STATUTORY INSTRUMENTS

1976 No. 1783

CIVIL AVIATION

The Air Navigation Order 1976

Made - - - - - - - -	*27th October* 1976
Laid before Parliament - - - -	*4th November* 1976
Coming into Operation—	
(*a*) for the purpose of making Regulations	*25th November* 1976
(*b*) for all other purposes - - -	*1st December* 1976

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At the Court at Buckingham Palace, the 27th day of October 1976

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), as amended by section 20 of the Civil Aviation Act 1968(b), section 8(4) of the Mineral Workings (Offshore Installations) Act 1971(c) and section 62(1) of the Civil Aviation Act 1971(d) 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.
(c) 1971 c. 61.
(d) 1971 c. 75.

Citation, Commencement and Revocation

Citation and commencement

1.—(1) This Order may be cited as the Air Navigation Order 1976.

(2) This Order shall come into operation—

(*a*) on 25th November 1976, for the purpose of enabling the Secretary of State to make regulations thereunder; and

(*b*) on 1st December 1976, for all other purposes.

Revocation

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

The Air Navigation Order 1974(a);

The Air Navigation (Amendment) Order 1974(b);

The Air Navigation (Second Amendment) Order 1975(c);

The Air Navigation (Third Amendment) Order 1975(d);

The Air Navigation (Fourth Amendment) Order 1975(e);

The Air Navigation (Fifth Amendment) Order 1976(f).

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were an Act of Parliament and as if the Orders revoked by paragraph (1) of this Article were Acts of Parliament thereby repealed.

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

(*c*) Any certificate, licence, approval, permission, exemption, authority direction or other document issued, granted, or having effect under any Order revoked by 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 shall have effect for the purposes of this Order as if it had been granted under the 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 expiration of that period.

(a) S.I. 1974/1114 (1974 II, p. 4057).
(b) S.I. 1974/1275 (1974 II, p. 4855).
(c) S.I. 1975/429 (1975 I, p. 1351).
(d) S.I. 1975/1515 (1975 III, p. 5079).
(e) S.I. 1975/1836 (1975 III, p. 6945).
(f) S.I. 1976/583 (1976 I, p. 1643).
(g) 1889 c. 63.

PART I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

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

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

(*b*) a Contracting State; or

(*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 13, 14, 19 and 32 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 Authority shall be the authority for the registration of aircraft in the United Kingdom and shall keep the register on its premises.

(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 Authority that:

(*a*) the aircraft is registered 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 holds any legal or beneficial interest by way of ownership 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 hold a legal or beneficial interest by way of ownership 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;

(*c*) citizens of the Republic of Ireland;

(*d*) British protected persons;

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

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

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

(4) If an unqualified person residing or having a place of business in the United Kingdom holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Authority, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the United Kingdom. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

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

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

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

(*a*) the number of the certificate;

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

(*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 a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and

(a) 1890 c. 39.

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

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

Provided that the Authority shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer's certificate granted under this Order who has made to the Authority and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions set forth in Part C of Schedule 1 to this Order, and in that case the aircraft shall fly only in accordance with those conditions.

(9) The Authority may grant to any person qualified as aforesaid an aircraft dealer's certificate if it is satisfied that he has a place of business in the United Kingdom for buying 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 to a legal or beneficial interest by way of ownership 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 Authority.

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

(*a*) any change in the particulars which were furnished to the Authority 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 Authority in writing to that effect.

(13) The Authority may, whenever it appears to it 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 it thinks fit, may cancel the registration of the aircraft, and shall cancel that registration if it is satisfied that there has been a change in the ownership of the aircraft.

(14) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this Article as he deems 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 Authority to cancel the registration of an aircraft if in its opinion it would be inexpedient in the public interest to do so.

(17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the Authority pursuant to an Order in Council made under section 16 of the Civil Aviation Act 1968(a) shall not become void by virtue of paragraph (10) of this Article, nor shall the Authority cancel the registration of such an aircraft pursuant to this Article unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

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 of air operators' certificates

6.—(1) An aircraft registered in the United Kingdom 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 (2) 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.

(2) The Authority may grant to any person applying therefor an air operator's certificate if it 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 Authority thinks fit and shall, subject to the provisions of Article 58 of this Order, remain in force for the period specified in the certificate.

(a) 1968 c. 61.

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 Authority 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, renewal, etc., of certificates of airworthiness

8.—(1) The Authority may issue in respect of any aircraft a certificate of airworthiness if it is 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 it considers necessary for the airworthiness of the aircraft; and

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

Provided that, if the Authority has issued a certificate of airworthiness in respect of an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is 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 Authority, 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:

Provided that:

(i) the General Purpose Category shall be specified only in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg.;

(ii) only the General Purpose Category or the Special Category shall be specified in respect of such an aircraft.

