STATUTORY INSTRUMENTS

1970 No. 954

CIVIL AVIATION

The Air Navigation Order 1970

Made - - -	*26th June* 1970
Laid before Parliament	*13th July* 1970
Coming into Operation—	
(a) for making regulations	*15th July* 1970
(b) for all other purposes	*31st July* 1970

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At the Court at Buckingham Palace, the 26th day of June 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty in exercise of the powers conferred upon Her by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(a), and section 20 of the Civil Aviation Act 1968(b), 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:

(a) 1949 c. 67. (b) 1968 c. 61.

CITATION, COMMENCEMENT AND REVOCATION

Citation and commencement

1.—(1) This Order may be cited as the Air Navigation Order 1970.

(2) This Order shall come into operation—

(*a*) on 15th July 1970, for the purpose of enabling the Board to mak regulations thereunder and

(*b*) on 31st July 1970, for all other purposes.

Revocation

2.—(1) Subject to the following provisions of this Article, the followin Orders are hereby revoked, that is to say—

The Air Navigation Order 1966**(a)**.
The Air Navigation (Amendment) Order 1966**(b)**.
The Air Navigation (Second Amendment) Order 1967**(c)**.
The Air Navigation (Third Amendment) Order 1968**(d)**.
The Air Navigation (Fourth Amendment) Order 1969**(e)**.
The Air Navigation (Fifth Amendment) Order 1970**(f)**.

(2) (*a*) Section 38(2) of the Interpretation Act 1889**(g)** (which relates to th effect of repeals) shall apply to this Order as if this Order were an Act o Parliament and as if the Orders revoked by paragraph (1) of this Article wer Acts of Parliament thereby repealed.

(*b*) This Order shall apply to or in relation to any certificate, licence approval, permission, exemption, authority, log book, record or other documen issued, granted, made or having effect under any Order revoked by this Order as it applies to a certificate, licence, approval, permission, exemption, authority log book, record or other document issued, granted or made under this Order

(*c*) Any certificate, licence, approval, permission, exemption, authorit or other document issued, granted or having effect under any Order revoked b this Order in force at the date of the coming into operation of this Order shall subject to the provisions of Article 58 of this Order, remain in force and shal have effect for the purposes of this Order as if it had been granted under th corresponding provisions thereof:

Provided that any such document which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiratior of that period.

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

3.—(1) An aircraft shall not fly over the United Kingdom unless it is registered in:

(*a*) some part of the Commonwealth; or

(*b*) a Contracting State; or

(a) S.I. 1966/1184 (1966 III, p. 3073).
(b) S.I. 1966/1408 (1966 III, p. 3769).
(c) S.I. 1967/1678 (1967 III, p. 4592).
(d) S.I. 1968/1857 (1968 III, p. 4883).
(e) S.I. 1969/1082 (1969 II, p. 3153).
(f) S.I. 1970/156 (1970 I, p. 709).
(g) 1889 c. 63.

(*c*) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country:

Provided that:

(i) a glider may fly unregistered, and shall be deemed to be registered in the United Kingdom for the purposes of Articles 12, 13, 18 and 29 of this Order, on any flight which:

(*a*) begins and ends in the United Kingdom without passing over any other country, and

(*b*) is not for the purpose of public transport or aerial work;

(ii) any aircraft may fly unregistered on any flight which:

(*a*) begins and ends in the United Kingdom without passing over any other country, and

(*b*) is in accordance with the "B Conditions" set forth in Schedule 2 to this Order;

(iii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over the United Kingdom in contravention of paragraph (1) of this Article in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the United Kingdom

4.—(1) The Board shall be the authority for the registration of aircraft in the United Kingdom.

(2) Subject to the provisions of this Article, an aircraft shall not be registered or continue to be registered in the United Kingdom if it appears to the Board that:

(*a*) the aircraft is registered anywhere outside the United Kingdom and that such registration does not cease by operation of law upon the aircraft being registered in the United Kingdom; or

(*b*) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or any share therein; or

(*c*) the aircraft could more suitably be registered in some other part of the Commonwealth; or

(*d*) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

(3) The following persons and no others shall be qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom or a share therein:

(*a*) the Crown in right of Her Majesty's Government in the United Kingdom;

(*b*) British subjects and citizens of the Republic of Ireland;

(*c*) British protected persons;

(*d*) bodies incorporated in some part of the Commonwealth, and having their principal place of business in any part of the Commonwealth;

(*e*) firms carrying on business in Scotland.

In this sub-paragraph "firm" has the same meaning as in the Partnership Act 1890**(a)**.

(a) 1890 c. 39.

(4) If an unqualified person residing or having a place of business in th United Kingdom is entitled as owner to a legal or beneficial interest in a aircraft, or a share therein, the Board, upon being satisfied that the aircra may otherwise be properly so registered, may register the aircraft in the Unite Kingdom. The person aforesaid shall not cause or permit the aircraft, while i is registered in pursuance of this paragraph, to be used for the purpose of publi transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid th Board may, whether or not an unqualified person is entitled as owner to a leg or beneficial interest therein, register the aircraft in the United Kingdom in th name of the charterer upon being satisfied that the aircraft may otherwise b properly so registered, and subject to the provisions of this Article the aircra may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the United Kingdor shall be made in writing to the Board, and shall include or be accompanied b such particulars and evidence relating to the aircraft and the ownership an chartering thereof as they may require to enable them to determine whether th aircraft may properly be registered in the United Kingdom and to issue th certificate referred to in paragraph (8) of this Article. In particular, the applic tion shall include the proper description of the aircraft according to column 4 c the "General Classification of Aircraft" set forth in Part A of Schedule 1 t this Order.

(7) Upon receiving an application for the registration of an aircraft in th United Kingdom and being satisfied that the aircraft may properly be s registered, the Board shall register the aircraft, wherever it may be, and sha include in the register the following particulars:

(*a*) the number of the certificate;

(*b*) the nationality mark of the aircraft, and the registration mark assigne to it by the Board;

(*c*) the name of the constructor of the aircraft and its designation;

(*d*) the serial number of the aircraft;

(*e*) (i) the name and address of every person who is entitled as owner to legal interest in the aircraft or a share therein, or, in the case of an aircraf which is the subject of a hire-purchase agreement, the name and addres of the hirer; and

(ii) in the case of an aircraft registered in pursuance of paragraphs (4 or (5) of this Article, an indication that it is so registered.

(8) The Board shall furnish to the person in whose name the aircraft i registered (hereinafter in this Article referred to as "the registered owner") certificate of registration, which shall include the foregoing particulars and th date on which the certificate was issued:

Provided that the Board shall not be required to furnish a certificate o registration if the registered owner is the holder of an aircraft dealer's certificat granted under this Order who has made to the Board and has not withdrawn statement of his intention that the aircraft is to fly only in accordance with th "C Conditions" set forth in Schedule 2 to this Order, and in that case the aircraf shall fly only in accordance with those Conditions.

(9) The Board may grant to any person an aircraft dealer's certificate if the are satisfied that he has a place of business in the United Kingdom for buyin and selling aircraft.

(10) Subject to paragraphs (4) and (5) of this Article, if at any time after an aircraft has been registered in the United Kingdom an unqualified person becomes entitled as owner to a legal or beneficial interest in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Board for cancellation.

(11) Any person who is the registered owner of an aircraft registered in the United Kingdom shall forthwith inform the Board in writing of:

(*a*) any change in the particulars which were furnished to the Board upon application being made for the registration of the aircraft;

(*b*) the destruction of the aircraft, or its permanent withdrawal from use;

(*c*) in the case of an aircraft registered in pursuance of paragraph (5) of this Article, the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in the United Kingdom shall forthwith inform the Board in writing to that effect.

(13) The Board may, whenever it appears to them necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if they think fit, may cancel the registration of the aircraft, and shall cancel that registration if they are satisfied that there has been a change in the ownership of the aircraft.

(14) The Board may, by regulations, adapt or modify the foregoing provisions of this Article as they deem necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(15) In this Article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) of this Article to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(16) Nothing in this Article shall require the Board to cancel the registration of an aircraft if in their opinion it would be inexpedient in the public interest to do so.

Nationality and registration marks

5.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom shall comply with Part B of Schedule 1 to this Order.

(3) An aircraft shall not bear any marks which purport to indicate:

(*a*) that the aircraft is registered in a country in which it is not in fact registered; or

(*b*) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

PART II

AIR OPERATORS' CERTIFICATES

Issue, revocation, etc., of air operators' certificates

6.—(1) The Board shall appoint an official of their Department to be the Director of Aviation Safety for civil aviation (hereafter in this Article referred to as "the Director"). The Board may also appoint officials of their Department to be deputies to the Director to perform the functions of the Director under this Article whenever the Board so instruct. The Board may at any time revoke the appointment of any person as Director or as his deputy.

(2) An aircraft registered in the United Kingdom, and having a maximum total weight authorised of more than 5,000 lb., shall not fly on any flight for the purpose of public transport, otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator of the aircraft under paragraph (3) of this Article, certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.

(3) The Director shall grant to any person applying therefor an air operator's certificate if he is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Director thinks fit, and, subject to the provisions of paragraph (4) of this Article, shall remain in force for the period specified in the certificate.

(4) Subject to the provisions of paragraph (5) of this Article the Director may, if he thinks fit, suspend or revoke any air operator's certificate, and may vary any such certificate whether or not application has been made for the variation.

(5) The Director shall not suspend, revoke or vary any air operator's certificate, except in accordance with an application made by the holder thereof, unless:

(*a*) the Director has previously given the holder of the certificate such written notice in such a manner and at such a time as may be prescribed, containing concise particulars of the Director's proposal and the reasons for it;

(*b*) the notice has expired; and

(*c*) the Director has considered any representations which the holder of the certificate may have made to him in writing before the expiration of the notice:

Provided that the foregoing requirements of this paragraph need not be complied with in any case in which the Director certifies that in the interests of the safety of air navigation it is essential for the revocation, suspension or variation of the certificate to take effect immediately.

(6) The Director shall serve the applicant for or holder of the certificate (as the case may be) with written notice of his decision as to that certificate and shall within such period as may be prescribed furnish the applicant for or holder of the certificate with reasons in writing for his decision:

(*a*) if he refuses to grant the certificate, or grants it subject to a condition to which the applicant has not agreed; or

(*b*) if he suspends, revokes or varies the certificate otherwise than in accordance with an application by the holder.

(7) Any applicant for or holder of an air operator's certificate who is aggrieved by a decision of the Director as to that application or certificate may, within such period and in such manner as may be prescribed, appeal to a person to be appointed for the purpose:

(*a*) where the appellant has his principal place of business in Scotland, by the Lord President of the Court of Session,

(*b*) where the appellant has his principal place of business in Northern Ireland, by the Lord Chief Justice of Northern Ireland, and

(*c*) in any other case by the Lord Chancellor,

sitting with such technical assessors, if any, as may be so appointed. The Board may by regulations make provision as to the giving of notice of appeal, the liability of any of the parties in respect of costs or expenses incurred in connection therewith, and generally for the procedure relating to appeals.

(8) In this Article "holder", in relation to a certificate, includes the holder of a certificate which has been revoked or suspended.

PART III

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Certificate of airworthiness to be in force

7.—(1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of:

(*a*) a glider, if it is not being used for the public transport of passengers or aerial work;

(*b*) a balloon, if it is not being used for the public transport of passengers;

(*c*) a kite;

(*d*) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Schedule 2 to this Order;

(*e*) an aircraft flying in accordance with the conditions of a permit to fly issued by the Board in respect of that aircraft.

(2) In the case of an aircraft registered in the United Kingdom the certificate of airworthiness referred to in paragraph (1) of this Article shall be a certificate issued or rendered valid in accordance with the provisions of Article 8 of this Order.

Issue and renewal of certificates of airworthiness

8.—(1) The Board may issue in respect of any aircraft a certificate of airworthiness if they are satisfied that the aircraft is fit to fly having regard to:

(*a*) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which they consider necessary for the airworthiness of the aircraft; and

(*b*) the results of flying trials, and such other tests of the aircraft as they may require:

Provided that, if the Board have issued a certificate of airworthiness in respect of an aircraft which, in their opinion, is a prototype aircraft or a modification of a prototype aircraft, they may dispense with flying trials in the case of any other aircraft if they are satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Board, appropriate to the aircraft in accordance with Schedule 3 to this Order and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Board may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as they think fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in Article 27(1) of this Order.

(5) The Board may, subject to such conditions as they think fit, issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft under the law of any country other than the United Kingdom.

(6) Subject to the provisions of this Article and of Article 58 of this Order, a certificate of airworthiness or validation issued under this Article shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Board for such further period as they think fit.

(7) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force:

(*a*) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Board either generally or in relation to a class of aircraft or to the particular aircraft; or

(*b*) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection required by the Board to be made for the purpose of ascertaining whether the aircraft remains airworthy.

(8) Without prejudice to any other provision of this Order the Board may, for the purposes of this Article, accept reports furnished to them by a person whom they may approve, either absolutely or subject to such conditions as they think fit, as qualified to furnish such reports.

(9) The Board shall cause to be prepared and preserved in relation to each aircraft registered in the United Kingdom a record enabling the aircraft (including in particular its engines) and such of its equipment as they may have considered necessary for the airworthiness of the aircraft in issuing, varying or rendering valid a certificate of airworthiness, to be identified with the drawings and other documents on the basis of which the certificate was issued, varied or rendered valid as the case may be. All equipment so identified shall for the purposes of this Order be deemed to be equipment necessary for the airworthiness of the aircraft. The Board shall cause such record to be produced for examination upon request being made therefor at any reasonable time by any person having, in the opinion of the Board, reasonable grounds for requiring to examine it.

Certification of maintenance

9.—(1) An aircraft registered in the United Kingdom shall not fly for the purpose of public transport or dropping or projecting any material for agricultural, public health or similar purposes unless:

(*a*) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with maintenance schedules approved by the Board in relation to that aircraft;

(*b*) there are in force in respect of that aircraft certificates (in this Order referred to as "certificates of maintenance") issued in accordance with the provisions of this Article and certifying that maintenance has been carried out in accordance with such maintenance schedules:

Provided that an aircraft may, notwithstanding that sub-paragraphs (*a*) and (*b*) have not been complied with in relation to the radio station therein, fly for the sole purpose of enabling persons to be trained to perform duties in aircraft.

(2) Every certificate of maintenance shall come into force upon being issued and shall cease to be in force upon the expiration of the period of its validity in elapsed time or flying time, whichever may be the earlier, as specified in the relevant maintenance schedule, and the period of validity of the certificate shall be recorded in the certificate at the time when it is issued.

(3) A certificate of maintenance may be issued for the purposes of this Article only by:

(*a*) the holder of a licence granted under this Order as an aircraft maintenance engineer being a licence of a category appropriate in accordance with Article 11 of and Schedule 4 to this Order; or

(*b*) the holder of a licence as such an engineer granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or

(*c*) the holder of a licence as such an engineer granted under the law of any such country as may be prescribed, in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

(*d*) a person whom the Board have authorised to issue a certificate of maintenance in a particular case, and in accordance with that authority:

Provided that, upon approving a maintenance schedule, the Board may direct that certificates of maintenance relating to that schedule, or to any part thereof specified in their direction, may be issued only by the holder of such a licence as is so specified.

(4) Certificates of maintenance shall be issued in duplicate. One of the duplicates shall, during the period of validity of the certificate, be carried in the aircraft when Article 55 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(5) On the termination of every flight by an aircraft registered in the United Kingdom for any of the purposes specified in paragraph (1) of this Article, the commander of the aircraft shall enter in a technical log:

(*a*) the times at which the flight began and ended; and

(*b*) particulars of any defect in any part of the aircraft or its equipment which is known to him, being a part to which a maintenance schedule relates, or, if no such defect is known to him, an entry to that effect;

and shall sign and date such entries:

Provided that in the case of a number of consecutive flights beginning an ending on the same day and with the same person as commander of the aircraf the commander of an aircraft:

(i) flying for the purpose of public transport where each of the aforesai consecutive flights begins at the same aerodrome and ends at tha aerodrome, or

(ii) flying for the purpose of dropping or projecting any material for agri cultural, public health or similar purposes,

may, except where he becomes aware of a defect during an earlier flight, mak the entries as aforesaid in a technical log at the end of the last of such consecutiv flights.

(6) Upon the rectification of any defect which has been entered in a technica log in accordance with paragraph (5) of this Article, a copy of the certificat of compliance required by Article 10 of this Order in respect of the work don for the rectification of the defect shall be entered in the technical log in such a position or manner as to be readily identifiable with the entry of the defect t which it relates.

