STATUTORY INSTRUMENTS

1985 No. 458

CIVIL AVIATION

The Air Navigation (Fourth Amendment) Order 1985

Made - - - -	20*th March* 1985
Laid before Parliament	28*th March* 1985
Coming into Operation	
for the purpose of Article 2(30)	1*st March* 1986
for the purposes of Article 2(5), (27) *and* (28)	1*st August* 1985
for all other purposes	26*th April* 1985

At the Court at Buckingham Palace, the 20th day of March 1985

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60, 61 and 102 of the Civil Aviation Act 1982 (**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 (Fourth Amendment) Order 1985 and shall come into operation for the purpose of Article 2(30) on 1st March 1986; for the purposes of Article 2(5), (27) and (28) on 1st August 1985 and for all other purposes on 26th April 1985.

Amendment of the Air Navigation Order 1980

2. The Air Navigation Order 1980 (**b**) shall be amended as follows:

(1) In Article 14(2)*(a)* there shall be substituted for the words "certificate of maintenance" the words "certificate of maintenance review".

(2) In the proviso to Article 19(4)*(a)* the words "or a Commercial Pilot's Licence (Airships)" shall be deleted and the comma between the words "Private Pilot's Licence (Balloons and Airships)" and "a Commercial Pilot's Licence (Balloons)" shall be deleted and the word "or" substituted therefor.

(3) In Article 27 after paragraph (5) there shall be added—

"(6) The operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than 30 passengers, such baggage shall not exceed the capacity of the spaces in the passenger compartment approved by the Authority for the purpose of stowing baggage.".

(**a**) 1982 c.16.
(**b**) S.I. 1980/1965, as amended by S.I. 1982/161, 1983/1905 and 1984/1988.

(4) In Article 28(1) after the words "weight and related performance" there shall be inserted the words "and flight in specified meteorological conditions or at night".

(5) In Article 28 after paragraph (6) there shall be added the following paragraph—

"(7) Notwithstanding the provisions of paragraph (1) of this Article a helicopter in respect of which there is in force under this Order a Certificate of Airworthiness designating the helicopter as being of performance Group A or Group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters designated as being of:—

(a) performance Group A (Restricted) in the case of a helicopter designated as being of performance Group A if:

(i) the maximum total weight authorised of the helicopter is less than 5,700 kg; and

(ii) the total number of passengers carried on the helicopter does not exceed 15; or

(b) performance Group B if:

(i) the maximum total weight authorised of the helicopter is less than 2,730 kg; and

(ii) the total number of passengers carried does not exceed 9.".

(6) In Article 33(2)*(a)* after the words "emergency exits, safety belts, safety harnesses" the comma shall be deleted and the following words inserted—

"and (where required to be carried)".

(7) In Article 33(2)*(a)* the proviso shall be deleted in its entirety.

(8) For Article 33(2)*(b)* there shall be substituted the following—

"*(b)* (i) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while 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) from the nearest land, take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers;

(ii) if the aircraft is not a seaplane but is required by Article 17(7) of this Order to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes-off on a flight:

(aa) which is intended to proceed beyond gliding distance from land, or

(bb) on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water;

all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers:

Provided that where the only requirement to give such a demonstration arises because it is reasonably possible that the

aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.".

(9) In Article 33(2)*(c)* after the words "all passengers are given a" delete the word "practical".

(10) In Article 33(2) there shall be substituted for sub-pargraph *(e)* the following—

"*(e)* Before the aircraft takes-off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:—

(i) take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses; and

(ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is stowed in the passenger compartment stowage spaces approved by the Authority for the purpose.".

(11) After Article 57 there shall be added the following Article—

"*Power to inspect and copy documents and records*

57A. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power pursuant to this Order and any Regulations made thereunder to require to be produced to him.".

(12) In Article 58*(a)* there shall be substituted for the words "certificate of maintenance, and compliance" the words "certificates of maintenance review, and release to service".

(13) In Article 60, after paragraph (6) there shall be added—

"(7) If the Authority or any authorised person has reason to believe that any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order is one in relation to which an offence has been committed under this Article he may seize it; and where such a document is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that document under this Article and that document is still detained, the Authority or the authorised person as the case may be shall, on application by the person from whom it was seized, return it to that person.".

(14) For Article 66(2) there shall be substituted the following paragraph—

"(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)*(a)*(iii) of this Article he shall unless otherwise instructed pursuant to paragraph (3) of this Article cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.".

