available for the use only of pilots ; and

(iv) each of the pilots has, during the duty period, been afforded opportunities of resting for a reasonable time ;

(*c*) in relation to a flight engineer, 16 hours :

Provided that the foregoing provisions of this subparagraph shall have effect as if 24 hours were substituted therein for 16 hours in relation to a person who, at all times when he flies as a flight engineer in the course of his duty period, is one of two or more persons carried as flight engineers of the aircraft, if the following conditions are fulfilled :—

(i) at least one of the flight engineers is carried in addition to the members of the flight crew who are required to be carried in the circumstances by or under this Order ;

(ii) one suitable bunk is always available for the use only of flight engineers ;

(iii) each of the flight engineers has, during the duty period, been afforded opportunities of resting for a reasonable time ;

(*d*) in relation to a flight navigator and a flight radio operator, 16 hours :

Provided that the foregoing provisions of this subparagraph shall have effect—

(i) as if 20 hours were substituted therein for 16 hours if one suitable bunk is always available for the use only of flight navigators or flight radio operators as the case may be ; and

(ii) subject to the proviso to subparagraph (*c*), which shall apply to flight navigators and to flight radio operators as it applies to flight engineers."

(6) In Article 47—

for the words " the Table set out at the end of this Article " shall be substituted the words " Table A in this Article " ;

after the word " TABLE " shall be added the letter " A " ;

at the end of the Article, following the Table, shall be added the following words:—

"Provided that where a rest period is taken by a person at a place which is outside the United Kingdom and, if he ordinarily resides outside the United Kingdom, is not within 50 miles of his ordinary place of residence, it shall be deemed to be a sufficient rest period if it includes a period of eight hours falling between 2200 and 0800 hours local time and is of a length not less than the minimum length specified in the first column of Table B in this Article and therein set opposite to the length specified in the second column of that Table which corresponds to the length of the duty period of that person which immediately precedes that rest period.

TABLE B

Minimum length of sufficient rest period	*Length of immediately preceding duty period*
10 hours	Not exceeding 10 hours
11 "	Exceeding 10 but not exceeding 11 hours
12 "	" 11 " " 12 "
13 "	" 12 " " 14 "
14 "	" 14 " " 17 "
15 "	" 17 " " 19 "
16 "	" 19 " " 21 "
17 "	" 21 " " 23 "
18 "	" 23 hours."

(7) For the heading of Article 48 there shall be substituted the words "*Records of flight times and duty periods*".

(8) In Article 48(1)—

there shall be substituted for the figure "30" the figure "28";

in subparagraph (*a*) there shall be inserted after the word "person" the words "as a member of its flight crew";

there shall be substituted for subparagraphs (*b*) and (*c*) the following subparagraphs:—

"(*b*) the times of the beginning and end of each duty period of that person in the course of which he makes a flight in any aircraft as a member of its flight crew, and

(*c*) the times of the beginning and end of each duty period of that person ending within a period of 72 hours immediately preceding the beginning of any duty period of that person in the course of which he makes a flight in any aircraft as a member of its flight crew, and

(*d*) brief particulars of the nature of the work or other duties carried out by that person during each of his duty periods of which a record is required to be kept under this paragraph."

(9) In Article 49—

there shall be substituted for the figure "30" the figure "28";

there shall be substituted for the figure "125" in the fifth line the figure "115";

for the proviso there shall be substituted the following:—

"Provided that the foregoing prohibition shall not apply—

(*a*) to a flight made in an aircraft of which the maximum total weight authorised does not exceed 3,500 lb. and which is not flying for the purpose of public transport or aerial work; or

(*b*) to a flight made in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time of the flight the aggregate of all the flight times of the person making the flight since he was last medically examined under this Order and found fit does not exceed 115 hours."

(10) For the heading of Part VI there shall be substituted the words "DOCUMENTS AND RECORDS".

(11) For the heading of Article 52 there shall be substituted the words "*Production of documents and records*".

(12) In Article 52(2)—

in the third and fourth lines, after the word "documents" in both places where it occurs there shall be inserted the words "or records";

after subparagraph (*f*), there shall be inserted the following subparagraph:—

"(*g*) the record made by any flight recorder required to be carried by or under this Order".

(13) In Article 53—

after the word "document", wherever it occurs, there shall be inserted the words "or record";

in subparagraph (*a*) of the proviso, after the words "weight schedule" there shall be inserted the words "and any record made by a flight recorder and preserved in accordance with paragraph (2) of Article 29A of this Order".

(14) For the heading of Article 55 there shall be substituted the words "*Offences in relation to documents and records*".

(15) In Article 55 for paragraph (3) there shall be substituted the following paragraph—

"(3) All entries made in writing in any log book or record referred to in paragraph (2) of this Article shall be made in ink or indelible pencil."

(16) In Article 79—

in paragraph (1) after the definition of "public transport aircraft" there shall be inserted the following definition:—

"Record" has the same meaning as in the Civil Aviation (Eurocontrol) Act 1962(**a**)";

in paragraph (6)(*a*)(ii), for all the words after "persons" where that word occurs for the second time there shall be substituted the following:—

"with the authority of the Minister either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or".