(7) The technical log referred to in paragraphs (5) and (6) of this Articl shall be carried in the aircraft when Article 55 of this Order so requires an copies of the entries referred to in those paragraphs shall be kept on the ground

(8) Subject to the provisions of Article 57 of this Order every certificate o maintenance shall be preserved by the operator of the aircraft for a perio of two years following the expiry of the period of validity of the certificate an for such further period as the Board may require in any particular case.

Inspection, overhaul, repair, replacement and modification

10.—(1) An aircraft registered in the United Kingdom, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force, shall not fly if any part of the aircraft or of such of its equipment as is necessary for the airworthiness of the aircraft, has been over-hauled, repaired, replaced or modified, or has been inspected as provided in Article 8(7)(*b*) of this Order, unless there is in force a certificate of compliance issued in accordance with this Article and relating to the overhaul, repair, replacement, modification or inspection, as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such place that it is not reasonably practicable:

(*a*) for the repair or replacement to be carried out in such a manner that a certificate of compliance can be issued under this Article in respect thereof, or

(*b*) for such a certificate to be issued while the aircraft is at that place, the aircraft may fly to a place at which such a certificate can be issued, being the nearest place:

(i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped, and

(ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Board within ten days thereafter.

(2) Neither:

(*a*) equipment provided in compliance with Schedule 5 to this Order (except paragraph (3) thereof), nor

(*b*) in the case of a public transport aircraft, radio apparatus provided for use therein or in any survival craft carried therein, whether or not such apparatus is provided in compliance with this Order or any regulation made thereunder,

shall be installed, or placed on board for use, in an aircraft registered in the United Kingdom after being overhauled, repaired or modified, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of compliance issued in accordance with this Article and relating to the overhaul, repair or modification, as the case may be.

(3) For the purposes of this Order, "certificate of compliance" means a certificate that the part of the aircraft or its equipment has been overhauled, repaired, replaced or modified, as the case may be, in a manner and with material of a type approved by the Board either generally or in relation to a class of aircraft or the particular aircraft and which identifies the overhaul, repair, replacement or modification to which it relates and includes particulars of the work done; and in relation to an inspection required by the Board, that the inspection has been made in accordance with the requirement of the Board and that any consequential repair or replacement has been carried out as aforesaid.

(4) A certificate of compliance may be issued for the purposes of this Article only by—

(*a*) the holder of a licence granted under this Order as an aircraft maintenance engineer being a licence of a category appropriate in accordance with Article 11 of and Schedule 4 to this Order; or

(*b*) the holder of a licence as such an engineer granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or

(*c*) the holder of a licence as such an engineer granted under the law of any such country as may be prescribed, in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

(*d*) a person approved by the Board as being competent to issue such certificates; or

(*e*) a person whom the Board have authorised to issue the certificate in a particular case; or

(*f*) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence.

(5) Subject to the provisions of Article 57 of this Order, if the aircraft to which a certificate of compliance relates is a public transport aircraft or an aerial work aircraft, the certificate of compliance shall be preserved by the operator of the aircraft for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be. In the case of any other aircraft the certificate shall be preserved by the operator of the aircraft for a period of two years.

(6) In this Article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

Licensing of maintenance engineers

11.—(1) The Board may grant to any person a licence to act for the purposes of this Order as an aircraft maintenance engineer, of one of the categories specified in Schedule 4 to this Order, upon their being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by his knowledge and experience to do so, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Board may require of him. The Board may include a rating in the licence limiting the licence to particular types of aircraft or equipment.

(2) A licence of any category shall, subject to any rating as aforesaid, entitle the holder to issue certificates of maintenance, certificates of compliance or certificates of fitness for flight in accordance with Schedule 4 to this Order.

(3) A licence and a rating shall, subject to the provisions of Article 58 of this Order, remain in force for the periods specified therein, not exceeding twelve months, but may be renewed by the Board from time to time upon their being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

(4) The Board may issue a certificate rendering valid for the purposes of this Order any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted under the law of any country other than the United Kingdom. Such certificate may be issued subject to such conditions, and for such period, as the Board think fit.

(5) Upon receiving a licence granted under this Article, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

Equipment of aircraft

12.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made thereunder.

(2) In the case of aircraft registered in the United Kingdom the equipment required to be provided (in addition to any other equipment required by or under this Order) shall be that specified in such parts of Schedule 5 to this Order as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph (3) of the said Schedule, shall be of a type approved by the Board either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Board may direct that an aircraft registered in the United Kingdom shall carry such additional or special equipment or supplies as they may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular there shall be exhibited in a prominent position in every passenger compartment of every public transport aircraft registered in the United Kingdom a notice stating where the lifejackets (if any) are to be found, and containing instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this Article, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2) of this Article, all navigational equipment (other than radio apparatus) of any of the following types, namely:

(*a*) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it, and

(*b*) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Board either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This Article shall not apply in relation to radio apparatus except that specified in Schedule 5 to this Order.

Radio equipment of aircraft

13.—(1) An aircraft shall not fly unless it is so equipped with radio apparatus as to comply with the law of the country in which the aircraft is registered and to enable communications to be made, and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made thereunder.

(2) In the case of aircraft registered in the United Kingdom, the aircraft shall be equipped with radio apparatus in accordance with Schedule 6 to this Order.

(3) In any particular case the Board may direct that an aircraft registered in the United Kingdom shall carry such additional or special radio apparatus as they may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio apparatus provided in compliance with this Article in an aircraft registered in the United Kingdom shall always be maintained in serviceable condition.

(5) All radio apparatus installed in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Board in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by Article 3(1) of this Order to fly unregistered, be installed in a manner approved by the Board. Neither the apparatus nor the manner in which it is installed shall be modified except with the approval of the Board.

Aircraft, engine and propeller log books

14.—(1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of every public transport aircraft and aerial work aircraft registered in the United Kingdom:

(*a*) an aircraft log book; and

(*b*) a separate log book in respect of each engine fitted in the aircraft; and

(*c*) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in Schedule 7 to this Order.

(2) Each entry in the log book shall be made as soon as is practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of maintenance (if any) in force in respect of the aircraft at the time of the occurrence.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this Article.

(5) Subject to the provisions of Article 57 of this Order every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule

15.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Board may require in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule; and showing the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight.

(3) Subject to the provisions of Article 57 of this Order the weight schedule shall be preserved by the operator of the aircraft until the expiry of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this Article.

Access and inspection for airworthiness purposes

16. The Board may cause such inspections, investigations, tests, experiments and flight trials to be made as they deem necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Board may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture or any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or aircraft factory.

PART IV

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft

17.—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order, in respect of that aircraft.

(3) A flying machine registered in the United Kingdom and flying for the purpose of public transport, having a maximum total weight authorised of 12,500 lb. or more, shall carry not less than two pilots as members of the flight crew thereof.

(4) An aircraft registered in the United Kingdom engaged on a flight for the purpose of public transport shall carry a flight navigator as a member of the flight crew if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 8 to this Order. The flight navigator carried in compliance with this paragraph shall be carried in addition to any person who is carried in accordance with this Article to perform other duties.

(5) An aircraft registered in the United Kingdom which is required by the provisions of Article 13 of this Order to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew, who, if he is required to operate radiotelegraph apparatus, shall be carried in addition to any other person who is carried in accordance with this Article to perform other duties.

(6) If it appears to them to be expedient to do so in the interests of safety, the Board may direct any particular operator that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Board may specify unless those aircraft carry in addition to the flight crew required to be carried therein by the foregoing provisions of this Article such additional persons as members of the flight crew as they may specify in the direction.

(7) (*a*) When an aircraft registered in the United Kingdom carries twenty or more passengers on a flight for the purpose of public transport, the crew of the aircraft shall include persons carried for the purpose of performing in the interest of the safety of passengers duties to be assigned by the operator or the person in command of the aircraft, but who shall not act as members of the flight crew. The number of such persons carried when the aircraft is carrying the number of passengers specified in column 1 of the table set out at the end of this sub-paragraph shall be not less than the number set opposite that number in column 2 of that table:

Column 1	*Column* 2
20–50 passengers ...	... 1 person
51–100 „	... 2 persons
101–150 „	... 3 persons
Over 150 „	... 4 persons

(*b*) The Board may give a direction to the operator of any aircraft registered in the United Kingdom requiring him to include among the crew thereof whenever the aircraft is flying for the purpose of public transport at least one such person as aforesaid, notwithstanding that the aircraft may be carrying fewer than 20 passengers.

Members of flight crew—licences

18.—(1) Subject to the provisions of this Article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order:

Provided that a person may, within the United Kingdom, act as a flight radiotelephony operator without being the holder of such a licence if—

(*a*) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft; and

(*b*) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment; and

(*c*) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft; and

(*d*) messages are transmitted only on a frequency exceeding 60 megacycles per second assigned by the Board for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (*a*) of this proviso; and

(*e*) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency; and

(*f*) the operation of the transmitter requires the use only of external switches; and

(*g*) the stability of the frequency radiated is maintained automatically by the transmitter.

(2) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered outside the United Kingdom unless—

(*a*) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; and

(*b*) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Board do not in the particular case give a direction to the contrary.

(3) For the purposes of this Article a licence granted under the law of a Contracting State purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall unless the Board in the particular case give a direction to the contrary be deemed to be a licence rendered valid under this Order but shall not entitle the holder to act as member of the flight crew of any aircraft flying for the purpose of public transport or aerial work.

(4) Notwithstanding the provisions of paragraph (1) of this Article, a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the United Kingdom for the purpose of undergoing training or tests—

(*a*) for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating thereon or

(*b*) for admission into any of Her Majesty's naval, military or air forces,

without being the holder of an appropriate licence, if the following conditions are complied with:

(i) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with this Order, a person authorised by the Board to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and

(ii) the person acting as the pilot of the aircraft without being the holder of an appropriate licence shall not be the pilot in command of the aircraft unless within the period of six months immediately preceding he was serving as a qualified pilot of aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify.

(5) Notwithstanding the provisions of paragraph (1) of this Article, a person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(6) An appropriate licence for the purposes of this Article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(7) This Article shall not apply to a person (other than a flight radio operator) by reason of his acting as a member of the flight crew of a glider which is not flying for the purpose of public transport or aerial work.

(8) Notwithstanding anything in this Article—

(i) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom, except in accordance with permission granted by the competent authorities of that State;

(ii) the holder of a licence granted or rendered valid under the law of a Contracting State other than the United Kingdom, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with permission granted by the Board, whether or not the licence is or is deemed to be rendered valid under this Order.

Grant and renewal of licences to members of flight crew

19.—(1) The Board may grant licences, subject to such conditions as they think fit, of any of the following classes:

Student pilot's licence,

Private pilot's licence (aeroplanes),

Commercial pilot's licence (aeroplanes),

Senior commercial pilot's licence (aeroplanes),

Airline transport pilot's licence (aeroplanes),

Private pilot's licence (helicopters and gyroplanes),

Commercial pilot's licence (helicopters and gyroplanes),

Airline transport pilot's licence (helicopters and gyroplanes),

Private pilot's licence (balloons and airships),

Commercial pilot's licence (balloons),

Commercial pilot's licence (airships),

Commercial pilot's licence (gliders),

Flight navigator's licence,

Flight engineer's licence,

Flight radiotelephony operator's general licence,

Flight radiotelephony operator's restricted licence,

Flight radiotelegraphy operator's licence,

Flight radiotelegraphy operator's temporary licence,

upon their being satisfied that the applicant is a fit and proper person to hold th licence and is qualified by reason of his knowledge, experience, competence skill and physical fitness to act in the capacity to which the licence relates and for that purpose the applicant shall furnish such evidence, and underg such examinations and tests (including in particular medical examinations) as th Board may require of him. A licence of any class shall not be granted to an person who is under the minimum age specified for that class of licence in Part A of Schedule 9 to this Order.

(2) Subject to any conditions of the licence, a licence of any class shall entitl the holder to perform the functions specified in respect of that licence in Part A of the said Schedule 9 under the heading "privileges":

Provided that—

(*a*) subject to the provisions of paragraphs (11) and (12) of this Articl Article 18(4) and Article 22(1) of this Order a person shall not be entitle to perform any of the functions specified in Part B of the said Schedule i respect of a rating unless his licence includes that rating;

(*b*) a person shall not be entitled to perform any of the functions to whic his licence relates if he knows or has reason to believe that his physica condition renders him temporarily or permanently unfit to perform suc function;

(*c*) the holder of a licence, other than a flight radiotelephony operator licence, shall not be entitled to perform any of the functions to which h licence relates unless it includes a medical certificate issued and in forc under paragraph (7) of this Article;

(*d*) the holder of a pilot's licence shall not be entitled to perform functio on a flight unless the licence bears a valid certificate of test or a vali certificate of experience, which certificate shall in either case be appropriat to the functions he is to perform on that flight in accordance with Part C of the said Schedule and shall otherwise comply with that Part;

(*e*) a person shall not be entitled to perform the functions to which a instrument rating (aeroplanes), flying instructor's rating, assistant flyin instructor's rating, or instrument meteorological conditions ratin (aeroplanes) relate unless his licence bears a certificate signed by a perso authorised by the Board to sign such certificates, indicating that th holder of the licence has, within the period of 13 months in the case of a instrument rating (aeroplanes) and an assistant flying instructor's ratin and 25 months in the case of a flying instructor's rating and an instrume

meteorological conditions rating (aeroplanes) preceding the day on which he performs those functions, passed a test of his ability to perform the functions to which the rating relates, being a test carried out in flight in the case of the three last-named ratings, and in the case of the first-named rating, either in flight or by means of apparatus approved by the Board in which flight conditions are simulated on the ground;

(*f*) a person who, on the last occasion when he took a test for the purposes of sub-paragraphs (*d*) or (*e*) of this paragraph, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(3) The Board may, if they are satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, include in a licence a rating of any of the classes specified in Part B of the said Schedule 9, and such rating shall be deemed to form part of the licence and shall entitle the holder to perform such functions as are specified in Part B of the said Schedule in respect of that rating.

(4) A licence shall, subject to the provisions of Article 58 of this Order, remain in force for the periods indicated in the licence, not exceeding those respectively specified in Schedule 9 to this Order, and may be renewed by the Board from time to time upon their being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

(5) Upon receiving a licence granted under this Article, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Every applicant for and holder of a licence granted under this Article other than a flight radiotelephony operator's licence shall upon such occasions as the Board may require submit himself to medical examination by a person approved by the Board either generally or in a particular case who shall make a report to the Board in such form as the Board may require.

(7) On the basis of the medical examination referred to in paragraph (6) of this Article, the Board or any person approved by them as competent to do so may issue a medical certificate subject to such conditions as they think fit to the effect that they have assessed the holder of the licence as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to proviso (*b*) to paragraph (2) of this Article, be valid for such period as is therein specified, and shall be deemed to form part of the licence;

(8) Every holder of a licence, other than a flight radiotelephony operator's licence, granted under this Article or rendered valid under Article 20 of this Order who suffers—

(*a*) any personal injury involving incapacity to undertake the functions to which his licence relates; or

(*b*) any illness involving incapacity to undertake those functions throughout a period of twenty days or more,

shall inform the Board in writing of such injury or illness, as soon as possible in the case of an injury, and as soon as the period of twenty days has elapsed in the case of illness.

(9) A licence, other than a flight radiotelephony operator's licence, granted under this Part of this Order shall be deemed to be suspended upon the occurrence of such an injury, or the elapse of such period of illness as is referred to in paragraph (8) of this Article. The suspension of the licence shall cease:

(*a*) upon the holder being medically examined under arrangements made by the Board and pronounced fit to resume his functions under the licence; or

(*b*) upon the Board exempting the holder from the requirement of a medical examination, subject to such conditions as the Board may think fit.

(10) A licence granted under this Article shall be deemed to be suspended upon the pregnancy of the holder being diagnosed and shall remain suspended until the holder has been medically examined after the pregnancy has ended and pronounced fit to resume her duties under the licence.

(11) Nothing in this Order shall be taken to prohibit the holder of a commercial pilot's, senior commercial pilot's or airline transport pilot's licence from acting as pilot in command of an aircraft carrying passengers by night by reason of the lack of a night rating in his licence.

(12) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft not exceeding 12,500 lb. maximum total weight authorised when with the authority of the Board he is testing any person in pursuance of Article 19(1) or (3) of this Order, notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence.

Validation of licences

20. The Board may issue a certificate of validation rendering valid for the purposes of this Order any licence as a member of the flight crew of aircraft granted under the law of any country other than the United Kingdom. A certificate of validation may be issued subject to such conditions and for such period as the Board think fit.