(15) In Article 66, after paragraph (2) there shall be added—

"(3) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)*(a)*(iii) of this Article or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio or by one of the prescribed visual signals by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.".

(16) In Article 82(1)*(c)* for the words "certificate of maintenance, or compliance" there shall be substituted the words "certificate of maintenance review, or of release to service".

(17) After Article 85 there shall be added the following Article—

"*Duty to give information as to identity of operator or commander*

85A. (1) This Article applies to any offence under this Order or any Regulations made or having effect thereunder.

(2) Where the operator or commander of an aircraft is alleged to be guilty of an offence to which this Article applies

(a) the person in whose name the aircraft is registered shall give such information as to the identity of the operator or commander as he may be required to give by the Authority or any authorised person; and

(b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the operator and the commander.

(3) A person who fails to comply with the requirements of paragraph (2) of this Article shall be guilty of an offence unless he proves that he did not know and could not with reasonable dilligence have ascertained who the operator and the commander were.".

(18) In Article 87(4) for the figure "£200" there shall be substituted the figure "£400".

(19) In Article 87(5) for the figure "£400" there shall be substituted the figure "£1,000".

(20) In Article 87(6) for the words "the statutory maximum" there shall be substituted the figure "£2,000".

(21) In Article 93(1) after the words " "Aerodrome Traffic Zone" means" there shall be inserted "for the purposes of Article 70".

(22) In Article 93(1) before the words "Aeronautical Beacon" there shall be inserted—

" "Aerodrome Traffic Zone" means for all other purposes the airspace specified below being airspace in the vicinity of an aerodrome which is notified for the purposes of Rule 35 of the Rules of the Air and Air Traffic Control Regulations 1981 (**a**) —

(a) in relation to such an aerodrome other than one which is on an off-shore installation the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome and within a distance of one and a half nautical miles of its boundary;

(a) S.I. 1981/34, as amended by S.I. 1981/1669, 1983/1884 and 1985/122.

(b) in relation to such an aerodrome which is on an off-shore installation the airspace extending from mean sea level to 2000 feet above mean sea level and within one and a half nautical miles of the off-shore installation;

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome.".

(23) In Article 93(1) there shall be inserted immediately before the words "Decision Height" the following—

" "Danger Area" shall mean airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;".

(24) In Article 93(1) there shall be substituted for the words " "Certificate of maintenance" and "certificate of compliance" have the meanings respectively assigned to them by Articles 9(1) and 10(4) of this Order;" the words " "Certificate of maintenance review" and "certificate of release to service" have the meanings respectively assigned to them by Articles 9(1) and 10(5) of this Order;".

(25) In Schedule 5, paragraph 4, after sub-paragraph (2)*(b)*(iii) of the Table in the column headed "Circumstances of Flight" there shall be inserted the following sub-paragraph—

"(iii) (A) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aeroplane would be forced to land onto water"

and in the column headed "Scale of Equipment Required" there shall be inserted against the new sub-paragraph (2)*(b)*(iii)(A) the letter "H".

(26) In Schedule 5, paragraph 4, after sub-paragraph (9)*(b)*(v)(*aa*) of the Table in the column headed "Circumstances of Flight" there shall be inserted the following sub-paragraph—

"*(aa)* (A) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the helicopter or gyroplane would be forced to land onto water"

and in the column headed "Scale of Equipment Required" there shall be inserted against the new sub-paragraph (9)*(b)*(v)*(aa)*(A) the letters "E and H".

(27) In Schedule 5, paragraph 4, after sub-paragraph (9)*(b)*(v)*(bb)* of the Table in the column headed "Circumstances of Flight" there shall be inserted—

"*(cc)* for more than a total of three minutes in any flight"

and in the column headed "Scale of Equipment Required" there shall be inserted against the new sub-paragraph (9)*(b)*(v)*(cc)* the letters "EE".

(28) In Schedule 5 paragraph 5 after Scale E there shall be inserted the following new Scale—

"Scale EE

(i) A radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.".

(29) In Schedule 5, paragraph 5, Scale G for sub-paragraph (iii) there shall be substituted—

"(iii) *(a)* one electric torch for each member of the crew of the aircraft; or

(b) (aa) one electric torch for each member of the flight crew of the aircraft; and

(bb) at least one electric torch affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches shall:—

- be readily accessible for use by the crew of the aircraft at all times; and
- number in total not less than the minimum number of cabin attendants required to be carried with a full passenger complement.".