(3) The Authority may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks 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 29(1) of this Order.

(5) The Authority may, subject to such conditions as it thinks 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 Authority for such further period as it thinks 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 Authority 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 Authority to be made for the purpose of ascertaining whether the aircraft remains airworthy; or

(*c*) until the completion to the satisfaction of the Authority of any modification of the aircraft or of any such equipment as aforesaid, being a modification required by the Authority for the purpose of ensuring that the aircraft remains airworthy.

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

Certificate of maintenance

9.—(1) An aircraft registered in the United Kingdom (not being an aircraft in respect of which a certificate of airworthiness of the General Purpose Category or the Special Category is in force) 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 Authority 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) An aeroplane registered in the United Kingdom (not being an aeroplane in respect of which a certificate of airworthiness of the General Purpose Category or the Special Category is in force) shall not fly unless the flight data recording system, if any, required by or under this Order to be carried, is maintained in accordance with a maintenance schedule approved by the Authority in relation to that equipment and there is in force in respect of that equipment a certificate of maintenance issued in accordance with the provisions of this Article and certifying that maintenance has been carried out in accordance with such maintenance schedule.

(3) 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.

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

(*a*) the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate; 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 Authority has authorised to issue a certificate of maintenance in a particular case, and in accordance with that authority; or

(*e*) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval:

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

(5) 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 54 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) At the end 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 when the aircraft took off and landed; 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 he shall sign and date such entries:

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

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

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

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

(7) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (6) of this Article, a copy of the certificate of compliance required by Article 11 of this Order in respect of the work done 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 to which it relates.

(8) The technical log referred to in paragraphs (6) and (7) of this Article shall be carried in the aircraft when Article 54 of this Order so requires and copies of the entries referred to in those paragraphs shall be kept on the ground.

(9) Subject to the provisions of Article 57 of this Order every certificate of maintenance shall be preserved by the operator of the aircraft for a period of two years following the expiration of the period of validity of the certificate and for such further period as the Authority may require in any particular case.

Maintenance of General Purpose Category aircraft

10.—(1) An aircraft registered in the United Kingdom being an aircraft in respect of which a certificate of airworthiness of the General Purpose Category is in force shall not fly unless the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Authority in relation to that aircraft and, if the aircraft is flying for the purpose of the public transport of passengers, unless there is in force a certificate (in this Order referred to as a "certificate of release") issued in accordance with the provisions of this Article and certifying that maintenance has been carried out in accordance with such a maintenance schedule:

Provided that an aircraft may, notwithstanding that the radio station has not been so maintained, fly for the sole purpose of enabling persons to be trained to perform duties in aircraft.

(2) Every certificate of release shall come into force upon being issued and shall cease to be in force upon the expiration of the period of its validity 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 release may be issued for the purposes of this Article only by—

(*a*) the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate; 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 Authority has authorised to issue a certificate of release in a particular case, and in accordance with that authority.

(4) Certificates of release 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 54 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 any such aircraft as aforesaid the commander of the aircraft shall enter in a log book—

(*a*) the times when the aircraft took off and landed; 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 he shall sign and date every such entry:

Provided that in the case of a number of consecutive flights beginning and ending on the same day and with the same person as commander of the aircraft, that person may, except where he becomes aware of a defect during an earlier flight, make the entry as aforesaid in a log book at the end of the last of such consecutive flights.

Inspection, overhaul, repair, replacement and modification

11.—(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 (except as provided for in paragraph (2) of this Article) if any part of the aircraft or of such of its equipment as is necessary for the airworthiness of the aircraft, has been overhauled, 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:

(*a*) unless the Authority gives a direction to the contrary in the particular case nothing in this paragraph shall require a certificate of compliance to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and in respect of which a certificate of airworthiness of the Special Category is in force;

(*b*) 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—

(i) 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

(ii) 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:

(*aa*) 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

(*bb*) 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 Authority within 10 days thereafter.

(2) Nothing in paragraph (1) of this Article shall prevent an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. from flying otherwise than for the purpose of public transport if the only repairs or replacements in respect of which a certificate of compliance is not in force are of such a description as may be prescribed and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in a log book a record which identifies the repair or replacement and shall sign and date the entries, and, subject to the provisions of Article 57 of this Order, shall preserve the log book for a period of 2 years from the date of the last entry therein. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Authority whether generally or in relation to a class of aircraft or the particular aircraft.

(3) 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.