Personal flying log book

21. Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order or undergoing tests or receiving instruction in flying for admission into any of Her Majesty's naval, military or air forces shall keep a personal flying log book in which the following particulars shall be recorded:

The name and address of the holder of a log book.

Particulars of holder's licence (if any) to act as a member of the flight crew of an aircraft.

The name and address of his employer (if any).

Particulars of all flights made as a member of the flight crew of aircraft, including—

(*a*) the date, duration and places of arrival and departure of each flight;

(*b*) the type and registration marks of the aircraft;

(*c*) the capacity in which the holder acted in flight;

(*d*) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;

(*e*) particulars of any test or examination undertaken whilst in flight.

Instruction in flying

22.—(1) A person shall not give any instruction in flying to any person flying or about to fly a flying machine for the purpose of becoming qualified for—

(*a*) the grant of a pilot's licence; or

(*b*) the inclusion in a pilot's licence of an aircraft rating entitling the holder of the licence to act as pilot of—

(i) a multi-engined aircraft, or

(ii) an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 1 to this Order,

if the person under instruction has not been previously entitled under the Act, or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of a multi-engined aircraft, or of an aircraft of that class as the case may be; or

(*c*) the inclusion or variation of any rating, other than an aircraft rating, in a pilot's licence,

unless:

(i) the person giving the instruction holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which instruction is to be given; and

(ii) such licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder, in accordance with the privileges specified in Schedule 9 to this Order in respect of that rating, to give the instructions; and

(iii) if consideration is given for the instruction, such licence entitles the holder to act as pilot in command of an aircraft flying for the purpose of public transport:

Provided that sub-paragraph (iii) of this paragraph shall not apply if the aircraft is owned, or is operated under arrangements entered into, by a flying club of which both the person giving and the person receiving the instruction are members.

(2) For the purpose of this Article payment shall be deemed to be made for instruction if any reward is given or promised by any person to any other person in consideration of the flight being made or of the instruction being given or if the instruction is given by a person employed for reward primarily for the purpose of giving such instruction.

Glider pilot—minimum age

23. A person under the age of sixteen years shall not act as pilot in command of a glider.

PART V

OPERATION OF AIRCRAFT

Operations Manual

24.—(1) This Article shall apply to public transport aircraft registered in the United Kingdom except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

(*a*) flights solely for training persons to perform duties in an aircraft, or

(*b*) flights intended to begin and end at the same aerodrome.

(2) (*a*) The operator of every aircraft to which this Article applies shall—

(i) make available to each member of his operating staff an operations manual, and

(ii) ensure that each copy of the operations manual is kept up to date, and

(iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(*b*) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular, information and instructions relating to the matters specified in Part A of Schedule 10 to this Order:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(3) The operator of the aircraft shall, if the Board shall so require, furnish the Board with a copy of the whole of the operations manual for the time being in effect, or of such parts thereof as the Board may specify. The operator shall make such amendments of or additions to the operations manual as the Board may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this Article and Schedule 10 to this Order "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in Scale O in paragraph 5 of Schedule 5 hereto is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

Public transport—operators' responsibilities

25.—(1) The operator of an aircraft registered in the United Kingdom shall not permit the aircraft to fly for the purpose of public transport without first—

(*a*) designating from among the flight crew a pilot to be the commander of the aircraft for the flight; and

(*b*) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and

(*c*) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternate aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped (including such manning and equipment as may be prescribed) to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in the United Kingdom shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training

experience, practice and periodical tests specified in Part B of Schedule 10 to this Order in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the said Schedule 10.

Loading—public transport aircraft and suspended loads

26.—(1) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport or any load to be suspended therefrom except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that—

(*a*) the load may safely be carried on the flight, and

(*b*) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the basic weight (shown in the weight schedule referred to in Article 15 of this Order) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight:

Provided that this paragraph shall not apply in relation to a flight if—

(*a*) the aircraft's maximum total weight authorised does not exceed 2,500 lb., or

(*b*) the aircraft's maximum total weight authorised does not exceed 6,000 lb. and the flight is intended not to exceed 60 minutes in duration and is either—

(i) a flight solely for training persons to perform duties in an aircraft, or

(ii) a flight intended to begin and end at the same aerodrome.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1) of this Article.

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination of the commander of the aircraft who shall sign his name thereon:

Provided that the foregoing requirements of this paragraph shall not apply if—

(*a*) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

(*b*) paragraph (2) of this Article does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when Article 55 of this Order so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this Article

shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft.

Public transport—operating conditions

27.—(1) An aircraft registered in the United Kingdom shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements as may be prescribed in respect of its weight and related performance are complied with.

(2) The assessment of the ability of an aircraft to comply with paragraph (1) of this Article shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) Such requirements as may be prescribed in respect of the weather conditions required for take-off, approach to landing and landing shall be complied with in respect of every aircraft to which Article 24 of this Order applies.

(4) A flying machine registered in the United Kingdom when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft—

(*a*) if it has one engine only, in the event of the failure of that engine,

(*b*) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(5) Without prejudice to the provisions of paragraph (4) of this Article, an aeroplane in respect of which there is in force under this Order a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units. For the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

Aircraft not registered in the United Kingdom—weather conditions

28.—(1) A public transport aircraft registered in a country other than the United Kingdom shall not fly unless the operator thereof shall have furnished to the Board such particulars as they may from time to time have required relating to the weather conditions 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 weather conditions. The aircraft shall not fly in or over the United Kingdom unless the operator shall have made such amendments of or additions to the weather conditions so specified and any instructions so given as the Board 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 weather conditions less favourable than those so specified in relation to that aerodrome, or in contravention 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 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 relevant minimum for landing established in accordance with paragraph (1) of this Article.

(4) For the purpose of this Article "runway visual range" in relation to a runway or landing strip means the maximum distance in the direction of landing at which the runway or landing strip or the markers or lights delineating it can be seen from a point of 15 feet above its centre line; and if that distance has been 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, the distance so communicated shall be taken to be the runway visual range for the time being.

Pre-flight action by commander of aircraft

29. The commander of an aircraft registered in the United Kingdom shall satisfy himself before the aircraft takes off—

(*a*) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;

(*b*) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;

(*c*) that the aircraft is in every way fit for the intended flight, and that where certificates of maintenance are required by Article 9(1) of this Order to be in force, they are in force and will not cease to be in force during the intended flight;

(*d*) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

(*e*) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;

(*f*) in the case of an airship or balloon that sufficient ballast is carried for the intended flight;

(*g*) in the case of a flying machine, that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;

(*h*) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Pilots to remain at controls

30. The commander of an aircraft registered in the United Kingdom, being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under

this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. Each pilot at the controls shall be secured in his seat by either a safety belt or a safety harness except that during take-off and landing a safety harness shall be used if it is required by Article 12 of this Order to be provided.

Public transport of passengers—duties of commander

31.—(1) This Article applies to flights for the purpose of the public transport of passengers by aircraft registered in the United Kingdom.

(2) In relation to every flight to which this Article applies the commander of the aircraft shall—

(*a*) before the aircraft takes off, take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harnesses, oxygen equipment and lifejackets, and all other devices required by or under this Order and intended for use by passengers individually in case of an emergency occurring to the aircraft:

Provided that in relation to lifejackets this requirement may, except in the case of a seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land;

(*b*) 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 that point is reached, all passengers are given a practical demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers;

(*c*) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a practical demonstration of the method of use of the equipment referred to in the preceding sub-paragraph;

(*d*) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with Article 17(7) of this Order are properly secured in seats which shall be in a passenger compartment and which shall be so situated that they can readily assist passengers;

(*e*) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during flight he considers the precaution necessary, take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses;

(*f*) in any emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take;

(*g*) except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that—

(i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of Article 12 of this Order is demonstrated to all passengers;

(ii) on reaching such altitude all passengers are recommended to use oxygen;

(iii) during any continuous period exceeding 30 minutes when the aircraft is flying above flight level 100 but not above flight level 130, and whenever the aircraft is flying above flight level 130, oxygen is used by all the crew of the aircraft.

Operation of radio in aircraft

32.—(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft:

Provided that—

(*a*) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits; and

(*b*) the watch may be kept by a device installed in the aircraft if—

(i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and

(ii) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.

(3) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:

(*a*) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the air-space in which the aircraft is flying;

(*b*) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;

(*c*) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;

(*d*) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1) of this Article.

(4) In every aircraft registered in the United Kingdom which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made:

(*a*) the identification of the aircraft radio station;

(*b*) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;

(*c*) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress traffic sent or received;

(*d*) particulars of any action taken upon the receipt of a distress signal or message;

(*e*) particulars of any failure or interruption of radio communications and the cause thereof:

Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.

(5) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.

(6) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(7) In any flying machine registered in the United Kingdom which is engaged on a flight for the purpose of public transport, the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace at an altitude less than 15,000 feet above mean sea level or is taking off or landing.

Use of flight recorders and preservation of records

33.—(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.

(2) The operator of the aircraft shall, subject to the provisions of Article 57 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 30 days after the end of the flight or such longer period as the Board may in a particular case direct.

Towing of gliders

34.—(1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 500 feet.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

(*a*) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider is capable of flying in the manner referred to in Article 29(*g*) of this Order;

(*b*) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;

(*c*) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing, picking up and raising of persons and articles

35.—(1) Subject to the provisions of this Article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(3) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 500 feet.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.

(5) Nothing in this Article shall—

(*a*) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;

(*b*) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

(*c*) apply to any aircraft while it is flying in accordance with the "B Conditions" set forth in Schedule 2 to this Order.

(*d*) be taken to permit the towing or picking up of a glider otherwise than in accordance with Article 34 of this Order.

Dropping of persons and articles

36.—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Articles, animals and persons (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom:

Provided that this paragraph shall not apply to the descent of persons by parachute from an aircraft in an emergency, or to the dropping of articles by, or with the authority of, the commander of the aircraft in the following circumstances:

(*a*) the dropping of articles for the purpose of saving life;

(*b*) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;

(*c*) the dropping of ballast in the form of fine sand or water;

(*d*) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;

(*e*) the dropping at an aerodrome in accordance with prescribed regulations of ropes, banners or similar articles towed by aircraft.

(3) For the purposes of this Article dropping includes projecting and lowering.

(4) Nothing in this Article shall prohibit the lowering of any person, animal or article from a helicopter to the surface, if the certificate of airworthiness

issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Carriage of munitions of war

37.—(1) An aircraft shall not carry any munitions of war.

(2) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for carriage thereon, any goods which he knows or has reason to believe or suspect to be munitions of war.

(3) For the purposes of this Article "munitions of war" means such weapons and ammunition as are designed for use in warfare.

Carriage of dangerous goods

38.—(1) Dangerous goods shall not be carried in an aircraft except as follows:

(*a*) goods carried in accordance with any regulations which the Board may make to permit dangerous goods to be carried either in aircraft generally or in aircraft of any class specified in the regulations;

(*b*) goods, carried with the written permission of the Board, and in accordance with any conditions to which such permission may be subject;

(*c*) goods carried in aircraft with the consent of the operator thereof for the purpose of ensuring the proper navigation or safety of the aircraft or the well-being of any person on board;

(*d*) goods permitted to be carried under the laws of the country in which the aircraft is registered, if there is in force in relation to such country an agreement between Her Majesty's Government in the United Kingdom and the Government of that country permitting the carriage of dangerous goods within the United Kingdom in aircraft registered in that country

(2) Dangerous goods permitted by or under this Order to be carried in an aircraft shall not be loaded as cargo therein unless:

(*a*) the consignor of the goods has furnished the operator of the aircraft with particulars in writing of the nature of the goods and the danger to which they give rise; and

(*b*) the goods or any container in which they are packed are clearly marked so as to indicate that danger to the person loading the goods in the aircraft.

The operator of the aircraft shall, before the flight begins, inform the commander of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(3) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by this Article.

(4) The provisions of this Article shall be additional to and not in derogation from the provisions of Article 37 of this Order.

Method of carriage of persons

39. A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular

person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to—

(*a*) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein;

(*b*) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings

40.—(1) This Article shall apply to every public transport aircraft registered in the United Kingdom.

(2) Whenever an aircraft to which this Article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall, during take-off and landing and during any emergency, be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers:

Provided that an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Board, either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers 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) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the word "Exit" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words "Emergency Exit" in capital letters.

(4) (*a*) Every exit from the aircraft shall be marked with instructions in English and with diagrams, to indicate the correct method of opening the exit.

(*b*) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.

(5) (*a*) Every aircraft to which this Article applies, being an aircraft of which the maximum total weight authorised exceeds 8,000 lb., shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(*b*) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 4 inches in length along its outer edge and 1 inch in width.

(*c*) The words "Cut Here in Emergency" shall be marked across the centre of each break-in area in capital letters.

(6) The markings required by this Article shall—

(*a*) be painted, or affixed by other equally permanent means;

(*b*) be red in colour and, in any case in which the colour of the adjacent

background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;

(*c*) be kept at all times clean and unobscured.

Imperilling safety of aircraft

41. A person shall not wilfully or negligently act in a manner likely to endanger an aircraft, or any person therein.

Imperilling safety of any person or property

42. A person shall not wilfully or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

43.—(1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft

44.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft

45. Every person in an aircraft registered in the United Kingdom shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Stowaways

46. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

PART VI

FATIGUE OF CREW

Application and interpretation of Part VI

47.—(1) Articles 48 to 52, inclusive, of this Order apply in relation to an aircraft if, but only if, it is an aircraft registered in the United Kingdom which is either—

(*a*) engaged on a flight for the purpose of public transport, or

(*b*) operated by an air transport undertaking:

Provided that the said Articles shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or a flying school, or a person who is not an air transport undertaking.

(2) In this Part of this Order, the following expressions shall, except where the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say—

(*a*) "flight time", in relation to any person, means all time spent by that person in an aircraft (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) while it is in flight and he is carried therein as a member of the flight crew thereof;

(*b*) "duty period", in relation to any person who flies in an aircraft as a member of the crew thereof, means any continuous period throughout which he is, under the provisions of paragraphs (3) or (4) of this Article, to be treated as being on duty:

Provided that where two or more periods which would, but for this proviso, be separate duty periods are separated by an interval of less than 10 hours, the period starting when the first of those duty periods began and finishing when the last of them ended shall be treated as constituting a single continuous duty period;

(*c*) "rest period", in relation to any person, means any continuous period no part of which forms part of a duty period of that person;

(*d*) "day" means a continuous period of 24 hours beginning at midnight Greenwich mean time.

(3) For the purposes of this Part of this Order, a person who is employed under a contract of service to fly in an aircraft as a member of the crew thereof shall be treated as being on duty at any time when in the course of that employment he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Article) or he is otherwise acting in the course of that employment:

Provided that when he is not flying in an aircraft—

(*a*) subject to paragraph (*c*) of this proviso, he shall not be treated as being on duty during any period which he is allowed for rest;

(*b*) subject to paragraph (*c*) of this proviso, he shall not be treated as being on duty at any time by reason only of his being required at that time to be available at a particular place to report for duty if required to do so;

(*c*) he shall be treated as being on duty at any time when he is required to be available at a particular place to report for duty if required to do so if—

(i) that place is at an aerodrome, or

(ii) that place, not being at an aerodrome, is a place at which his employer requires persons similarly employed to be available as aforesaid and adequate facilities for rest are not available for his use while he is required to be so available.

(4) For the purposes of this Part of this Order, a person who flies in an aircraft as a member of the crew thereof, otherwise than in the course of his employment under a contract of service to fly as aforesaid, shall be treated as being on duty at any time when, in connection with any business of operating aircraft, he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Article) or does any work.

(5) For the purposes of this Part of this Order, references to a person flyin in an aircraft as a member of the crew thereof include references to the operato of the aircraft who himself flies in the aircraft in any such capacity and reference to the work and other duties which a person is required or permitted by a operator to carry out shall in any such case be construed as references to an work carried out by that operator in connection with the management of aircraf or with any business which includes the flying of aircraft.

Duties of operators to prevent excessive fatigue of crew

48. It shall be the duty of every operator of an aircraft to which this Articl applies to ensure, as respects each person flying as a member of the crew of tha aircraft, that the periods during which that person is required or permitted b that operator to carry out any work or other duties are so limited in length an frequency, and that that person is afforded such periods for rest, that his sai work and duties are not likely to cause him such fatigue while he is flying i the aircraft as may endanger the safety thereof or of the persons therein.