(30) In Schedule 5, paragraph 5, Scale J there shall be inserted the following additional paragraph—

"(iii) in the case of a helicopter or gyroplane, an emergency beacon which is automatically deployed and activated in the event of a crash.".

(31) In Schedule 5, paragraph 5, Scale Z for sub-paragraph (i) there shall be substituted the following—

"(i) 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.".

(32) In Schedule 6, in paragraph 2(3) there shall be added in the column headed "A" the letter "A"and in the column headed "E" the letter "E".

(33) In Schedule 6, for paragraph 2(4) there shall be substituted the following paragraph—

"(4) All aircraft registered in the United Kingdom, wherever they may be:

(a) when flying for the purpose of public transport under Instrument Flight Rules:				
(i) while making an approach to landing	A	C	D	H
(ii) on all other occasions	A	C		H
(b) multi-engined aircraft when flying for the purpose of public transport under Visual Flight Rules	A			H
(c) single-engined aircraft when flying for the purpose of public transport under Visual Flight Rules:				
(i) over a route on which navigation is effected solely by visual reference to landmarks	A			
(ii) on all other occasions	A	B		

Provided that aircraft which come within paragraphs 4*(b)* and 4*(c)* above solely by virtue of the provisions of Article 93(6)*(a)*(iii) may carry instead of the requirements of the said paragraphs 4*(b)* and 4*(c)*:

(aa) over a route on which navigation is not effected solely by visual reference to landmarks	A B
(bb) over water, beyond gliding distance from any land	A
(d) when flying under Instrument Flight Rules within controlled airspace and not required to comply with paragraph 4*(a)* above	A*.''.

(34) In Schedule 6, paragraph 3, Scale A there shall be inserted after the words "capable of maintaining" the word "direct".

(35) In Schedule 6, paragraph 3, Scale B after the word "Radio" there shall be inserted the word "navigation".

(36) In Schedule 6, paragraph 3, Scale D after the word "Radio" there shall be inserted the word "navigation".

(37) In Schedule 6, paragraph 3, Scale G after the word "Radio" there shall be inserted the word "navigation".

(38) In Schedule 6, paragraph 3, for Scale H there shall be substituted the following—

"Scale H

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including—

(a) automatic direction finding equipment; and

(b) distance measuring equipment; and

(c) duplicated VHF omni-range equipment; and

(d) a 75 MHz marker beacon receiver.

Except that:—

An aircraft may fly notwithstanding that it does not carry the equipment specified in this scale if it carries alternative radio navigation equipment or navigational equipment approved by the Authority in writing in accordance with the provisions of Article 12(7) of this Order.

Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if—

(i) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight; and

(ii) the aircraft has not made more than one flight since the item was last serviceable; and

(iii) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the air traffic control.".

(39) In Schedule 7(1)*(f)* for the words "Article 9(6) and (7)" there shall be substituted the words "Article 9(A)(2) and (3)".

(40) In Schedule 7(2)*(f)* for the words "Article 9(6) and (7)" there shall be substituted the words "Article 9(A)(2) and (3)".

(41) In Schedule 7(3)*(f)* for the words "Article 9(6) and (7)" there shall be substituted the words "Article 9(A)(2) and (3)".

(42) In Schedule 9 Part A paragraph 3 for the maximum period of validity of a Commercial Pilot's Licence (Airships) there shall be substituted "10 years" for "6 months*".

(43) In Schedule 9 Part C in the Table in paragraph 1*(a)* in the column headed "Class of Licence" the words "Commercial Pilot's Licence (Airships)" shall be inserted below the words "Commercial Pilot's Licence (Gliders)" in respect of Cases (B), (C), (D) and (E).

G. I. de Deney,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

In addition to some minor and drafting amendments, the principal changes are:

(1) The holder of a Commercial Pilot's Licence (Airships) is required to have a valid Certificate of Test or a valid Certificate of Experience before exercising the privileges of the licence. The period of validity of the Commercial Pilot's Licence (Airships) is extended from six months to ten years. (Article 2(2), (42) and (43)).