(17) In the Fifth Schedule—

in the Table in paragraph 4—

in item (*ii*) of subparagraph (2) for subparagraph (iv) there shall be substituted the following subparagraphs—

"(iv) flying machines of such other classes or descriptions as may be prescribed when flying within such areas at such times and in such circumstances as may be prescribed,

(**a**) 10 & 11 Eliz. 2. c. 8.

(v) any other flying machine, if the Minister so directs in a particular case,";

a column headed "P" shall be added in which the letter "P" shall be inserted opposite the following paragraph, which shall be added after subparagraph (4) in the first column of the Table—

"(5) *Turbine-engined aeroplanes over* 12,500 *lb. maximum total weight authorised and piston-engined aeroplanes over* 60,000 *lb. maximum total weight authorised*

(*a*) *which are operated by an air transport undertaking under a certificate of airworthiness of the Transport Category (Passenger) or the Transport Category (Cargo); or*

(*b*) *in respect of which application has been made and not withdrawn or refused for such a certificate, and which fly under the "A" Conditions or under a certificate of airworthiness of the Special Category*

when flying on any flight—

on or after 1st July 1965 in the case of a turbine-engined aircraft which first flies on or after that date, or

on or after 1st July 1966 in the case of any other aircraft".

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

"*Scale P.*

A flight recorder which is capable of recording, by reference to a time-scale, the following data—

(*a*) indicated air speed;

(*b*) indicated altitude;

(*c*) vertical acceleration;

(*d*) magnetic heading;

(*e*) pitch attitude, if the equipment provided in the aircraft is of such a nature as to enable this item to be recorded.

The recorder shall be so constructed that the record would be likely to be preserved in the event of an accident to the aircraft."

(18) In the Ninth Schedule—

in paragraph 2 of Part A, in the subparagraphs under the heading "Commercial Pilot's Licence (Flying Machines)", "Senior Commercial Pilot's Licence (Flying Machines)" and "Airline Transport Pilot's Licence (Flying Machines)", there shall be added in each case under the sub-heading "Privileges" after paragraph (*b*) of the proviso to paragraph (i), the following paragraph:—

"(*c*) he shall not, unless his licence includes an instrument rating, fly any such aircraft of which the maximum total weight authorised exceeds 5,000 lb. on any flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome."

E. N. Landale.

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.

In addition to some minor and drafting amendments the following changes are made in the Articles and Schedules mentioned below :—

(1) The provisions in Part V of the Order relating to the fatigue of flight crew are amended with effect from 1st January 1964 as follows—

(*a*) Certain flights in light aircraft are excluded from the provisions of this Part of the Order (Articles 43 and 49).

(*b*) Records are to be related to a 28 instead of a 30 day cycle (Articles 45, 48 and 49).

(*c*) The operator is required to take certain specific matters into account in establishing limits on flight times, flying duty periods and rest periods for his crew (Article 45).

(*d*) In establishing flying duty periods the operator must prepare the roster so that the period planned for each member of the flight crew is one hour (in some cases two hours) shorter than the period of duty he may lawfully perform (Article 45).

(*e*) The maximum flying duty periods specified for a pilot who flies as the only pilot in an aircraft are reduced, but an extension is now permitted if the pilot has rested for 5, instead of 7, hours (Article 46).

(*f*) Maximum flying duty periods are specified for all members of the flight crew. Previously they were specified only for pilots and flight engineers (Article 46).

(*g*) Reduced rest periods are permitted where the rest is taken outside the United Kingdom, at night and away from the ordinary place of residence of the person concerned (Article 47).

(*h*) Records need no longer be made of a duty period in which no flight is made and which precedes by 72 hours or more the next duty period in which a flight is made (Article 48).

(2) Flight recorders are required to be carried in public transport aircraft from 1st July 1965 in the case of turbine-engined aeroplanes over 12,500 lb. maximum total weight authorised which first fly on or after that date, and from 1st July 1966 in the case of other turbine-engined aeroplanes over that weight, and piston-engined aeroplanes over 60,000 lb. Provision is also made for the records made by flight recorders to be preserved for 60 days, and for their production to authorised persons (Article 52(2) and Fifth Schedule).

(3) Air transport undertakings are permitted to carry gratuitously persons who, with the Minister's authority, make any inspection or witness any training, practice or test for the purposes of the Order, without the flight thereby becoming a flight for the purpose of public transport. Hitherto this exception only applied to persons witnessing certain training, practice or tests (Article 79(6)(*a*)(ii)).

(4) The Minister is given power to make regulations prescribing classes and descriptions of flying machines, in addition to those specifically referred to in the Fifth Schedule to the Air Navigation Order 1960, as amended, which are required to carry storm warning radar in certain areas and in certain circumstances (Fifth Schedule).

(5) A pilot may no longer be in command of a flying machine on a flight for the purpose of public transport unless his licence includes an instrument rating. Exceptions are made for aircraft with a maximum total weight authorised not exceeding 5000 lb., and for local flights beginning and ending at the same aerodrome (Ninth Schedule).