Establishment of limits on flight times, flying duty periods and rest periods

49.—(1) Without prejudice to the provisions of Article 48 of this Order, an for the purposes of securing that the requirements of those provisions ar complied with, every operator of an aircraft to which this Article applies shal establish—

(*a*) for every person flying in that aircraft as a member of the crew thereof
  (i) limits on his flying periods, and
  (ii) minimum rest periods which he is to have immediately before an duty period in the course of which flies as aforesaid; and

(*b*) for every person flying in that aircraft as a member of the flight crew thereof, limits on the aggregate of all his flight times during every perio of 28 consecutive days,

being limits and minimum rest periods which the operator is satisfied afte taking into account the matters mentioned in paragraph (2) of this Article, ar such that, if every member of the crew observes such of those limits as ar applicable to him and has those minimum rest periods, the safety of neithe the aircraft nor of the persons therein is likely to be endangered on the fligh by reason of any fatigue which may be caused by the work or other dutie which the members of the crew are required or permitted by the operator t carry out. Different limits and different minimum rest periods may be establishe either for different persons or for different classes of persons and for differen circumstances.

(2) The matters which an operator shall take into account in establishin under paragraph (1) of this Article limits and minimum rest periods as therei mentioned for the persons therein mentioned are the nature of the work an other duties which those persons will carry out and all circumstances arisin out of the carrying out of that work and those duties which may affect th degree of fatigue from which those persons may suffer while they are makin a flight in an aircraft to which this Article applies in any such capacity as i mentioned in the said paragraph (1) including, without prejudice to th 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*) for every person who is to fly in that aircraft as a member of the flight crew thereof, the number of consecutive occasions on which he will be required to fly for the maximum period permitted under this Part of the Order.

(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 50, 51 and 53 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 50(2), or, when the specified time is 24 hours, within the period of two hours immediately preceding the end of the specified time.

(4) An operator of an aircraft to which this Article applies shall not permit that aircraft to make a flight unless limits and minimum rest periods have been established in accordance with the foregoing provisions of this Article so as to apply to every member of the crew thereof.

(5) Every operator of an aircraft to which this Article applies shall take all such steps as are reasonably practicable to secure that all limits for the time being established by that operator in accordance with the foregoing provisions of this Article are observed and that no person for whom minimum rest periods are for the time being so established makes any flight in an aircraft to which this Article applies as a member of the crew thereof unless, immediately before the duty period in the course of which he makes the flight, he has had the appropriate rest period so established.

(6) Notwithstanding anything contained in the foregoing provisions of this Article, an operator of an aircraft to which this Article applies may confer upon the commander of that aircraft a discretion to make, or authorise any person to make a flight in that aircraft in such circumstances that the commander or, as the case may be, that other person will not observe the limits or will not have had the minimum rest period established by that operator under the foregoing provisions of this Article and applicable to the commander or that other person:

Provided that the said discretion shall not be exercisable unless the following conditions are fulfilled, that is to say—

(*a*) that it appears to the commander—

(i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that if the flight had been made in accordance with those arrangements each member of the crew would have observed the limits and have had the minimum rest periods established by the operator and applicable to them as aforesaid, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of exceptional circumstances or by reason of circumstances which were not foreseen as likely to prevent that flight from being so made, or

(ii) that the flight is one which ought to be carried out in the interests of the safety or health of any person, and

(*b*) that the commander is satisfied that the safety of neither the aircraft nor the persons therein will be endangered on that flight if he or that other person makes that flight.

(7) Every operator of an aircraft to which this Article applies shall include in every operations manual to be provided under Article 24 of this Order for the use and guidance of the members of the crew of that aircraft, or, in any case where no such manual is required to be provided by that Article, in a document which shall be provided for the use and guidance of those members, full particulars of all limits and minimum rest periods for the time being established under the foregoing provisions of this Article which may affect any of those members and of any discretion conferred upon the commander of that aircraft under paragraph (6) of this Article and (without prejudice to the provisions of Article 24 of this Order) every such operator shall, whenever requested to do so by a person authorised in that behalf by the Board, furnish that person with a copy of all particulars from time to time included in any such operations manual or document in accordance with the requirements of this paragraph.

(8) In this Article the expression "flying duty period", in relation to any person, means the time, reckoned from the beginning of each duty period of that person, in the course of which he is permitted to make any flight to which this Article applies and after expiration of which he is not in the course of the same duty period, to make any such flight.

Maximum flying duty periods for flight crew

50.—(1) Without prejudice to the provisions of Article 48 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 no 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 Schedule 10 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 sub-paragraph 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 sub-paragraph 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 sub-paragraph (*c*), which shall apply to flight navigators and to flight radio operators as it applies to flight engineers.

Minimum rest periods for flight crew

51. Without prejudice to the provisions of Article 48 of this Order a person shall not fly in an aircraft to which this Article applies as a member of the flight crew thereof, unless immediately before the duty period in the course of which he makes that flight he had a sufficient rest period, that is to say, a rest period of a length not less than the minimum length specified in the first column of Table A 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 A

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 „ „ „ 13 „
14 „	„ 13 „ „ „ 14 „
15 „	„ 14 „ „ „ 15 „
16 „	„ 15 „ „ „ 16 „
18 „	„ 16 „ „ „ 17 „
20 „	„ 17 „ „ „ 18 „
22 „	„ 18 „ „ „ 19 „
24 „	„ 19 „ „ „ 20 „
26 „	„ 20 „ „ „ 21 „
28 „	„ 21 „ „ „ 22 „
30 „	„ 22 „ „ „ 23 „
32 „	„ 23 „ „ „ 24 „
an additional $1\frac{1}{2}$ hours	For every hour and every fraction of an hour in excess of 24 hours.

Provided that where a rest period is taken by a person at a place which i outside the United Kingdom and, if he ordinarily resides outside the Unite Kingdom, is not within 50 miles of his ordinary place of residence, it shall b deemed to be a sufficient rest period if it includes a period of eight hours fallin between 2200 and 0800 hours local time and is of a length not less than th minimum length specified in the first column of Table B in this Article an therein set opposite to the length specified in the second column of that Tabl which corresponds to the length of the duty period of that person whic 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 „ „ „ 24 „
an additional $1\frac{1}{2}$ hours	For every hour and every fraction of an hour in excess of 24 hours

Records of flight times and duty periods

52.—(1) The operator of an aircraft to which this Article applies shall no cause or permit any person to fly therein as a member of the crew thereo unless the operator has in his possession an accurate and up-to-date recor maintained by him or by another operator of aircraft in respect of that perso and in respect of the 28 days immediately preceding the flight showing—

(*a*) the times of the beginning and end of each flight in any aircraft made by that person as a member of its crew in the course of any of his duty periods, and

(*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 crew, and

(*c*) the times of the beginning and end of each duty period of that perso 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 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.

(2) The Board may prescribe the form and manner in which any records required to be kept under the last foregoing paragraph shall be kept and where they have so prescribed the said records shall be kept accordingly.

(3) Subject to the provisions of Article 57 of this Order the operator of the aircraft shall preserve the records referred to in paragraph (1) of this Article for a period of at least 12 months after the end of the flight, duty period or rest period to which they relate.

Maximum flight times for flight crews

53. A person shall not fly in any aircraft registered in the United Kingdom as a member of the flight crew thereof at any time on any day after the aggregate of all his flight times (whether arising from flight in an aircraft to which this Article applies or in any other aircraft) during the period of 28 consecutive days expiring at the end of that day amounts to 100 hours:

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 100 hours.

Provision for particular cases

54.—(1) Notwithstanding anything contained in Articles 50, 51 and 53 of this Order (hereinafter referred to as "the relevant Articles") a person shall be deemed not to have contravened any of the provisions of those Articles by reason of a flight made at any time by that person or by another person if the first mentioned person proves—

(*a*) that it was due to an unavoidable delay in the completion of the flight that the person so flying was flying at that time, and

(*b*) that the said first mentioned person could not reasonably be expected to have foreseen before the flight began that the delay was likely to occur.

(2) Without prejudice to the provisions of Article 80(2) of this Order and notwithstanding anything contained in the relevant Articles, the commander of an aircraft may make, or authorise any other person to make, and that other person if so authorised may make, a flight in that aircraft which he would, but for this paragraph, be prohibited from making by virtue of any provision contained in the relevant Articles if—

(*a*) it appears to the commander:

(i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that no member of that crew would have been prohibited from making the flight in accordance with those arrangements by any provision contained in the relevant Articles, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of exceptional circumstances or by reason of circumstances which were not foreseen as likely to prevent that flight from being so made, or

(ii) that the flight is one which ought to be carried out in the interests of the safety or health of any person, and

(*b*) the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

(3) Where the commander or any other person makes a flight in an aircraft which he or that other person is permitted to make under the last foregoing paragraph, a report in writing that he or that other person has made that flight, giving full particulars of the circumstances in which it was made and the reasons why the commander made that flight or, as the case may be, authorised that other person to do so, shall be made as soon as is reasonably

practicable by the commander to the operator of the aircraft and in any event by the operator to the Board; and the operator and the commander shall furnish any authorised person with such further information in his possession relating to the flight and to the circumstances in which it was made as that person may require.

PART VII

DOCUMENTS AND RECORDS

Documents to be carried

55.—(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom shall, when in flight, carry documents in accordance with Schedule 11 to this Order:

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Production of documents and records

56.—(1) The commander of an aircraft, shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

(*a*) the certificates of registration and airworthiness in force in respect of the aircraft;

(*b*) the licences of its flight crew;

(*c*) such other documents as the aircraft is required by Article 55 of this Order to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried preserved or made available:

(*a*) the documents referred to in Schedule 11 to this Order as Documents A, B and G;

(*b*) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;

(*c*) the weight schedule, if any, required to be preserved under Article 15 of this Order;

(*d*) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 11 to this Order as Documents D, E, F and H;

(*e*) any records of flight times, duty periods and rest periods which he is required by Article 52(3) of this Order to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate.

(*f*) any such operations manuals as are required to be made available under Article 24(2)(*a*)(i) of this Order;

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

(3) The holder of a licence granted or rendered valid under this Order shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation. The requirements of this paragraph shall be deemed to have been complied with, except in relation to licences required by Article 55 of this Order to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within five days after the request has been made, at a police station in the United Kingdom specified, at the time of the request, by the person to whom the request is made.

(4) Every person required by Article 21 of this Order to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within two years after the date of the last entry therein.

Preservation of documents, etc.

57. A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative:

Provided that if—

(*a*) another person becomes the operator of the aircraft and it remains registered in the United Kingdom he or his personal representative shall deliver to that other person upon demand the certificates of maintenance and compliance, the log books and the weight schedule and any record made by a flight recorder and preserved in accordance with Article 33(2) of this Order which are in force or required to be preserved in respect of that aircraft;

(*b*) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person and registered in the United Kingdom he or his personal representative shall deliver to that other person upon demand the log book relating to that engine or propeller;

(*c*) any person in respect of whom a record has been kept by him in accordance with Article 52 of this Order becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person he or his personal representative shall deliver those records to that other person upon demand,

and it shall be the duty of that other person to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

58.—(1) The Board may, if they think fit, provisionally suspend any certificate, licence, approval, permission, exemption or other document issued, granted or having effect under this Order, pending investigation of the case. The Board may, on sufficient ground being shown to their satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has

been revoked, suspended or varied under this Order shall surrender it to th Board within a reasonable time after being required to do so by them.

(3) The breach of any condition subject to which any certificate, licenc approval, permission, exemption or other document, other than a licence issue in respect of an aerodrome, has been granted or issued, or which has effect unde this Order shall render the document invalid during the continuance of th breach.

(4) Paragraphs (1) and (3) of this Article shall not apply to an air operator' certificate granted under Article 6 of this Order.

Offences in relation to documents and records

59.—(1) A person shall not with intent to deceive—

(*a*) use any certificate, licence, approval, permission, exemption or othe document issued or having effect or required by or under this Order whic has been forged, altered, revoked or suspended, or to which he is no entitled; or

(*b*) lend any certificate, licence, approval, permission, exemption or othe document issued or having effect or required by or under this Order to or allow it to be used by, any other person; or

(*c*) make any false representation for the purpose of procuring for himsel or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document

(2) A person shall not wilfully mutilate, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(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.

(4) A person shall not wifully or negligently make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order or the Regulations made thereunder unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART VIII

CONTROL OF AIR TRAFFIC

Rules of the air and air traffic control

60.—(1) The Board may make regulations (hereinafter referred to in this Order as the Rules of the Air and Air Traffic Control) prescribing:

(*a*) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft:

(*b*) the lights and other signals to be shown or made by aircraft or persons;

(*c*) the lighting and marking of aerodromes;

(*d*) the air traffic control services to be provided at aerodromes;

(*e*) the licensing of persons providing air traffic control services;

(*f*) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to the provisions of paragraph (3) of this Article, it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary—

(*a*) for avoiding immediate danger; or

(*b*) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or

(*c*) for complying with Ministry of Defence Flying Orders in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Board.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

61.—(1) Where the Board deem it necessary in the public interest to restrict or prohibit flying over any area of the United Kingdom or along any route therein by reason of—

(*a*) the intended gathering or movement of a large number of persons,

(*b*) the intended holding of an aircraft race or contest or of an exhibition of flying, or

(*c*) national defence or any other reason affecting the public interest,

the Board may make regulations prohibiting, restricting or imposing conditions on flight, either generally or in relation to any class of aircraft, over any such area or along any such route, and an aircraft shall not fly in contravention of such regulations.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any such regulations which have been made for any of the reasons referred to in paragraph (1)(*c*) of this Article he shall forthwith cause a signal of distress to be made by radio or by one of the prescribed visual signals, and shall (unless otherwise instructed by the appropriate air traffic control unit or by a commissioned officer of Her Majesty's naval, military or air forces), cause the aircraft to land at the aerodrome, being an aerodrome suitable for that purpose, which it can reach by flying to the least possible extent over the area to which the regulations relate. The aircraft shall not begin to descend while over such area.

Balloons, kites and airships

62.—(1) Within the United Kingdom—

(*a*) a captive balloon or kite shall not be flown at a height of more tha 200 feet above the ground level or within 200 feet of any vessel, vehicle o structure;

(*b*) a captive balloon shall not be flown within 3 miles of an aerodrome;

(*c*) a balloon exceeding 6 feet in any linear dimension at any stage of it flight, including any basket or other equipment attached to the balloon shall not be flown in controlled airspace;

(*d*) a kite shall not be flown within 3 miles of an aerodrome;

(*e*) an airship shall not be moored,

without the permission in writing of the Board, and in accordance with an conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall no be left unattended unless it is fitted with a device which ensures its automati deflation if it breaks free of its moorings.

PART IX

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes: public transport of passengers and instruction in flying

63.—(1) An aircraft engaged on a flight for the purpose of the public transpor of passengers or for the purpose of instruction in flying shall not take off or lan at any place in the United Kingdom other than—

(*a*) a Government aerodrome notified as available for the take-off an landing of aircraft so engaged, or in respect of which the person in charg of the aerodrome has given his permission for the particular aircraft t take off or land, as the case may be;

(*b*) an aerodrome licensed under this Order for the take-off and landing o aircraft so engaged,

and in accordance with any condition subject to which the aerodrome ma have been so licensed or notified, or subject to which such permission may hav been given:

Provided that the foregoing prohibition shall not apply to any aircraft s engaged if it is—

(i) an aeroplane of which the maximum total weight authorised does no exceed 6,000 lb. unless it is so engaged on either (*a*) a schedule journey, or (*b*) a flight intended to begin and end at the same aero drome or (*c*) a flight for the purpose of instruction in flying;

(ii) a helicopter, unless it is so engaged on a journey or flight as afore said;

(iii) a glider being flown under arrangements made by a flying club an carrying no person other than a member of the club.

(2) An aircraft engaged on a flight for the public transport of passengers shal not take off or land by night at any place in the United Kingdom unless adequat lighting is in operation on the aerodrome.

Use of Government aerodromes

64. The Board may cause to be notified, subject to such conditions as the think fit, any Government aerodrome as an aerodrome available for take-of

and landing by aircraft engaged on flights for the purpose of the public transport of passengers or for instruction in flying or by any classes of such aircraft.

Licensing of aerodromes

65.—(1) The Board may licence any aerodrome in the United Kingdom subject to such conditions as they think fit, for the take-off and landing of aircraft engaged in flights for the purpose of the public transport of passengers, or for the purpose of instruction in flying, or of any classes of such aircraft.

(2) Without prejudice to the generality of paragraph (1) of this Article, if the person applying for the licence so requests, the Board may grant a licence (in this Order referred to as "a licence for public use") which shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(3) The licensee of an aerodrome in respect of which a licence for public use is in force shall display in a prominent place at the aerodrome a copy of the licence and shall furnish to any person on request information concerning the terms of the licence.

(4) The licensee of an aerodrome licensed under this Order shall not cause or permit any condition of the licence to be contravened, in relation to an aircraft engaged on a flight for the public transport of passengers or for instruction in flying, but the licence shall not cease to be valid by reason only of such a contravention.