(2) The operator of an aircraft flying for the purpose of public transport must ensure that cabin baggage can be properly secured and if the aircraft is capable of seating more than 30 passengers the baggage carried in the cabin must not exceed the capacity of the stowage spaces approved by the Civil Aviation Authority. The commander of an aircraft must take all reasonable steps to ensure that cabin baggage is properly secured and in the case of an aircraft flying for the purpose of public transport and capable of seating more than 30 passengers, that such baggage is stowed in approved stowage spaces. (Article 2(3) and (10)).

(3) For the avoidance of doubt, flight in specified meteorological conditions and at night are included in the matters in respect of which requirements may be prescribed pursuant to Article 28(1) of the Order. (Article 2(4)).

(4) The Air Navigation (General) Regulations 1981 (S.I. 1981/57) are being amended to prescribe weight and performance requirements for helicopters. A helicopter designated as being in performance Group A may comply with the requirements for a helicopter designated as being in performance Group A (Restricted) if its weight is less than 5,700 kg and the number of passengers carried does not exceed 15 and a helicopter designated as being in performance Group A or A (Restricted) may comply with the requirements for a helicopter designated as being in performance Group B if its weight is less than 2,730 kg and the number of passengers carried does not exceed 9. (Article 2(5)).

(5) Lifejacket demonstrations are required before take-off on all public transport flights which either fly beyond gliding distance from land and are required to carry a cabin attendant or are intended to fly beyond 30 minutes flying time from land. In addition, a lifejacket demonstration is required if, in the event of any emergency occurring during take-off or landing, it is reasonably possible that the aircraft would be forced to land onto water. The required demonstrations need not be practical. An audio-visual presentation in the aircraft or prior to boarding is sufficient. Where the requirements to carry out such demonstrations arise, a lifejacket must be carried for each person on board the aircraft. (Article 2(6), (7), (8), (9), (25) and (26)).

(6) The Authority and authorised persons are given the power to inspect copy and seize specified documents. (Article 2(11) and (13)).

(7) If the commander of an aircraft becomes aware that he is within restricted airspace he must, unless otherwise instructed, leave that airspace by the shortest route. In addition to complying with instructions or prescribed visual signals whilst within such restricted airspace he must now in addition comply with such instructions and signals when within a Danger Area. Danger Area is now defined as being airspace which has been notified as such. (Article 2(14), (15) and (23)).

(8) A duty is placed on the registered owner of an aircraft and other persons possessing relevant information to assist the Authority and authorised persons in discovering the identity of the operator or commander of an aircraft where offences under the Order or Regulations made thereunder are alleged to have been committed. (Article 2(17)).

(9) The maximum fines which may be imposed on summary conviction for a contravention of any of the provisions of the Order are increased. (Article 2(18), (19) and (20)).

(10) An Aerodrome Traffic Zone is now defined as being airspace of specified dimensions attaching to aerodromes which have been notified for the purpose of Rule 35 of the Rules of the Air and Air Traffic Control Regulations. Except for the purposes of Article 70 an Aerodrome Traffic Zone and the rules relating to such a zone no longer apply to aerodromes which have not been so notified. (Article 2(15), (21) and (22)).

(11) Helicopters operating for the purposes of public transport over water for more than three minutes are required to carry a radio altimeter capable of alerting the pilot audibly and visually to surface proximity. (Article 2(27) and (28)).

(12) The number of electric torches required to be carried is amended. One must be carried for each member of the flight crew and one fixed at each exit, provided that the number so fixed is not less that the minimum number of cabin attendants required to be carried under the Order. Thus where additional cabin attendants are carried no additional torches will be necessary. (Article 2(29) and (31)).

(13) Helicopters operating beyond ten minutes flying time from land or on all flights involving manoeuvres over water are required to be equipped with an automatically deployable emergency locator beacon. (Article 2(30)).

(14) The requirements for the carriage of radio navigation equipment are amended. Aircraft flying to, from or over Berlin are required to carry radio equipment capable of maintaining two-way communication with the appropriate aeronautical radio stations, secondary surveillance radar equipment and

specified radio navigation equipment. In all cases where specified radio navigation equipment must be carried, the requirements have been revised and set out in Schedule 6 to the Order at Scale H. The Air Navigation (General) Regulations 1981 are being amended to delete provisions relating to radio equipment. The weight discriminant previously applied is replaced by a distinction between the requirements for single-engined aircraft and multi-engined aircraft. (Article 2(32) to (38)).

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