(4) 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 Authority 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 Authority, that the inspection has been made in accordance with the requirement of the Authority and that any consequential repair or replacement has been carried out as aforesaid.

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

(*a*) the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate; 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*) the holder of a licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft of which the maximum total weight authorised does not exceed 2,730 kg.; or

(*e*) a person approved by the Authority as being competent to issue such certificates and in accordance with that approval; or

(*f*) a person whom the Authority has authorised to issue the certificate in a particular case, and in accordance with that authority; or

(*g*) 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 granted or rendered valid under this Order.

(6) 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 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 2 years.

(7) 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

12.—(1) The Authority may grant aircraft maintenance engineer's licences, subject to such conditions as it thinks fit, of a category specified in Schedule 4 to this Order, upon its being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Authority may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.

(2) The Authority may include in a licence of any category a rating, subject to such conditions as it thinks fit, specifying a type of aircraft or equipment, upon being satisfied as aforesaid that the applicant is qualified to issue the certificates specified in Schedule 4 in relation to that category in respect of aircraft or equipment of that type, and a rating shall be deemed to form part of the licence.

(3) A licence of any category shall, subject to any conditions included in the licence, entitle the holder to issue the certificates specified in Schedule 4 in relation to that category in respect of aircraft or equipment of a type specified in a rating included in the licence.

(4) A licence shall, subject to the provisions of Article 58 of this Order, remain in force for the periods specified therein, not exceeding 2 years, but may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit person and is qualified as aforesaid.

(5) The Authority 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 Authority thinks fit.

(6) 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

13.—(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 Authority 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 Authority may direct that an aircraft registered in the United Kingdom shall carry such additional or special equipment or supplies as it 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 in every public transport aircraft registered in the United Kingdom there shall be—

(*a*) exhibited in a prominent position in every passenger compartment; or

(*b*) provided individually for each passenger

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 of 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 Authority 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

14.—(1) An aircraft shall not fly unless it is so equipped with radio equipment 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) Without prejudice to paragraph (1) of this Article, the aircraft shall be equipped with radio equipment in accordance with Schedule 6 to this Order.

(3) In any particular case the Authority may direct that an aircraft registered in the United Kingdom shall carry such additional or special radio equipment as it 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 equipment provided in compliance with this Article in an aircraft registered in the United Kingdom shall always be maintained in serviceable condition.

(5) All radio equipment 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 Authority 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 Authority. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Authority.

Aircraft, engine and propeller log books

15.—(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 7 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

16.—(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 Authority may require or approve 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—

(*a*) either 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, or such other weight as may be approved by the Authority in the case of that aircraft; and

(*b*) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(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 expiration of a period of 6 months following the next occasion on which the aircraft is weighed for the purposes of this Article.

Access and inspection for airworthiness purposes

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

PART IV
AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft

18.—(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 exceeding 5,700 kg. 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*) a flight navigator as a member of the flight crew; or

(*b*) navigational equipment approved by the Authority and used in accordance with any conditions subject to which that approval may have been given,

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 Article 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 14 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 it to be expedient to do so in the interests of safety, the Authority may direct any particular operator that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Authority 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 it may specify in the direction.

(7) (*a*) When an aircraft registered in the United Kingdom carries 20 or more passengers on a flight for the purposes of public transport, the crew of the aircraft shall include cabin attendants carried for the purposes 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.

(*b*) The Authority 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 cabin attendant, notwithstanding that the aircraft may be carrying fewer than 20 passengers.

(*c*) In the case of an aircraft with a total seating capacity of not more than 200, the number of cabin attendants carried on such a flight as is mentioned in sub-paragraph (*a*) of this Article, shall be not less than one cabin attendant for every 50, or fraction of 50, passengers carried.

(*d*) In the case of an aircraft with a total seating capacity of more than 200, the number of cabin attendants carried on such a flight as aforesaid, shall be not less than half the number of main exits in the aircraft, and in addition, when more than 200 passengers are carried, one additional cabin attendant for every 25, or fraction of 25, of such passengers.

Provided that, if the number of cabin attendants, calculated in accordance with this sub-paragraph, exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this Article if the number of cabin attendants carried is equal to the number of main exits in the aircraft.

(*e*) For the purposes of this paragraph a main exit means an exit in the side of the aircraft at floor level intended for the disembarkation of passengers whether normally or in an emergency.