(5) A licence granted by the Board in respect of an aerodrome shall, subject to the provisions of Article 58 of this Order, remain in force as may be specified in the licence.

Records at aerodromes

66.—(1) The licensee of every aerodrome licensed under this Order which is provided with means of two-way radio communication with aircraft and either with radar equipment or with very high frequency direction finding apparatus for the purpose of providing holding aid, let-down aid or approach aid, shall provide at the aerodrome apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft (either alone or in common with other aircraft) or received from any aircraft, by the air traffic control unit at the aerodrome.

(2) The apparatus provided in compliance with this Article shall—

(*a*) be of a type approved by the Board in relation to the aerodrome;

(*b*) be installed in a manner so approved;

(*c*) always be maintained in serviceable condition; and

(*d*) be in use at all times when any navigation services are being provided by the air traffic control unit at the aerodrome to any aircraft flying for the purpose of the public transport of passengers.

(3) The licensee of the aerodrome shall ensure that each record made by the apparatus provided in compliance with this Article includes—

(*a*) the date or dates on which the record was made;

(*b*) a means of identifying the person at the aerodrome by whom the message or signal was transmitted, the aircraft to or from which and the frequency

on which the message or signal was transmitted or received, and the time at which each message or signal transmitted from the aerodrome was transmitted;

(*c*) the time (if any) at which the radio station at the aerodrome opened or closed as the case may be within the period covered by each such record.

(4) If at any time the apparatus provided in compliance with this Article ceases to be capable of recording the matters required by this Article to be included in the record, the licensee of the aerodrome shall ensure that those matters are recorded in writing.

(5) The licensee of the aerodrome shall preserve any record made in compliance with this Article for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Board may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, cause it to be produced to that person.

(6) A person required by this Article to preserve any record by reason of his being the licensee of an aerodrome shall, if he ceases to be the licensee of the aerodrome, continue to preserve the record as if he had not ceased to be licensee, and in the event of his death the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the licensee of the aerodrome he or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were the first mentioned licensee.

Charges at aerodromes licensed for public use

67.—(1) The Board may, in relation to any aerodrome in respect of which a licence for public use has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The licensee of an aerodrome in relation to which the Board have made any regulations under paragraph (1) of this Article shall not cause or permit any charges to be made in contravention of those regulations and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

(3) The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Board, furnish to the Board such particulars as they may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of Contracting States and of the Commonwealth

68. The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom

Noise and vibration caused by aircraft on aerodromes

69. The Board may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, and section 41(2) of the Act shall apply to any aerodrome in relation to which the Board have prescribed conditions as aforesaid.

Aeronautical lights

70.—(1) A person shall not establish or maintain an aeronautical light within the United Kingdom except with the permission of the Board and in accordance with any conditions which may be prescribed, or subject to which the permission may be granted.

(2) A person shall not alter the character of an aeronautical light within the United Kingdom except with the permission of the Board and in accordance with any conditions subject to which the permission may be granted.

(3) In the case of an aeronautical light, being a beacon, which is or may be visible from any waters within an area of a general lighthouse authority, the Board shall not give their permission for the purpose of this Article except with the consent of that authority.

(4) A person shall not wilfully or negligently injure or interfere with any aeronautical light established and maintained by, or with the permission of, the Board.

Dangerous lights

71.—(1) A person shall not exhibit in the United Kingdom any light which—

(*a*) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or

(*b*) by reason of its liability to be mistaken for an aeronautical light is liable to endanger aircraft.

(2) If any light which appears to the Board to be such a light as aforesaid is exhibited the Board may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the powers of the Board under this Article shall not be exercised except with the consent of that authority.

Customs airports

72.—(1) The Board may, with the concurrence of the Commissioners of Customs and Excise and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs.

(2) The Board may, with the concurrence of the Commissioners of Customs and Excise, by order revoke any designation so made.

PART X

GENERAL

Restriction with respect to carriage for hire or reward in aircraft registered outside the United Kingdom

73. An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in the United Kingdom, being passengers or cargo carried or to be carried for hire or reward, except with the permission of the Board granted under this Article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

Power to prevent aircraft flying

74.—(1) If it appears to the Board or an authorised person that any aircraft is intended or likely to be flown—

(*a*) in such circumstances that any provision of Articles 3, 5, 6, 7, 17, 18, 26, 33, 37, or 73 of this Order would be contravened in relation to the flight; or

(*b*) in such circumstances that the flight would be in contravention of any other provision of this Order or any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft;

(*c*) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order or of any regulation made thereunder,

the Board or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Board or by an authorised person and the Board or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this Article the Board or any authorised person may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

75. The Board and any authorised person shall have the right of access at all reasonable times—

(*a*) to any aerodrome, for the purpose of inspecting the aerodrome, or

(*b*) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under this Order, or for the purpose of detaining any aircraft under the provision of this Order; and

(*c*) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under this Order and for the purpose of detaining the aircraft under the provision of this Order:

Provided that access to a Government aerodrome shall only be obtained with the permission of the person in charge of the aerodrome.

Obstruction of persons

76. A person shall not wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions

77. Any person who fails to comply with any direction given to him by the Board or by any authorised person under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Fees

78. The Board may, with the consent of the Treasury, prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document (including an application for, or the issue of a copy of, any such document) or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, any Order made under section 8 of the Act or any regulations made thereunder.

Exercise of powers etc. of the Board outside the United Kingdom

79. In so far as the exercise of any power or the performance of any duty of the Board under this Order may be required outside the United Kingdom in any country where there is no representative of the Board competent to exercise such power or to perform such duty the Board may authorise in writing any person appearing to them to be qualified so to do or the holder for the time being of any office, to exercise such power or to perform such duty.

Penalties

80.—(1) If any provision of this Order or of any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof, if the operator or, as the case may be, the commander is not the person who contravened that provision shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this Article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or of any regulations made thereunder, not being a provision referred to in paragraph (5) or paragraph (6) of this Article, he shall be liable on summary conviction, to a fine not exceeding ten pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding twenty pounds.

(5) If any person contravenes any provision specified in Part A of Schedule 12 to this Order he shall be liable on summary conviction to a fine not exceeding fifty pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on summary conviction or indictment to a fine not exceeding two hundred pounds or to imprisonment for a term of six months or to both such fine and imprisonment.

Extra-territorial effect of the Order

81.—(1) Except where the context otherwise requires, the provisions of this Order,

(*a*) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the United Kingdom, shall apply to such aircraft wherever they may be;

(*b*) in so far as they apply as aforesaid to other aircraft shall apply to such aircraft when they are within the United Kingdom;

(*c*) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be; and

(*d*) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the United Kingdom by other persons shall, where such persons are British subjects or citizens of the Republic of Ireland, apply to them wherever they may be.

(2) Nothing in this Article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948**(a)** (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

Application of Order to British-controlled aircraft not registered in the United Kingdom

82. The Board may direct that such of the provisions of this Order and of any Regulations made or having effect thereunder as may be specified in the direction shall have effect as if references in those provisions to British aircraft registered in the United Kingdom included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom.

Application of Order to the Crown and visiting forces etc.

83.—(1) Subject to the following provisions of this Article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively

(**a**) 1948 c. 56.

employed in the service of Her Majesty, as they apply to or in relation to other aircraft and for the purposes of such application the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft:

Provided that nothing in this Article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

(2) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(3) Save as otherwise provided by paragraph (4) of this Article, Article 60(1)(*a*) and Article 69 of this Order, nothing in this Order shall apply to or in relation to any military aircraft.

(4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of this Order shall apply on the occasion of that flight, that is to say, Articles 41, 42, 43 and 61, and in addition Article 60 (so far as applicable) shall apply unless the aircraft is flown in compliance with Ministry of Defence Flying Orders or Ministry of Technology Flying Orders for Military Aircraft.

Exemption from Order

84. The Board may exempt from any of the provisions of this Order or any regulations made thereunder any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as they think fit.

Interpretation

85.—(1) In this Order, unless the context otherwise requires—

"The Act" means the Civil Aviation Act 1949;

"Aerial work" means any purpose (other than public transport) for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

"Aerial work aircraft" means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

"Aerial work undertaking" means an undertaking whose business includes the performance of aerial work;

"Aerobatic manoeuvres" includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

"Aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending

or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

"Aerodrome traffic zone" in relation to any aerodrome means the airspace extending from the aerodrome to a height of 2,000 feet above the level of the aerodrome and within a distance of 3,000 yards of its boundaries 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;

"Aeronautical light" means any light established for the purpose of aiding air navigation;

"Aeronautical radio station" means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

"Air traffic control unit" means a person appointed by the Board or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety and "Air traffic control service" shall be construed accordingly;

"Air transport undertaking" means an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward;

"Appropriate aeronautical radio station" means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

"Appropriate air traffic control unit" means in relation to an aircraft the air traffic control unit serving the area in which the aircraft is for the time being;

"Authorised person" for the purposes of any provision of this Order means:

(*a*) any constable, and

(*b*) any person authorised by the Board either generally or in relation to a particular case or class of cases;

"Beneficial interest" has the same meaning as in section 57 of the Merchant Shipping Act 1894**(a)**;

"The Board" means the Board of Trade;

"Cargo" includes mail and animals;

"Certificate of airworthiness" includes any validation thereof and any flight manual or performance schedule relating to the certificate of airworthiness;

"Certificate of maintenance" and "certificate of compliance" have the meanings respectively assigned to them by Article 9(1) and Article 10(3) of this Order;

"Commander" in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person the person who is for the time being the pilot in command of the aircraft;

"The Commonwealth" means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in section 1(3) of the British Nationality Act 1948 and all other territories forming part of Her Majesty's dominions or in which Her Majesty has jurisdiction;

"Competent authority" means in relation to the United Kingdom, the Board, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

(a) 1894 c. 60.

"Congested area" in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

"Contracting State" means any State (including the United Kingdom) which is a party to the Convention on International Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on the 7th December 1944;

"Controlled airspace" means control areas and control zones;

"Control area" means airspace which has been notified as such and which extends upwards from a notified altitude;

"Control zone" means airspace which has been notified as such and which extends upwards from the surface;

"Co-pilot" in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

"Country" includes a territory;

"Crew" has the meaning assigned to it by paragraph (4) of this Article;

"Flight" and "to fly" have the meanings respectively assigned to them by paragraph (3) of this Article;

"Flight crew" in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

"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;

"Flight visibility" means the visibility forward from the flight deck of an aircraft in flight;

"General lighthouse authority" has the same meaning as in section 634 of the Merchant Shipping Act 1894;

"Government aerodrome" means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

"Hire-purchase agreement" and "hirer" have the same meanings respectively as in sections 1(1) and 58(1) of the Hire-Purchase Act 1965**(a)**, and, in relation to Northern Ireland, as in section 1(1) of the Hire-Purchase Act (Northern Ireland) 1966**(b)**;

"Instrument Flight Rules" means Instrument Flight Rules prescribed under Article 60 of this Order;

"Instrument Meteorological Conditions" means weather precluding flight in compliance with the Visual Flight Rules;

"International Headquarters" means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964**(c)**;

"To land" in relation to aircraft includes alighting on the water;

"Legal personal representative" has the same meaning as in section 742 of the Merchant Shipping Act 1894;

(a) 1965 c. 66. **(b)** 1966 c. 42. (N.I.).
(c) 1964 c. 5.

"Licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

"Licence for public use" has the meaning assigned to it by Article 65(2) of this Order;

"Licensed aerodrome" means an aerodrome licensed under this Order;

"Lifejacket" includes any device designed to support a person individually in or on the water;

"Log Book" in the case of an aircraft log book, engine log book or variable pitch propeller log book, includes a record kept either in a book, or by any other means approved by the Board in the particular case;

"Maximum total weight authorised" in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

"Military aircraft" includes the naval, military or air force aircraft of any country and—

(*a*) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into by the Minister;

(*b*) any aircraft belonging to Her Majesty in respect of which there is in force a certificate issued by the Secretary of State for Defence that the aircraft is to be treated for the purposes of this Order as a military aircraft; and

(*c*) any aircraft in respect of which there is in force a certificate as aforesaid issued by the Minister;

"The Minister" means the Minister of Technology;

"Nautical mile" means a distance of 6,080 feet;

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

"Night" means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being determined at surface level;

"Notified" means set forth in a document issued by the Board and entitled "Notam—United Kingdom" or "United Kingdom Air Pilot";

"Operator" has the meaning assigned to it by paragraph (5) of this Article;

"Pilot in command" in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"Prescribed" means prescribed by regulations made by the Board under this Order, and the expression "prescribe" shall be construed accordingly;

"Pressurised aircraft" means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

"Public transport" has the meaning assigned to it by paragraph (6) of this Article;

"Public transport aircraft" means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

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

(a) 1962 c. 8.

"Replacement" in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

"Rules of the Air and Air Traffic Control" has the meaning assigned to it by Article 60(1) of this Order;

"Scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

"Seaplane" has the same meaning as for the purpose of section 52 of the Act;

"Special VFR flight" means a flight which is a special VFR flight for the purposes of rules prescribed under Article 60(1) of this Order;

"Visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the Visiting Forces Act 1952**(a)**—

(*a*) which apply to that country by virtue of section 1(1)(*a*) of that Act, or

(*b*) which from time to time apply to that country by virtue of the said section 1(1)(*b*) and of any Order in Council made or hereafter to be made under the said section 1 designating that country for the purpose of all the provisions of that Act following the said section 1(2);

"Visual Flight Rules" means Visual Flight Rules prescribed under Article 60(1) of this Order;

"Visual Meteorological Conditions" means weather permitting flight in accordance with the Visual Flight Rules.

(2) In this Order any reference (except in the last foregoing paragraph) to a hire-purchase agreement includes a reference to a hire-purchase or conditional sale agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965**(b)**; and in relation to any such agreement any reference to the hirer includes a reference to the hirer as defined in section 54(1) of that Act, or, as the case may require, the buyer as defined in the said section 54(1).

(3) An aircraft shall be deemed to be in flight—

(*a*) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;

(*b*) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

(*c*) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

and the expressions "a flight" and "to fly" shall be construed accordingly.

(4) Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.

(5) References in this Order to the operator of an aircraft are, for the purpose of the application of any provision of this Order in relation to any particular

(a) 1952 c. 67. **(b)** 1965 c. 67.

aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly:

Provided that for the purposes of the application of any provision in Part III of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.

(6) (*a*) Subject to the provisions of this paragraph, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport—

(i) if hire or reward is given or promised for the carriage of passenger or cargo in the aircraft on that flight; or

(ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors and, in the case of a corporation established by the Air Corporations Act 1967**(a)**, members of the Corporation), persons with the authority of the Board 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

(iii) for the purposes of Part III of this Order, if hire or reward is given or promised for the right to fly the aircraft on that flight otherwise than under a hire-purchase agreement;

and the expression "public transport of passengers" shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (*a*)(iii) of this paragraph it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given for the carriage of those passengers.

(*b*) Where under a transaction effected by or on behalf of a member of an unincorporated association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be deemed to be given or promised if the transaction were effected otherwise than as aforesaid, hire or reward shall, for the purposes of this Order, be deemed to be given.

(7) The expressions appearing in the "General Classification of Aircraft" set forth in Part A of Schedule 1 to this Order shall have the meanings thereby assigned to them.

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

(9) A power to make regulations under this Order shall include the power to make different provisions with respect to different classes of aircraft, aerodromes persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of the Order.

(a) 1967 c. 33.

(10) Unless the context otherwise requires any reference in the Order to any Act of Parliament shall be construed as a reference to that Act as amended, extended or applied by under any other Act.

Saving

86. Subject to the provisions of Articles 65 and 68 of this Order, nothing in this Order or the regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

Small aircraft

87. The provisions of this Order, other than Articles 42 and 62 thereof, shall not apply to or in relation to—

(*a*) any balloon which at any stage of its flight is not more than 6 feet in any linear dimension including any basket or other equipment attached to the balloon;

(*b*) any kite weighing not more than 4 lb.;

(*c*) any other aircraft weighing not more than 11 lb. without its fuel.

W. G. Agnew.

SCHEDULE 1

Articles 4 (6), 22 (1) and 85 (7)

PART A

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

Col. 1	*Col.* 2	*Col.* 3	*Col.* 4
Aircraft	Lighter than air aircraft	Non-mechanically driven	Free Balloon
			Captive Balloon
		Mechanically driven	Airship
	Heavier than air aircraft	Non-mechanically driven	Glider
			Kite
		Mechanically driven (flying machines)	Aeroplane (Landplane)
			Aeroplane (Seaplane)
			Aeroplane (Amphibian)
			Aeroplane (Self-launching Motor Glider)
			Gyroplane
			Helicopter

Article 5 (2)

PART B

NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN THE UNITED KINGDOM

1. The nationality mark of the aircraft shall be the capital letter "G" in Roman character and the registration mark shall be a group of four capital letters in Roman character assigned by the Board on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

2. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner:

I. *Position of marks*

(*a*) *Flying machines and Gliders*

(i) *Wings:* Except on aircraft having no fixed wing surface, the marks shall appear on the lower surface of the wing structure, and shall be on the left half of the lower surface of the wing structure unless they extend across the whole surface of both wings. So far as possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) *Fuselage (or equivalent structure) or Vertical Tail Surface:* The marks shall also be either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When on a single vertical tail surface they shall be on both sides of the tail. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer tails.

(*b*) *Airships and Balloons*

(i) *Airships:* The marks shall be on each side of the airship and also on the upper surface on the line of symmetry. They shall be placed lengthwise near the maximum cross-section of the airship.

(ii) *Spherical Balloons:* The marks shall be in two places diametrically opposite. They shall be placed near the maximum horizontal circumference of the balloon.

(iii) *Non-Spherical Balloons:*The marks shall be on each side. They shall be placed near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) In the case of all airships and balloons the side marks shall be so placed as to be visible both from the sides and from the ground.

II. *Size of Marks*

(*a*) *Flying Machines and Gliders*

(i) *Wings:* The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 20 inches.

(ii) *Fuselage (or equivalent structure) or Vertical Tail Surfaces:* The marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least two inches along each side of the vertical tail surface. The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 12 inches:

Provided that where owing to the structure of the aircraft a height of 12 inches is not reasonably practicable, the height shall be the greatest height reasonably practicable in the circumstances, but not less than 6 inches.

(*b*) *Airships and Balloons*

The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 30 inches.

III. *Width and Spacing of Marks*

(*a*) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter.

(*b*) The letters and hyphens shall be formed by solid lines and shall be of a colour clearly contrasting with the background on which they appear. The thickness of the lines shall be one-sixth of the height of a letter.

(*c*) Each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.

3. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

4. In addition to the foregoing requirements of this Schedule the nationality and registration marks shall also be inscribed, together with the name and address of the registered owner of the aircraft, on a fireproof metal plate affixed in a prominent position to the fuselage or car or basket, as the case may be, and near the main entrance to the aircraft.

SCHEDULE 2

Articles 3 (1), 4 (8), 7 (1) and 35 (5)

A, B, AND C CONDITIONS

The A Conditions, B Conditions and C Conditions referred to in Articles 3(1), 4(8), 7(1) and 35(5) of this Order are as follows:

A Conditions

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under the provisions

of this Order, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to:

(*a*) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval, as the case may be; or

(*b*) proceed to or from a place at which any inspection, test or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (*a*).

(3) The aircraft and its engines shall be certified as fit for flight by the holder of a licence as an aircraft maintenance engineer entitled in accordance with the provisions of Schedule 4 to this Order so to certify, or by a person approved by the Board for the purpose of issuing certificates under this condition.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under this Order in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any passengers or cargo except passengers performing duties in the aircraft in connection with the flight.

(6) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off from or land at a Government aerodrome or a licensed aerodrome in accordance with normal aviation practice.

(7) Without prejudice to the provisions of Article 17(2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) The flight shall be made under the supervision of a person approved by the Board for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.

(2) If it is not registered in the United Kingdom or under the law of any country referred to in Article 3 of this Order, the aircraft shall be marked in a manner approved by the Board for the purposes of these Conditions, and the provisions of Articles 13, 14, 18, 29, 32, 55 and 56 of this Order shall be complied with in relation to the aircraft as if it was registered in the United Kingdom so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of:

(*a*) experimenting with or testing the aircraft (including in particular its engines) and its equipment; or

(*b*) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft; or

(*c*) proceeding to or from a place at which any experiment, test, inspection or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (*a*) or (*b*).

(4) The aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following:

(*a*) persons employed by the operator who carry out during the flight duties in connection with the purposes specified in paragraph (3) of these Conditions

(*b*) persons employed by manufacturers of component parts of the aircraft (including the engine) who carry out during the flight duties in connection with the purposes so specified;

(*c*) persons approved by the Board under Article 8(8) of this Order as qualified to furnish reports for the purposes of that Article;

(*d*) persons, other than those carried under the preceding provisions of this paragraph, who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation.

(6) The aircraft shall not fly, except in accordance with procedures which have been approved by the Board in relation to that flight, over any congested area of a city, town or settlement.

C Conditions

(1) The operator of the aircraft shall be the registered owner of the aircraft, who shall be the holder of an aircraft dealer's certificate granted under this Order.

(2) The aircraft shall fly only for the purpose of—

(*a*) testing the aircraft; or

(*b*) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft; or

(*c*) proceeding to or from a place at which the aircraft is to be tested or demonstrated as aforesaid, or overhauled, repaired or modified; or

(*d*) delivering the aircraft to a person who has agreed to buy or lease it.

(3) The aircraft shall fly only within the United Kingdom.

SCHEDULE 3

Article 8

1. *Categories of Aircraft*

Transport Category (Passenger).

Transport Category (Cargo).

Aerial Work Category.

Private Category.

Special Category.

2. The purposes for which the aircraft may fly are as follows:

Transport Category (Passenger): Any purpose.

Transport Category (Cargo): Any purpose, other than the public transport of passengers.

Aerial Work Category: Aerial work only.

Private Category: Any purpose other than public transport or aerial work.

Special Category: Any other purpose specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

SCHEDULE 4

Article 11(2)

MAINTENANCE ENGINEERS: PRIVILEGES OF LICENCES

An aircraft maintenance engineer may, subject to the conditions of his licence issue certificates as follows:

Aircraft Maintenance Engineers—Category A (Aircraft)

In relation to aircraft (not including engines)—

(a) certificates of maintenance in accordance with the maintenance schedules approved under this Order;

(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;

(*c*) certificates of fitness of aircraft for flight under the "A Conditions".

Aircraft Maintenance Engineers—Category B (Aircraft)

In relation to aircraft (not including engines)—

Certificates of compliance in respect of inspections, overhauls, repairs, replacement and modifications approved under this Order.

Aircraft Maintenance Engineers—Category C (Engines)

In relation to engines—

(*a*) certificates of maintenance in accordance with the maintenance schedule approved under this Order;

(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved;

(*c*) certificates of fitness of aircraft engines for flight under the "A Conditions"

Aircraft Maintenance Engineers—Category D (Engines)

In relation to engines—

Certificates of compliance in respect of inspections, overhauls, repairs, replacement and modifications approved under this Order.

Aircraft Maintenance Engineers—Category X

Compasses
Instruments
Electrical
Automatic Pilots.

In relation respectively to compasses, instruments, electrical or automatic pilots–

(*a*) certificates of maintenance in accordance with the maintenance schedule approved under this Order;

(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Radio Maintenance Engineers—Category R (Radio)

In relation to aircraft radio stations—

(*a*) certificates of maintenance in accordance with the maintenance schedule approved under this Order;

(*b*) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

The privileges of the licence shall also include the issue of certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications of any aircraft radio apparatus approved under this Order, if the licence bears an endorsement to that effect.

SCHEDULE 5

Articles 10(2) and 12(2)

Aircraft Equipment

1. Every aircraft registered in the United Kingdom shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph (4) of this Schedule with adequate equipment, and for the purpose of this paragraph the expression "adequate equipment" shall mean the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

3. The following items of equipment shall not be required to be of a type approved by the Board:

(i) The equipment referred to in Scale A (ii).

(ii) First Aid Equipment and Handbook, referred to in Scale B.

(iii) Time-pieces, referred to in Scale F.

(iv) Torches, referred to in Scales G, H and J.

(v) Whistles, referred to in Scale H.

(vi) Sea anchors, referred to in Scales I and J.

(vii) Rocket signals, referred to in Scale I.

(viii) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale I.

(ix) Paddles, referred to in Scale J.

(x) Food and water, referred to in Scale J.

TABLE

Aircraft and Circumstances of Flight	Scale of Equipment Required																		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	Extras
(1) *Flying machines flying for purposes other than public transport*																			
(*a*) when flying at night	A		C	D															
(*b*) when flying under Instrument Flight Rules (i) outside controlled airspace	A			D															
(ii) within controlled airspace	A				E	F													E (iv) duplicated
(*c*) when carrying out aerobatic manoeuvres ...	A												M						
(*d*) on all other flights	A																		
(2) *Flying machines flying for the purpose of public transport*																			
(*a*) when flying under Instrument Flight Rules (i) in the case of flying machines of which the maximum total weight authorised exceeds 2,500 lb.	A	B			E	F													E (iv) duplicated
(ii) in the case of flying machines of which the maximum total weight authorised does not exceed 2,500 lb. (*a*) outside controlled airspace	A	B		D		F (i) only													
(*b*) within controlled airspace	A	B			E	F													E (iv) duplicated

Aircraft and Circumstances of Flight	Scale of Equipment Required																	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	Extras
(*b*) when flying at night																			
(i) in the case of flying machines of which the maximum total weight authorised exceeds 2,500 lb.	A	B	C		E	F	G												E (iv) duplicated
(ii) in the case of flying machines of which the maximum total weight authorised does not exceed 2,500 lb.	A	B	C	D		F (i) only	G												
(*c*) when flying over water beyond gliding distance from land	A	B		D		F (i) only		H											
(*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 Board, it is capable of a gradient																			

of climb of at least 1 in 200 at an altitude of 5,000 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	A	B		D		F (i) only		H		J										
(*e*) on all flights which involve manoeuvres on water	A	B		D		F (i) only		H	I	J										
(*f*) when flying at a height of 10,000 feet or more above mean sea level	A	B		D		F (i) only						K								
(*g*) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	A	B		D		F (i) only						L								
(*h*) when carrying out aerobatic manoeuvres ...	A	B		D		F (i) only							M							
(*i*) on all flights on which the aircraft carries a flight crew of more than one person														N						

*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

Aircraft and Circumstances of Flight	Scale of Equipment Required																		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	Extras
(*j*) (i) on all flights by flying machines first registered (whether in the United Kingdom or elsewhere) on or after 1st January 1967 being turbine-jet aircraft with a maximum total weight authorised over 12,500 lb. or pressurised aircraft with a maximum total weight authorised over 25,000 lb.; (ii) on all flights by such flying machines as aforesaid, being aircraft first registered (whether in the United Kingdom or elsewhere) before 1st January 1967; with the exception of any flight on which the radar set specified in Scale O in paragraph 5 of this Schedule is unserviceable on take-off but the weather report or forecasts available to the commander of the aircraft at that time indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions which can be detected by the set when in working order are unlikely to be encountered on the intended route or any planned diversion therefrom, or the commander of the aircraft has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual															O				
(*k*) on all flights for the purpose of the public transport of passengers																	Q		

(*l*) on all flights by a pressurised aircraft ...																		R	
(*m*) on all other flights	A	B		D		F (i) only													
(3) *Gliders flying for purposes other than public transport or aerial work* when flying by night	A(ii) only		C																
(4) *Gliders flying for the purpose of public transport or aerial work*																			
(*a*) when outside controlled airspace under Instrument Flight Rules...	A	B		D		F (i) only													
(*b*) when flying by night	A	B	C	D		F (i) only	G												
(*c*) when carrying out aerobatic manoeuvres ...	A	B		D		F (i) only							M						
(*d*) on all other flights	A	B		D		F (i) only													
(5) *Turbined-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																P			

5. The scales of equipment indicated in the foregoing Table shall be as follows:

Scale A

(i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent. of the number of each rating or three of each rating whichever is the greater;

(ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft, including any diversion which may reasonably be expected.

(iii) Subject to Scale B (iii), a safety belt or safety harness for every seat in use.

Scale B

(i) First-aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following:

Roller bandages, triangular bandages, absorbent gauze, adhesive plaster, white absorbent lint, cotton wool (or wound dressings in place of the lint and cotton wool), burn dressings, safety pins;
Haemostatic bandages or tourniquet, scissors;
Antiseptic, analgesic and stimulant drugs;
A handbook on First Aid.

(ii) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency,

(*a*) is more than six feet from the ground when the undercarriage of the machine is in the normal position for taxying, or

(*b*) would be more than six feet from the ground if the undercarriage or any part thereof should collapse, break or fail to function,

apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

(iii) If the maximum total weight authorised of the aircraft is more than 6,000 lb. a safety harness for every pilot's seat in use, in place of the safety belt referred to under Scale A:

Provided that the Board may permit a safety belt to be fitted if they are satisfied that it is not reasonably practicable to fit a safety harness.

(iv) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

Scale C

(i) Equipment for displaying the lights required by the Rules of the Air and Air Traffic Control;

(ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight;

(iii) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air and Air Traffic Control as indicating a request for permission to land.

Scale D

(i) Either (*a*) a turn and slip indicator; or

(*b*) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator;

(ii) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale E

(i) A turn and slip indicator;

(ii) A gyroscopic bank and pitch indicator;

(iii) A gyroscopic direction indicator;

(iv) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale F

(i) A timepiece with a sweep second hand;

(ii) A means of indicating whether the power supply to the gyroscopic instruments is adequate;

(iii) A rate of climb and descent indicator;

(iv) If the maximum total weight authorised of the aircraft is more than 12,500 lb., a means of indicating the outside air temperature;

(v) If the maximum total weight authorised of the aircraft is more than 12,500 lb., two air speed indicators.

Scale G

(i) Landing lights consisting of two single filament lamps, or one dual filament lamp with separately energised filaments;

(ii) An electric lighting system to provide illumination in every passenger compartment;

(iii) (*a*) If the aircraft, in accordance with its certificate of airworthiness, may carry more than nineteen persons over three years of age; 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 sub-paragraph (ii);
(*b*) In the case of any other aircraft, one electric torch for each member of the crew of the aircraft;

(iv) In the case of an aircraft of which the maximum total weight authorised exceeds 12,500 lb., means of observing the existence and build up of ice on the aircraft.

Scale H

For each person on board, a lifejacket equipped with a whistle and waterproof torch:

Provided that lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

(i) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine;

(ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air and Air Traffic Control and complying with Part III of Schedule 14 to the Merchant Shipping (Life-Saving Appliances) Rules 1965(a);

(iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight, and handling characteristics.

Scale J

(i) Liferafts sufficient to accommodate all persons on board the flying machine with the following equipment:

(*a*) means for maintaining buoyancy;

(*b*) a sea anchor;

(a) S.I. 1965/1105 (1965 II, p. 2940).

(*c*) life lines, and means of attaching one liferaft to another;

(*d*) paddles or other means of propulsion;

(*e*) means of protecting the occupants from the elements;

(*f*) waterproof torch;

(*g*) marine type pyrotechnical distress signals;

(*h*) means of making sea water drinkable;

(*i*) for each person the liferaft is designed to carry:
8 ounces of glucose toffee tablets;
4 ounces of sweetened condensed milk in durable containers;
2 pints of fresh water in durable containers:

Provided that in any case in which it is not reasonably practicable owing to lack of stowage space in the liferaft to carry the quantities of condensed milk and water above prescribed, an equal quantity by weight of glucose toffee tablets may be substituted for the former and as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted for the latter. 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 item (*h*) of this sub-paragraph, to provide 2 pints of water for each person the liferaft is designed to carry;

(*j*) first aid equipment.

Items (*f*) to (*j*), inclusive, shall be contained in a pack stowed with the liferaft.

(ii) For every four, or proportion of four liferafts, one liferaft radio transmitter.

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 person 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 (vi) of Part A of Schedule 10 to this Order.

PART II

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

PART II (*cont.*)

	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
Above flight level 350	—	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

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 failure to maintain such pressure had 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.

Scale L

Equipment to prevent the impairment through ice formation of the functioning o the controls, means of propulsion, lifting surfaces, windows or equipment of th aircraft so as to endanger the safety of the aircraft.

Scale M

Safety harness for every seat in use.

Scale N

An intercommunication system for use by all members of the flight crew an including microphones, not of a hand-held type, for use by the pilot and flight enginee (if any).

Scale O

A radar set capable of giving warning to the pilot in command of the aircraft an to the co-pilot of the presence of cumulo-nimbus clouds and other potentiall hazardous weather conditions: provided that if the set becomes unserviceable so a to give the warning only to one pilot, it shall nevertheless be sufficient so long as th aircraft is flying only to the place at which it first becomes reasonably practicabl for the set to be repaired.