Members of flight crew—requirement of licences

19.—(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, the Channel Islands and the Isle of Man without being the holder of such a licence—

(*a*) act as a flight radiotelephony operator if—

(i) 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

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

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

(iv) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Authority for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (i) of this proviso; and

(v) 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

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

(vii) the stability of the frequency radiated is maintained automatically by the transmitter;

(*b*) subject to the provisions of Article 20(8), act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—

(i) he is at least 17 years of age; and

(ii) he is the holder of a valid medical certificate to the effect that he is fit to so act issued by a person approved by the Authority; and

(iii) he complies with any conditions subject to which that medical certificate was issued; and

(iv) no other person is carried in the aircraft; and

(v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying; and

(vi) he so acts 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 being flown.

(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 in a country other than 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; or

(*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 Authority does 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 other than the United Kingdom 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 Authority in the particular case gives 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 a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew.

(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 for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein 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 Authority 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 either—

(*a*) within the period of 6 months immediately preceding 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; or

(*b*) holds a pilot's, a flight navigator's or a flight engineer's licence granted under Article 20 of this Order and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriae licence.

(5) Notwithstanding the provisions of paragraph (1) of this Article, a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's, or a flight engineer's licence or for the inclusion, renewal or extension of a rating thereon, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(6) 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.

(7) 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.

(8) This Article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless—

(*a*) he acts as a flight radio operator; or

(*b*) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying in a glider owned and operated by a flying club of which the person giving and the person receiving instruction are both members.

(9) 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 Authority, whether or not the licence is or is deemed to be rendered valid under this Order.

Grant, Renewal and Effect of Flight Crew Licences

20.—(1) (*a*) The Authority may grant licences, subject to such conditions as it thinks fit, of any of the classes specified in Part A of Schedule 9 to this Order authorising the holder to act as a member of the flight crew of an aircraft registered in the United Kingdom, upon its being satisfied that the applicant is

a fit person to hold the licence, and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Authority may require of him.

(*b*) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of the said Schedule.

(*c*) A licence granted under this Article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(*d*) 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 the said Schedule, and may be renewed by the Authority from time to time upon its being satisfied that the applicant is a fit person and qualified as aforesaid. If no period is indicated in the licence it shall remain in force, subject as aforesaid for the lifetime of the holder.

(2) The Authority may include in a licence a rating, subject to such conditions as it thinks fit, of any of the classes specified in Part B of the said Schedule, upon its being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(3) Subject to any conditions of the licence and to the provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the said Schedule under the heading "privileges", and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of the said Schedule.

(4) (*a*) Subject to the provisions of sub-paragraph (*c*) of this paragraph, the holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience, which certificate shall in either case be appropriate 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:

Provided that the holder of a Private Pilot's Licence (Balloons and Airships), a Commercial Pilot's Licence (Balloons) or a Commercial Pilot's Licence (Airships) shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate.

(*b*) The holder of a flight navigator's licence shall not be entitled to perform functions on a flight to which Article 18(4) of this Order applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Part C of Schedule 9 and shall otherwise comply with that Part.

(*c*) In the case of a certificate of test or a certificate of experience issued in accordance with Part C of the said Schedule on or after 10th November 1975 the holder of a Private Pilot's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by subparagraph (*a*) of this paragraph is included in the personal flying log book required to be kept by him under Article 22 of this Order.

(5) A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), a flying instructor's rating, an assistant flying instructor's rating or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of test which certificate shall be appropriate to the functions to which the rating relates in accordance with Part C of the said Schedule and shall otherwise comply with that Part.

(6) A person who, on the last occasion when he took a test for the purposes of paragraphs (4) or (5) of this Article, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(7) (*a*) The holder of a licence, other than a flight radiotelephony operator's licence, granted under this Article shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.

(*b*) Every applicant for or holder of such a licence shall upon such occasions as the Authority may require submit himself to medical examination by a person approved by the Authority either generally or in a particular case who shall make a report to the Authority in such form as the Authority may require.

(*c*) On the basis of such medical examination, the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that it or he has assessed the holder of the licence as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to paragraph (8) of this Article, be valid for such period as is therein specified and shall be deemed to form part of the licence.

(8) (*a*) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the United Kingdom if he knows or has reason to believe that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(*b*) Every holder of a medical certificate issued under Article 19 or 20 who—

(i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or

(ii) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or

(iii) in the case of a woman, has reason to believe that she is pregnant

shall inform the Authority in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 20 days has elapsed in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the confirmation of the pregnancy or the elapse of such period of illness, and such suspension shall cease in the case of injury or illness upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions as a member of the flight crew or upon the Authority exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination, and in the case of pregnancy upon the holder being medically examined under arrangements made by the Authority after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(9) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft having a maximum total weight authorised not exceeding 5,700 kg. when, with the permission of the Authority, he is testing any person for the purposes of paragraphs (1), (2), (4) or (5) of this Article,

notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.

(10) Where any provision of Part C of Schedule 9 or Part B of Schedule 11 to this Order permits a test to be conducted in a flight simulator approved by the Authority, that approval may be granted subject to such conditions as the Authority thinks fit.

Validation of licences

21. The Authority 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 periods as the Authority thinks fit.

Personal flying log book

22. 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 shall keep a personal flying log book in which the following particulars shall be recorded:

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

Particulars of the 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 an aircraft, or while flying for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, 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.

Particulars of any test or examination undertaken whilst in a flight simulator, including—

(*a*) the date of the test or examination;

(*b*) the type of simulator;

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

(*d*) the nature of the test or examination.

Instruction in flying

23.—(1) A person shall not give any instruction in flying to which this Article applies unless—

(*a*) he 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 the instruction is to be given; and

(*b*) his licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder to give the instruction.

(2) This Article applies to instruction in flying given 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;

(*b*) the inclusion or variation of any rating in his licence;

Provided that this Article shall not apply to any instruction in flying given to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft or of an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 1 to this Order if that person has previously been entitled under the Order, or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of multi-engined aircraft, or of an aircraft of that class as the case may be.

Glider pilot—minimum age

24. A person under the age of 16 years shall not act as pilot in command of a glider.

PART V
OPERATION OF AIRCRAFT

Operations Manual

25.—(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 11 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) (*a*) An aircraft to which this Article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Authority a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.

(*b*) Any amendments or additions to the operations manual shall be furnished to the Authority by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Authority.

(*c*) Without prejudice to the foregoing subparagraphs the operator shall make such amendments or additions to the operations manual as the Authority 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 11 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.

Training manual

26.—(1) The operator of every aircraft registered in the United Kingdom and flying for the purpose of public transport shall:

(*a*) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under Article 27(2) of this Order; and

(*b*) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under Article 27(2) of this Order to perform his duties as such including in particular information and instructions relating to the matters specified in Part C of Schedule 11 to this Order.

(3) (*a*) An aircraft to which this Article applies shall not fly unless, not less than 30 days prior to such flight the operator of the aircraft has furnished to the Authority a copy of the whole of his training manual relating to the crew of that aircraft.

(*b*) Any amendments or additions to the training manual shall be furnished to the Authority by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to training, experience practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Authority.

(*c*) Without prejudice to the foregoing subparagraphs the operator shall make such amendments or additions to the training manual as the Authority 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.

Public transport—operator's responsibilities

27.—(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 11 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 11.

(3) The operator of an aircraft registered in the United Kingdom shall not permit any member of the flight crew thereof, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading—public transport aircraft and suspended loads

28.—(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 weight of the aircraft (shown in the weight schedule referred to in Article 16 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 1,150 kg.; or

(*b*) the aircraft's maximum total weight authorised does not exceed 2,730 kg. 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 by 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 54 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

29.—(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) 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.

(4) Without prejudice to the provisions of paragraph (3) 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 registered in the United Kingdom—Aerodrome operating minima

30.—(1) (*a*) The operator of every aircraft to which Article 25 of this Order applies shall establish and include in the operations manual relating to the aircraft particulars of aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished, in writing, to the commander of the aircraft particulars of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with the specified method; and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of 3 months.

(*b*) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate aerodrome operating minima appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.

(2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.

(3) In establishing aerodrome operating minima for the purposes of this Article the operator of the aircraft shall take into account the following matters—

(*a*) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness; and

(*b*) the composition of its crew; and

(*c*) the physical characteristics of the relevant aerodrome and its surroundings; and

(*d*) the dimensions of the runways which may be selected for use; and

(*e*) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature

of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and shall establish in relation to each runway which may be selected for use aerodrome operating minima appropriate to each set of circumstances which can reasonably be expected.

(4) An aircraft to which Article 25 of this Order applies shall not commence a flight at a time when—

(*a*) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or

(*b*) according to the information available to the commander of the aircraft it would not be able, without contravening paragraph (5) of this Article, to commence or continue an approach to landing at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(5) An aircraft to which Article 25 of this Order applies shall not—

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

(i) the aircraft is below the specified decision height, and

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

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

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

(6) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

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

Aircraft not registered in the United Kingdom—aerodrome operating minima

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

shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Authority may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

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

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

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

(i) the aircraft is below the specified decision height, and

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

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

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

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

Pre-flight action by commander of aircraft

32. 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 or certificates of release are required by Article 9(1) or Article 10(1) respectively 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 the 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

33.—(1) 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. If the aircraft carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety harness, or a safety belt with or without one diagonal shoulder strap, whichever is required by Article 13 of this Order to be provided.