Scale P

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

(*a*) indicated air speed;

(*b*) indicated altitude;

(*c*) vertical accelaration:

(*d*) magnetic heading;

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

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

Scale Q

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

Scale R

(i) Equipment sufficient to protect the eyes, nose and mouth of the pilot in comman of the aircraft from the effects of smoke and noxious gases for a period of nc less than 15 minutes; and

(ii) Portable equipment sufficient to protect the eyes, nose and mouth of one othe member of the crew of the aircraft from the effects of smoke and noxious gase for a period of not less than 8 minutes; and

(iii) Equipment sufficient to protect from the effects of smoke and noxious gase the eyes of all members of the flight crew of the aircraft whose eyes are no adequately protected by other equipment.

SCHEDULE 6

Article 13

RADIO APPARATUS TO BE CARRIED IN AIRCRAFT

1. Every aircraft registered in the United Kingdom shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph (2) of this Schedule, with the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. TABLE

Aircraft and Circumstances of Flight	Scale of Equipment Required			
	A	B	C	D
(1) *All aircraft*				
(*a*) when flying under Instrument Flight Rules within controlled airspace ..	A	B		
(*b*) where required by Regulations made under Article 60 of this Order to comply in whole or in part with instrument Flight Rules in Visual Meteorological Conditions	A*	B*		
(*c*) when flying within any airspace in respect of which special rules may be prescribed by the said Regulations in relation to a particular aerodrome, so as to require two-way radio communication with that aerodrome	A*			
(2) *All aircraft when flying for the purpose of public transport under Instrument Flight Rules:*				
(i) while making an approach to landing	A	B	C	D
(ii) on all other occasions	A	B	C	
(3) *All aircraft over* 5,000 *lb. maximum total weight authorised when flying for the purpose of public transport under visual Flight Rules*	A	B		
(4) *All aircraft not over* 5,000 *lb. maximum total weight authorised when flying for the purpose of public transport under Visual Flight Rules:*				
(i) over a route on which navigation is not effected solely by visual reference to landmarks	A	B		
(ii) over water, beyond gliding distance from any land	A			

*Unless the appropriate Air Traffic Control Unit otherwise permits in relation to the particular flight.

3. The scales of radio apparatus indicated in the foregoing Table shall be as follows:

Scale A

Radio apparatus capable of maintaining two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio apparatus capable of enabling the aircraft to be navigated on the intende route including such apparatus as may be prescribed.

Scale C

Radio apparatus capable of receiving from the appropriate aeronautical radi stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio apparatus capable of receiving signals from one or more aeronautical radi stations on the surface to enable the aircraft to be guided to a point from which visual landing can be made at the aerodrome at which the aircraft is to land.

4. All aircraft when flying to, from, or over Berlin, Germany, shall be equippe with radio navigation apparatus appropriate to the route, including automatic directio finding apparatus and any one of the following:

(i) apparatus which will enable the aircraft to be navigated by means of signal received from radio navigation land stations forming part of the Decca radi navigation system, or

(ii) apparatus capable of giving visual indications of bearings of the aircraft b means of signals received from very high frequency omni-directional radi ranges.

In this sub-paragraph "automatic direction finding apparatus" means radio navi gation apparatus which automatically indicates the bearing of any radio statio transmitting the signals received by such apparatus.

SCHEDULE 7

Article 14

Aircraft, Engine and Propeller Log Books

1. *Aircraft Log Book*

The following entries shall be included in the aircraft log book:

(*a*) the name of the constructor, the type of the aircraft, the number assigne to it by the constructor and the date of the construction of the aircraft;

(*b*) the nationality and registration marks of the aircraft;

(*c*) the name and address of the operator of the aircraft;

(*d*) particulars of the date and duration of each flight, or, if more than one fligh was made on one day, the number of flights and total duration of flights o that day;

(*e*) particulars of all maintenance work carried out on the aircraft or its equipment

(*f*) particulars of any defects ocurring in the aircraft or in any equipment require to be carried therein by or under this Order, and of the action taken to rectif such defects including a reference to the relevant entries in the technical lo required by Article 9(5) and (6) of this Order;

(*g*) particulars of any overhauls, repairs, replacements and modifications relatin to the aircraft or any such equipment as aforesaid:

Provided that entries shall not be required to be made under sub-paragraphs (*e*) (*f*) and (*g*) in respect of any engine or variable pitch propeller.

2. *Engine Log Book*

The following entries shall be included in the engine log book:

(*a*) the name of the constructor, the type of the engine, the number assigned t it by the constructor and the date of the construction of the engine;

(*b*) the nationality and registration marks of each aircraft in which the engine i fitted;

(*c*) the name and address of the operator of each such aircraft;

(*d*) particulars of the date and duration of each occasion on which the engine is run in flight, or, if the engine is run on more than one occasion on one day the number of occasions and the total duration of the running of the engine on that day;

(*e*) particulars of all maintenance work done on the engine;

(*f*) particulars of any defects occuring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Article 9(5) and (6) of this Order;

(*g*) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. *Variable Pitch Propeller Log Book*

The following entries shall be included in the variable pitch propeller log book:

(*a*) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;

(*b*) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;

(*c*) the name and address of the operator of each such aircraft;

(*d*) particulars of the date and duration of each occasion on which the propeller is run in flight, or, if the propeller is run on more than one occasion on one day, the number of occasions and the total duration of the running of the propeller on that day;

(*e*) particulars of all maintenance work done on the propeller;

(*f*) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Article 9(5) and (6) of this Order;

(*g*) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

SCHEDULE 8

Article 17(4)

Areas Specified in Connection with the Carriage of Flight Navigators as Members of the Flight Crews of Public Transport Aircraft

The following areas are hereby specified for the purposes of Article 17(4) of this Order.

Area A—Arctic

All that area north of latitude 66° 33′ north, excluding any part thereof lying within 300 nautical miles of Norway.

Area B—Antarctic

All that area south of latitude 50° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points:

32°	north	latitude	03°	west	longitude
24°	,,	,,	14°	,,	,,
14°	,,	,,	14°	,,	,,
18°	,,	,,	28°	east	,,
24°	,,	,,	28°	,,	,,
28°	,,	,,	23°	,,	,,
32°	,,	,,	03°	west	,,

Area D—Arabian Desert

All that area enclosed by rhumb lines joining successively the following points:

30°	north	latitude	38°	east	longitude
16°	„	„	46°	„	„
20°	„	„	52°	„	„
29°	„	„	43°	„	„
30°	„	„	38°	„	„

Area E—South America (Central)

All that area enclosed by rhumb lines joining successively the following points:

05°	north	latitude	75°	west	longitude
04°	„	„	60°	„	„
10°	south	„	40°	„	„
30°	„	„	60°	„	„
30°	„	„	70°	„	„
18°	„	„	69°	„	„
14°	„	„	75°	„	„
05°	„	„	80°	„	„
05°	north	„	75°	„	„

Area F—South America (Patagonia)

All that area enclosed by rhumb lines joining successively the following points:

50°	south	latitude	75°	west	longitude
40°	„	„	75°	„	„
40°	„	„	62°	„	„
50°	„	„	65°	„	„
50°	„	„	75°	„	„

Area G—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

50°	south	latitude	75°	west	longitude
20°	„	„	73°	„	„
05°	„	„	85°	„	„
05°	north	latitude	80°	west	longitude
15°	„	„	105°	„	„
30°	„	„	125°	„	„
55°	„	„	140°	„	„
67°	„	„	180°	„	„
60°	„	„	180°	„	„
20°	„	„	128°	east	„
04°	„	„	128°	„	„
00°	„	„	160°	„	„
50°	south	„	160°	„	„
50°	„	„	75°	west	„

excluding any part thereof lying within 300 nautical miles of New Zealand.

Area H—Australia

All that area enclosed by rhumb lines joining successively the following points:

18°	south	latitude	123°	east	longitude
26°	„	„	118°	„	„
30°	„	„	118°	„	„
30°	„	„	145°	„	„
26°	„	„	145°	„	„
21°	„	„	140°	„	„
18°	„	„	123°	„	„

Area I—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

50°	south	latitude	110°	east	longitude
20°	„	„	110°	„	„
13°	„	„	120°	„	„
10°	„	„	100°	„	„
18°	north	„	89°	„	„
00°			80°	„	„
24°	north	„	65°	„	„
05°	south	„	43°	„	„
20°	„	„	60°	„	„
25°	„	„	60°	„	„
30°	„	„	35°	„	„
50°	„	„	35°	„	„
50°	„	„	110°	„	„

Area J—Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

50°	south	latitude	15°	east	longitude
05°	„	„	10°	„	„
02°	north	„	05°	„	„
02°	„	„	10°	west	„
15°	„	„	25°	„	„
55°	„	„	15°	„	„
67°	„	„	40°	„	„
67°	„	„	60°	„	„
45°	„	„	45°	„	„
40°	„	„	63°	„	„
19°	„	„	63°	„	„
05°	south	„	30°	„	„
50°	„	„	55°	„	„
50°	„	„	15°	east	„

SCHEDULE 9

Article 19

FLIGHT CREW OF AIRCRAFT: LICENCES AND RATINGS

PART A—LICENCES

Minimum Age, Period of Validity, Privileges

1. *Student Pilots*

Student Pilots' Licence (Flying Machines, Balloons and Airships)

Minimum age—17 years

Maximum Period of Validity

(*a*) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(*b*) 12 months, if the holder is 40 years of age or more on that date.

Privileges: The licence—

(*a*) shall entitle the holder to fly as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence;

(*b*) shall be valid only for flights within the United Kingdom, the Channel Islands and the Isle of Man, and within any other territory specified in the licence;

(*c*) shall not entitle the holder to fly as pilot in command of an aircraft in which any other person is carried;

(*d*) shall be valid only for flights carried out in accordance with instructions given by a person holding a pilot's licence granted under this Order, being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft to be flown.

2. *Aeroplane pilots*

Private Pilot's Licence (Aeroplanes)

Minimum age—17 years

Maximum Period of Validity—5 years

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified in the aircraft rating included in the licence:

Provided that:

(*a*) he shall not fly such an aeroplane for the purpose of public transport or aerial work;

(*b*) he shall not receive any remuneration for his services as pilot on the flight, other than remuneration for the giving of instruction in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are members;

(*c*) he shall not, unless his licence includes an instrument meteorological conditions rating, fly as pilot in command of such an aeroplane:

(i) on a flight outside controlled airspace:

(*aa*) when the flight visibility is less than one nautical mile; or

(*bb*) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a flight visibility of less than 3 nautical miles; or

(ii) on a special VFR flight in a control zone in a flight visibility of less than 5 nautical miles, except on a route or in an aerodrome traffic zone notified for the purposes of this sub-paragraph;

(*d*) he shall not fly as pilot in command of such an aeroplane at night on a flight on which any passenger is carried unless:

(i) his licence includes a night rating (aeroplanes); and

(ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 6 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.

Commercial Pilot's Licence (Aeroplanes)

Minimum age—18 years

Maximum Period of Validity—5 years

Privileges: In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes), which includes an instrument meteorological conditions rating, the holder of the licence shall be entitled to fly as—

(i) pilot in command of any aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged in a flight for any purpose whatsoever:

Provided that—

(*a*) he shall not, unless his licence includes an instrument rating, fly such an aeroplane on any scheduled journey;

(*b*) he shall not fly such an aeroplane at night on a flight on which any passenger is carried unless his licence includes an instrument rating or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(*c*) he shall not, unless his licence includes an instrument rating, fly any such aeroplane 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;

(*d*) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 12,500 lb.;

(ii) co-pilot of any aeroplane of a type specified in Part 1 or Part 2 of such aircraft rating when the aeroplane is engaged in a flight for any purpose whatsoever.

Senior Commercial Pilot's Licence (Aeroplanes)

Minimum age—21 years

Maximum Period of Validity—5 years

Privileges: In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes), which includes an instrument meteorological conditions rating, the holder of the licence shall be entitled to fly as—

(i) pilot in command of any aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged in a flight for any purpose whatsoever:

Provided that—

(*a*) he shall not, unless his licence includes an instrument rating, fly such an aeroplane on any scheduled journey;

(*b*) he shall not fly such an aeroplane at night on a flight on which any passenger is carried unless his licence includes an instrument rating or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(*c*) he shall not, unless his licence includes an instrument rating, fly any such aeroplane 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;

(*d*) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 45,000 lb.;

(ii) co-pilot of any aeroplane of a type specified in Part 1 or Part 2 of such aircraft rating when the aeroplane is engaged in a flight for any purpose whatsoever.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum age—21 years

Maximum Period of Validity—5 years

Privileges: In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes), which includes an instrument meteorological conditions rating, the holder of the licence shall be entitled to fly as—

(i) pilot in command of any aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged in a flight for any purpose whatsoever:

Provided that—

(*a*) he shall not, unless his licence includes an instrument rating, fly such an aeroplane on any scheduled journey;

(*b*) he shall not fly such an aeroplane at night on a flight on which any passenger is carried unless his licence includes an instrument rating or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(*c*) he shall not, unless his licence includes an instrument rating, fly any such aeroplane 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;

(*d*) he shall not at any time after he attains the age of 60 years, fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 45,000 lb.;

(ii) co-pilot of any aeroplane of a type specified in Part I or Part 2 of such aircraft rating when the aeroplane is engaged in a flight for any purpose whatsoever.

3. *Helicopter and Gyroplane Pilots*

Private Pilot's Licence (*Helicopters and Gyroplanes*)

Minimum age—17 years

Maximum Period of Validity—5 years

Privileges: The licence—

(i) shall entitle the holder to fly as pilot in command or co-pilot of a helicopter or gyroplane of any of the types specified in the aircraft rating included in the licence, except when—

(*a*) the helicopter or gyroplane is flying for the purpose of public transport or aerial work; or

(*b*) the holder of the licence receives any remuneration in respect of the flight, not being remuneration for the giving of instruction in a helicopter or gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are members;

(ii) shall not entitle the holder to act as pilot in command at night on a flight on which any passenger is carried unless his licence includes a night rating (helicopters and gyroplanes) and he has within the preceding 90 days carried out as pilot in command not less than 5 flights each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 ft., and a landing, at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon.

Commercial Pilot's Licence (*Helicopters and Gyroplanes*)

Minimum age—18 years

Maximum Period of Validity—5 years

Privileges: In addition to the privileges given above for the Private Pilot's Licence (Helicopters and Gyroplanes), the holder of the licence shall be entitled to fly as—

(i) pilot in command of any helicopter or gyroplane of a type specified in Part 1 of the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever:

Provided that—

(*a*) he shall not fly such a helicopter or gyroplane at night on a flight on which any passenger is carried unless he has within the preceding 90 days carried out as pilot in command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 ft., and a landing, at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(*b*) he shall not fly such a helicopter or gyroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 12,500 lb.;

(ii) co-pilot of any helicopter or gyroplane to a type specified in Part 1 or Part 2 of such aircraft rating when the helicopter or gyroplane is engaged in a flight for any purpose whatsoever.

Airline Transport Pilot's Licence (*Helicopters and Gyroplanes*)

Minimum age—21 years

Maximum Period of Validity —5 years

Privileges: In addition to the privileges given above for the Private Pilot's Licence (Helicopters and Gyroplanes) the holder of the licence shall be entitled to fly as—

(i) pilot in command of any helicopter or gyroplane of a type specified in Part 1

of the aircraft rating included in the licence when the helicopter or gyroplane is engaged in a flight for any purpose whatsoever:

Provided that he shall not fly such a helicopter or gyroplane at night on a flight on which any passenger is carried unless he has within the immediately preceding 90 days carried out as pilot in command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 ft., and a landing, at a time when the depression of the centre of the sun was not less than 12 degrees below the horizon;

(ii) co-pilot of any helicopter or gyroplane of a type specified in Part 1 or Part 2 of such aircraft rating when the helicopter or gyroplane in engaged in a flight for any purpose whatsoever.

4. *Balloon and Airship Pilots*

Private Pilot's Licence (*Balloon and Airships*)

Minimum age—17 years

Maximum Period of Validity

(*a*) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(*b*) 12 months, if the holder is 40 years of age or more on that date.

Privileges: The holder of the licence shall be entitled to fly, when the balloon or airship is flying for any purpose other than public transport or aerial work, as

(i) pilot in command of any type of balloon or airship specified in Part 1 of the aircraft type rating included in the licence;

(ii) co-pilot of any type of balloon or airship specified in Part 1 or Part 2 of such aircraft rating.

Commercial Pilot's Licence (*Balloons*)

Minimum age—18 years

Maximum Period of Validity—6 months*

Privileges: In addition to the privileges given above for the Private Pilot's Licence in respect of balloons, the holder of the licences shall be entitled to fly as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

Commercial Pilot's Licence (*Airships*)

Minimum age—18 years

Maximum Period of Validity—6 months*

Privileges: In addition to the privileges given above for the Private Pilot's Licence in respect of airships, the holder of the licence shall be entitled to fly as—

(i) pilot in command of any airship of a type specified in Part 1 of the aircraft rating included in the licence;

(ii) co-pilot of any airship of a type specified in Part 2 of such aircraft rating.