Public transport of passengers—duties of commander

34.—(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 18(7) of this Order are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons 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 an 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 13 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

35.—(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 communications 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 airspace 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 signals or distress messages sent or received;

(*d*) particulars of any action taken upon the receipt of a distress signal or distress 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 radio telephony 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 6 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 below flight level 150 or is taking off or landing.

Use of flight data recorders and preservation of records

36.—(1) On any flight on which a flight data recorder is required by sub-paragraph 4(5) of Schedule 5 to this Order to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of Article 57 of this Order, preserve—

(*a*) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and

(*b*) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the Authority may in a particular case direct.

Towing of gliders

37.—(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 150 metres.

(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 32(*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

38.—(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 150 metres.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any 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 37 of this Order.

Dropping of persons and articles

39.—(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 any of 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;

(*f*) the dropping of articles for the purposes of agriculture, horticulture, forestry or public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

(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 weapons and of munitions of war

40.—(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 including parts for such weapons and ammunition.

(4) Without prejudice to paragraphs (1) and (2) of this Article, it shall be unlawful for a person to carry or have in his charge any weapon on board an aircraft registered in the United Kingdom:

Provided that a weapon, not being a munition of war, may be carried as passenger's baggage if it is stowed in a part of the aircraft inaccessible to passengers and if, in the case of a firearm, it is not loaded.

(5) Nothing in this Article shall apply to weapons or ammunition taken or carried on board an aircraft registered in a country other than in the United Kingdom, if the weapons or ammunition, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

Carriage of dangerous goods

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

(*a*) goods carried in accordance with any regulations which the Secretary of State 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 Authority, 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 40 of this Order.

Method of carriage of persons

42. 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 a 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

43.—(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 be in working order, and during take-off and landing and during any emergency, every such exit and door shall 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—

(*a*) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Authority either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;

(*b*) 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;

(*c*) nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(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 3,600 kg., 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 10 centimetres in length along its outer edge and 2·5 centimetres 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.

(7) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this Article shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that—

(*a*) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the authority either in relation to the particular aircraft or to a class of aircraft; and

(*b*) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words "Exit" or "Emergency Exit" are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "No exit" in red letters.

Imperilling safety of aircraft

44. 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

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

Drunkenness in aircraft

46.—(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

47.—(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

48. 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

49. 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

50.—(1) Articles 51 and 52 of this Order apply in relation to any 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 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 whether or not registered in the United Kingdom (other than an aircraft of which the maximum total weight authorised does not exceed 1,600 kg. 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 crew thereof;

(*b*) "day" means a continuous period of 24 hours beginning at midnight Greenwich Mean Time.

Fatigue of crew—operator's responsibilities

51.—(1) The operator of an aircraft to which this Article applies shall not cause or permit that aircraft to make a flight unless:

(*a*) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew; and

(*b*) the scheme is approved by the Authority subject to such conditions as it thinks fit; and

(*c*) either

(i) the scheme is incorporated in the operations manual required by Article 25 of this Order; or

(ii) in a case where an operations manual is not required by that Article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and

(*d*) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that that person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing—

(*a*) all his flight times; and

(*b*) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) of this Article shall, subject to the provisions of Article 57, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew—responsibilties of crew

52.—(1) A person shall not act as a member of the crew of an aircraft to which this Article applies if he knows or has reason to believe that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this Article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times—responsibilties of flight crew

53. A person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom if at the beginning of the flight the aggregate of all his previous flight times:—

(*a*) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or

(*b*) during the period 12 months expiring at the end of the previous month exceeds 900 hours.

Provided that this Article shall not apply to a flight made—

(i) in an aircraft of which the maximum total weight authorised does not exceed 1,600 kg. and which is not flying for the purpose of public transport or aerial work; or

(ii) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Authority for the purpose of Article 20(7) does not exeed 25 hours.

PART VII

DOCUMENTS AND RECORDS

Documents to be carried

54.—(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 12 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.

Records to be kept

55. The operator of a public transport aircraft registered in the United Kingdom shall in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

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 54 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 12 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 16 of this Order;

(*d*) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 12 to this Order as Documents D, E, F, H and J;

(*e*) any records of flight times, duty periods and rest periods which he is required by Article 51(4) 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 25(2)(*a*)(i) of this Order;

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

(*h*) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under Article 55 of this Order.

(3) (*a*) 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 54 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.

(*b*) The foregoing provisions of this paragraph shall apply to a medical certificate issued pursuant to Article 19(1)(*b*)(ii) as they apply to a licence granted or rendered valid under this Order.