5. *Glider Pilots*

Commercial Pilot's Licence (*Gliders*)

Minimum age—18 years

Maximum Period of Validity—6 months

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of—

(*a*) any glider of which the maximum total weight authorised does not exceed 1,500 lb.;

(*b*) any glider of which the maximum total weight authorised exceeds 1,500 lb. and which is of a type specified in the rating included in the licence.

*In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

6. *Other Flight Crew*

Flight Navigator's Licence

Minimum age—21 years

Maximum Period of Validity—12 months

Privileges: The holder of the licence shall be entitled to act as flight navigator in any aircraft.

Flight Engineer's Licence

Minimum age—21 years

Maximum Period of Validity—12 months

Privileges: The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radiotelephony Operator's General Licence

Minimum age—18 years

Maximum Period of Validity—5 years

Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.

Flight Radiotelephony Operator's Restricted Licence

Minimum age—17 years

Maximum Period of Validity—5 years

Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

Flight Radiotelegraphy Operator's Licence

Minimum age—20 years

Maximum Period of Validity—12 months

Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.

Flight Radiotelegraphy Operator's Temporary Licence

Minimum age—18 years

Maximum Period of Validity—12 months

Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a flight radiotelegraphy operator's licence.

PART B—RATINGS

1. The following ratings may be included in a pilot's licence (other than a student pilot's licence) granted under Part IV of this Order, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

Aircraft Rating. The licence shall entitle the holder to act as pilot only of aircraft of the types specified in the aircraft rating and different types of aircraft may be specified in respect of different privileges of a licence.

Instrument Meteorological Conditions Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) to fly as pilot in command of an aeroplane:

(*a*) on a flight outside controlled airspace with or without passengers, in either Visual Meteorological Conditions or Instrument Meteorological Conditions; or

(*b*) on a special VFR flight in a control zone in a flight visibility of not less than 1½ nautical miles.

Instrument Rating (*Aeroplanes*) shall entitle the holder of the licence to act as pilot of an aeroplane flying in controlled airspace in accordance with the instrument flight rules.

Night Rating (*Aeroplanes*) shall entitle the holder of a private pilot's licence (aeroplanes) to act as pilot in command at night of an aeroplane in which any passenger is carried.

Night Rating (*Helicopters and Gyroplanes*) shall entitle the holder of a private pilot's licence (helicopters and gyroplanes) to act as pilot in command at night of a helicopter or gyroplane in which any passenger is carried.

Towing Rating (*Flying Machines*) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purpose of public transport or aerial work.

Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose.

Assistant Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose:

Provided that—

(*a*) such instruction shall only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with a flying instructor's rating; and

(*b*) an assistant flying instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of:

(i) his first solo flight; or

(ii) his first solo flight by night; or

(iii) his first solo cross-country flight otherwise than by night; or

(iv) his first solo cross-country flight by night.

2. An aircraft rating may be included in every flight engineer's licence. The licence shall entitle the holder to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. For the purposes of this Schedule:

"Solo flight" means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot's licence granted or rendered valid under this Order.

"Cross-country flight" means any flight during the course of which the aircraft is more than 3 nautical miles from the aerodrome of departure.

PART C—CERTIFICATE OF TEST OR EXPERIENCE (AIRCRAFT RATING)

Person who may sign Certificate

1. A certificate of test or a certificate of experience required by proviso (*d*) to Article 19(2) of this Order shall be signed by a person authorised by the Board to sign certificates of that kind and shall comply with the following provisions of this Part of this Schedule.

Matters to be certified

2. The certificate shall certify the following particulars:

(*a*) the date on which it was signed;

(*b*) (i) in the case of a certificate of test, that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence of which the certificate forms part passed a flying test;

(ii) in the case of a certificate of experience, that on the date on which the certificate was signed the holder of the licence of which it forms part produced his personal flying log book to the person signing the certificate and satisfied him that he had five hours' experience as a pilot of aircraft within the period of 6 months or 13 months preceding that date, whichever is the case;

(*c*) the type of aircraft or apparatus in or by means of which the test was conducted, or the type or types of aircraft in which the experience was gained;

(*d*) whether the test or experience was in the capacity of pilot in command or co-pilot.

Nature of flying test

3. The flying test referred to in paragraph 2 of this Part of this Schedule shall be a test of the pilot's competence to fly the aircraft as pilot in command or co-pilot and may, at the discretion of the Board, be conducted either in an aircraft in flight or by means of apparatus approved by the Board in which flight conditions are simulated on the ground.

Classification of flights into Groups

4. For the purposes of this Part of this Schedule, flights shall be divided into Groups according to the following Table.

Group	Circumstances of flight		
	Aircraft flown	Remuneration of licence-holder in respect of flight	Other circumstances
A	Single-engined aircraft below 12,500 lb.*	Unremunerated	Not public transport or aerial work
B	Multi-engined aircraft below 12,500 lb.*	Unremunerated	Not public transport or aerial work
C	Above 12,500 lb.*	Unremunerated	Not public transport or aerial work
D	Any aircraft	Remunerated	Not public transport, aerial work or carriage of passengers
E	Any aircraft	Remunerated	For the carriage of passengers but not for public transport or aerial work
F	Any aircraft	Remunerated or unremunerated	For aerial work
G	Any aircraft	Remunerated or unremunerated	For public transport

*Maximum total weight authorised

Requirement of test or experience

5. A certificate shall not be appropriate to the functions to be performed on flights in Group E or G unless it is a certificate of test, but in the case of Groups A,B,C, D and F it may be either a certificate of test or a certificate of experience.

Type or Class of Aircraft

6.—(1) A certificate of test shall not be appropriate to the functions to be performed unless it certifies that the test was conducted as follows—

For the purposes of Group A: in an aircraft of the same class as that in which the functions are to be performed;

For the purposes of Group B: in a multi-engined aircraft of the same class as that in which the functions are to be performed;

For the purposes of Groups C to G: in an aircraft of the same type as that in which the functions are to be performed or by means of apparatus approved by the Board in which flight conditions in such an aircraft are simulated on the ground.

(2) A certificate of experience shall not be appropriate to the functions to be performed unless it certifies that the experience was gained as follows:

For the purposes of Group A: 5 hours' experience in an aircraft of the same class as that in which the functions are to be performed;

For the purposes of Group B: 5 hours' experience in an aircraft of the same class as that in which the functions are to be performed, of which at least one flight shall have been in a multi-engined aircraft;

For the purposes of Groups C, D and F: 5 hours' experience in an aircraft of the same class as that in which the functions are to be performed of which at least one flight shall have been in an aircraft of the same type as that in which the functions are to be performed.

(3) For the purposes of this paragraph the class to which an aircraft belongs shall be determined according to column 4 of the Table in Part A of Schedule 1 to this Order.

Capacity in which functions are performed

7. A certificate of test or of experience in the capacity of pilot in command shall be appropriate to functions performed in the capacity of pilot in command or co-pilot. A certificate of test or of experience in the capacity of co-pilot shall be appropriate to functions performed in the capacity of co-pilot.

Period of experience

8. A certificate of experience shall have no effect unless the experience certified was gained within the period of 13 months preceding the signing of the certificate in the case of Groups A to D, and 6 months preceding the signing of the certificate in the case of Group F.

Period of validity of certificate

9.—(*a*) A certificate of test shall not be valid in relation to a flight made more than 13 months in the case of Groups A to E, or 6 months in the case of Groups F and G, after the date of the flying test which it certifies:

Provided that in the case of Groups F and G two certificates of test shall together be deemed to constitute a valid certificate if they certify flying tests conducted on two occasions within the period of 13 months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than 4 months, and if both certificates are appropriate to those functions.

(*b*) A certificate of experience shall not be valid in relation to a flight made more than 6 months after it was signed in the case of Group F or more than 13 months after it was signed in the case of any other Group.

SCHEDULE 10

PUBLIC TRANSPORT—OPERATIONAL REQUIREMENTS

PART A.—OPERATIONS MANUAL

Article 24

Information and instructions relating to the following matters shall be included in the operations manual referred to in Article 24(2) of this Order:

(i) the number of the crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instructions as to the order and circumstances in which command is to be assumed by members of the crew;

(ii) the respective duties of each member of the crew and the other members of the operating staff;

(iii) the particulars referred to in Article 49(7) of this Order;

(iv) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties;

(v) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained; the instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines;

(vi) the manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Scale K in Schedule 5 to this Order is to be computed;

(vii) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule forming part of the relevant certificate of airworthiness are complied with;

(viii) the circumstances in which a radio watch is to be maintained;

(ix) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;

(x) communication, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator may deem necessary for the proper conduct of flight operations; the information referred to in this paragraph shall be contained in a route guide, which may be in the form of a separate volume;

(xi) the reporting in flight to the notified authorities of meteorological observations;

(xii) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of the United Kingdom or of the countries whose territory is to be flown over;

(xiii) such matters as may be prescribed relating to weather conditions for take-off and landing;

(xiv) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance:

Provided that in relation to any flight which is not one of a series of flights between the same two places it shall be sufficient if, to the extent that it is not practicable to comply with paragraphs (x) and (xii), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

PART B.—CREW TRAINING AND TESTS

Article 25

1. The training, experience, practice and periodical tests required under Article 25(2) of this Order in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows:

(1) *The Crew*

Every member of the crew shall—

(*a*) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight; and

(*b*) have practised within the relevant period under the supervision of the operator or of a person appointed by him for the purpose the carrying out of the duties required of him in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in apparatus approved by the Board for the purpose and controlled by persons so approved.

(2) *Pilots*

(*a*) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator—

(i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft;

(ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Board for the purpose by means of apparatus so approved in which flight conditions are simulated on the ground. The tests specified in sub-paragraph (2)(*a*)(ii) of this paragraph when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the Board.

(*b*) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relevant period have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight

(i) as to his competence to act as pilot thereof, while executing normal manoeuvres and procedures, and

(ii) as to his competence to act as pilot thereof while executing emergency manoeuvres and procedures.

(3) *Flight Engineers*

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator, either in flight, or, under the supervision of a person approved by the Board for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground, as to his competence to perform the duties of flight engineer in aircraft of the type to be used on the flight, including his ability to execute emergency procedures in the course of such duties.

(4) *Flight Navigators and Flight Radio Operators*

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under Article 17(4) and (5) respectively of this Order shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight—

(*a*) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for purposes of navigation;

(*b*) in the case of a flight radio operator using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of his ability to carry out emergency procedures.

(5) *Aircraft Commanders*

(*a*) The pilot designated as commander of the aircraft for the flight shall within the relevant period—

(i) have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of—
the terrain,
the seasonal meteorological conditions,
the meteorological, communications, and air traffic facilities, services and procedures,
the search and rescue procedures, and
the navigational facilities,
relevant to the route;

(ii) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Board or under the supervision of a person approved by the Board for the purpose by means of apparatus so approved in which flight conditions are simulated on the ground.

(iii) have carried out as pilot in command not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(*b*) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (*a*)(i) is sufficient to render him competent to perform the duties of aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following—

(i) the experience of other members of the intended flight crew;

(ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;

(iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;

(iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;

(v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;

(vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;

(vii) the nature of air traffic control procedures and familiarity of the pilot with such procedures;

(viii) the influence of terrain on route conditions and the extent of the assistance obtainable en route from navigational aids and air-to-ground communication facilities;

(ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

(6) For the purposes of this paragraph—

"instrument flight conditions" means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;

"relevant period" means a period which immediately procedes the commencement of the flight, being a period—

(*a*) in the case of sub-paragraph (5)(*a*)(iii) of this paragraph, of three months;

(*b*) in the case of sub-paragraphs (2)(*a*)(ii), (2)(*b*)(ii), (3) and (5)(*a*)(ii) of this paragraph, of six months;

(*c*) in the case of sub-paragraphs (1), (2)(*a*)(i), (2)(*b*)(i), (4) and (5)(*a*)(i) of this paragraph, of thirteen months:

Provided that—

(i) any pilot of the aircraft to whom the provisions of sub-paragraphs (2)(*a*)(ii), (2)(*b*)(ii), or (5)(*a*)(ii) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3) of this paragraph apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on two occasions within the period of thirteen months immediately preceding the flight, such occasions being separated by an interval of not less than four months;

(ii) the requirements of sub-paragraph (5)(*a*)(i) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so to act on flights between the same places over the same route more than thirteen months before commencement of the flight, he has within the period of thirteen months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2.—(1) The records required to be maintained by an operator under Article 25(2) of this Order shall be accurate and up-to-date records so kept as to show, on any date, in relation to each person who has during the period of two years immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator—

(*a*) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualifications of the examiner;

(*b*) the date upon which that person last practised the carrying out of duties referred to in paragraph 1(1)(*b*) of this Schedule;

(*c*) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties;

(*d*) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1(5)(*a*)(i) of this Schedule including particulars of the evidence upon which that decision was based.

(2) The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person so authorised all records referred to in the preceding sub-paragraph and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books, certificates, papers and other documents whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

SCHEDULE 11

Articles 55 and 56

DOCUMENTS TO BE CARRIED BY AIRCRAFT REGISTERED IN THE UNITED KINGDOM

On a flight for the purpose of public transport:

Documents A, B, C, D, E, F, H and, if the flight is international air navigation Document G.

On a flight for the purpose of aerial work:

Documents A, B, C, E, F, and, if the flight is international air navigation Document G.

On a flight, being international air navigation, for a purpose other than public transport or aerial work:

Documents A, B, C and G.

For the purposes of this Schedule:

"A" means the licence in force under the Wireless Telegraphy Act 1949**(a)** in respect of the aircraft radio station installed in the aircraft, and the current telecommunication log book required by this Order;

"B" means the certificate of airworthiness in force in respect of the aircraft;

"C" means the licences of the members of the flight crew of the aircraft;

"D" means one copy of the load sheet, if any, required by Article 26 of this Order in respect of the flight;

"E" means one copy of each certificate of maintenance, if any, in force in respect of the aircraft;

"F" means the technical log, if any, in which entries are required to be made under Article 9(5) of this Order;

"G" means the certificate of registration in force in respect of the aircraft;

"H" means the operations manual, if any, required by Article 24(2)(*a*)(iii) of this Order to be carried on the flight.

For the purposes of this Schedule:

"International air navigation" means any flight which includes passage over the territory of any country other than the United Kingdom, except any of the Channel Islands, the Isle of Man, any country to which there is power to extend the Act under section 66(1) thereof or any British Protected State.

(a) 1949 c. 54.

SCHEDULE 12

Article 80

PENALTIES

PART A—PROVISIONS REFERRED TO IN ARTICLE 80(5)

Article 3.
Article 5.
Article 10(5).
Article 14.
Article 15(3).
Article 21.
Article 23.
Article 24.
Article 26(5).
Article 32 (except paragraph (2)).
Article 33(2).
Article 43(1).
Article 44(1).
Article 52.
Article 57.
Article 61(2).
Article 66(5) and (6).
Article 68.
Article 71(1).
Article 73.
Article 76.

PART B—PROVISIONS REFERRED TO IN ARTICLE 80(6)

Article 7.
Article 9(1).
Article 10 (except paragraph (5)).
Article 12.
Article 13.
Article 15 (except paragraph (3)).
Article 17.
Article 18.
Article 22.
Article 25.
Article 26 (except paragraph (5)).
Articles 27 to 31, inclusive.
Article 32(2).
Article 33(1).
Articles 34 to 42, inclusive.
Article 43(2).
Article 44(2).
Article 45.
Article 46.
Articles 48 to 51, inclusive.
Article 53.
Article 59 (except paragraph (3)).
Article 60 (except paragraph (4)).
Article 61 (except paragraph (2)).
Article 62.
Article 63.
Article 65(4).
Article 66 (except paragraphs (5) and (6)).
Article 70.
Article 77.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Air Navigation Order 1966 as amended. In addition to some minor and drafting amendments, a new Article (Article 82) is introduced which confers power on the Board of Trade to direct that, for the purposes of such provisions of the Order and regulations made thereunder as may be specified in the direction, the aircraft to which the direction relates is to be treated as if it was registered in the United Kingdom. Such a direction may be given only in respect of an aircraft managed by a person qualified to own an aircraft registered in the United Kingdom.

The following Table shows, in relation to each Article of the Air Navigation Order 1966, as amended, the Article of the 1970 Order in which it is reproduced:—

TABLE OF COMPARISON

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