(4) Every person required by Article 22 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, release and compliance, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with Article 36(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 51(4) 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 appropriate authority may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case. The appropriate authority may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation 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 the appropriate authority within a reasonable time after being required to do so by that authority.

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

(4) In this Article the "appropriate authority" means in relation to a permission granted under Article 77 or Article 78 of this Order, the Secretary of State, and in relation to any other document, the Authority.

(5) Notwithstanding paragraph (1) of this Article, a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Authority, whether or not after due inquiry.

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 other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled; or

(*b*) lend any certificate, licence, approval, permission, exemption or other 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 himself 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 wilfully 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) Without prejudice to any other provision of this Order, the Secretary of State 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*) 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 Military Flying Regulations or Flying Orders for Military Aircraft 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 Authority.

(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.

Licensing of air traffic controllers and student air traffic controllers

61.—(1) The Authority may grant a licence subject to such conditions as it thinks fit to any person to act as an air traffic controller, or as a student air traffic controller, upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Authority may require of him:

Provided that the Authority shall not grant—

(*a*) a student air traffic controller's licence to a person under the age of 18 years; or

(*b*) an air traffic controller's licence which includes an Aerodrome Control Rating, an Approach Control Rating or an Area Control Rating, to a person under the age of 20 years; or

(*c*) an air traffic controller's licence which includes any other rating, to a person under the age of 21 years.

(2) Every licence to act as an air traffic controller shall include (*a*) ratings of one or more of the classes set forth in Schedule 10 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide, (*b*) a list of the places at which, and (*c*) the type of radar equipment, if any, with the aid of which he may provide the service. If throughout any period of 90 days the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Authority's powers under Article 58 of this Order, cease to be valid for that place at the end of that period, and upon a

rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Authority to that effect and shall forward the licence to the Authority to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.

(4) A licence to act as an air traffic controller or as a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(5) Subject to the provisions of Article 58 of this Order, a licence to act as an air traffic controller or as a student air traffic controller shall remain in force for the period indicated in the licence and may be renewed by the Authority from time to time, upon its being satisfied that the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force, subject as aforesaid for the lifetime of the holder.

(6) Every applicant for and holder of an air traffic controller's licence or a student air traffic controller's licence shall upon such occasions as the Authority may require submit himself to medical examination by a person approved by the Authority either generally or in a particular case who shall make a report to the Authority in such form as the Authority may require.

(7) On the basis of the medical examination referred to in paragraph (6) of this Article, the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to Article 63 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(8) The holder of an air traffic controller's licence or student air traffic controller's licence shall not provide any type of air traffic control service at any such aerodrome or place as is referred to in Article 62(1) of this Order unless his licence includes a medical certificate issued and in force under paragraph (7) of this Article.

Prohibition of unlicensed air traffic controllers

62.—(1) A person shall not provide any type of air traffic control service at any aerodrome at which air traffic control service is required to be provided by or under the Rules of the Air and Air Traffic Control or at any Government aerodrome or at any aerodrome owned or managed by the Authority or at any other place (not being an aerodrome) at which air traffic control service is provided (whether or not under the direction of a Government Department, the Authority or visiting force) unless he does so under and in accordance with the terms of:

(*a*) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with Article 61(3) of this Order; or

(*b*) a valid air traffic controller's licence so granted authorising him to provide that type of service at that aerodrome or other place; or

(*c*) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at the aerodrome or other place, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided; or

(*d*) his appointment by the Authority as an air traffic control officer cadet and he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorises him to provide that type of service at a Government aerodrome or at an aerodrome owned or managed by the Authority or at a place at which air traffic control service is provided under the direction of a Government Department or the Authority:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

(2) The holder of a licence shall not be entitled to perform any of the functions specified in Schedule 10 to this Order in respect of a rating at any of the places referred to in paragraph (1) of this Article unless:

(*a*) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed, or

(*b*) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under this Order which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided.

(3) Nothing in a licence granted under Article 61 of this Order shall permit any person to operate manually any direction-finding equipment for the purpose of providing air traffic control service to an aircraft at a time when he is providing air traffic control service or making signals to that aircraft or to another aircraft.

(4) Nothing in this Article shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

Incapacity of air traffic controllers

63.—(1) Every holder of an air traffic controller's licence granted under Article 61 of this Order who—

(*a*) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or

(*b*) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Authority in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended upon the elapse of such period of injury or illness as is referred to in paragraph (1)(*a*) of this Article. The suspension of the licence shall cease:

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

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

(3) Upon the pregnancy of the holder of an air traffic controller's licence being confirmed, the licence shall be deemed to be suspended and shall remain suspended until she has been medically examined under arrangements made by the Authority after the pregnancy has ended and pronounced fit to resume her functions under the licence.

Power to prohibit or restrict flying

64.—(1) Where the Secretary of State deems 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 Secretary of State 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

65.—(1) Within the United Kingdom—

(*a*) a captive balloon or kite shall not be flown at a height of more than 60 metres above the ground level or within 60 metres of any vessel, vehicle or structure;

(*b*) a captive balloon shall not be flown within 5 kilometres of an aerodrome;

(*c*) a balloon exceeding 2 metres in any linear dimension at any stage of its 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 5 kilometres of an aerodrome;

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

without the permission in writing of the Authority and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic 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

66.—(1) An aircraft to which this paragraph applies shall not take-off or land at a place in the United Kingdom other than—

(*a*) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or

(*b*) a Government aerodrome, or an aerodrome owned or managed by the Authority, notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take-off or land as the case may be,

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

(2) Paragraph (1) of this Article applies to—

(*a*) aeroplanes of which the maximum total weight authorised exceeds 2,730 kg. and which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying;

(*b*) aeroplanes of which the maximum total weight authorised does not exceed 2,730 kg. engaged on either—

(i) scheduled journeys for the purpose of the public transport of passengers; or

(ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome; or

(iii) flights for the purpose of instruction in flying; or

(iv) flights for the purpose of the public transport of passengers at night;

(*c*) helicopters and gyroplanes engaged on such flights as are specified in sub-paragraphs (i), (ii) and (iii) above.

(*d*) gliders (other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club) which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) (*a*) The person in charge of any area in the United Kingdom intended to be used for the taking-off or landing of helicopters at night other than such a place as is specified in paragraph (1) of this Article shall cause to be in operation, whenever a helicopter flying for the purpose of public transport of passengers is taking-off or landing at that area by night, such lighting as will enable the pilot of the helicopter—

(i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing;

(ii) in the case of taking-off, to make a safe take-off.

(*b*) a helicopter flying for the purpose of the public transport of passengers at night shall not take-off or land at a place to which sub-paragraph (*a*) of this paragraph applies unless there is in operation such lighting.

Use of Government and Authority aerodromes

67. The Authority may cause to be notified subject to such conditions as it thinks fit:

(*a*) any aerodrome owned or managed by it; and

(*b*) with the concurrence of the Secretary of State, any Government aerodrome

as an aerodrome available for the take-off and landing of aircraft engaged on 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.

Licensing of aerodromes

68.—(1) The Authority may license any aerodrome in the United Kingdom subject to such conditions as it thinks 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 Authority 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 Authority in respect of an aerodrome shall, subject to the provisions of Article 58 of this Order, remain in force for such period as may be specified in the licence.

Radio Equipment at aerodromes

69.—(1) This Article shall apply to all aerodromes licensed under this Order (other than aerodromes at which an air traffic control service is provided by the Authority) used for the taking off or landing of aircraft of which the maximum total weight authorised exceeds 2,730 kg. and which are engaged on flights for the purpose of the public transport of passengers.

(2) A person shall not cause or permit any radar or radio navigation equipment to be used to facilitate an aircraft's approach to land and landing at an aerodrome to which this Article applies, unless it is—

(*a*) approved by the Authority as suitable for the service to be provided;

(*b*) installed and maintained in a manner approved by the Authority;

(*c*) flight checked, overhauled, repaired or modified only by, or under the supervision of a person approved by the Authority.

Records at aerodromes

70.—(1) The licensee of an aerodrome to which Article 69 applies, shall—

(*a*) keep a written record in respect of each installation of radar or radio navigation equipment provided by him and used to facilitate an aircraft's approach to land and landing at the aerodrome, which record shall include particulars of functional tests and flight checks of the equipment as well as the particulars of any overhaul, repair, replacement or modification thereof;

(*b*) shall preserve the written record for a period of one year or such longer period as the Authority may in a particular case direct, and shall within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(2) 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.

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

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

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

(*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.

(4) The licensee of the aerodrome shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of 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.

(5) If at any time the apparatus provided in compliance with paragraph (2) of 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.

(6) The licensee of the aerodrome shall preserve any record made in compliance with paragraph (2) of 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 Authority may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) 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

71.—(1) The Secretary of State 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 Secretary of State has 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 Secretary of State, furnish to the Secretary of State such particulars as he 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

72. 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

73. The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, aerodromes owned or managed by the Authority, 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 Civil Aviation Act 1949 shall apply to any aerodrome in relation to which the Secretary of State has prescribed conditions as aforesaid.

Aeronautical lights

74.—(1) A person shall not establish or maintain an aeronautical light within the United Kingdom except with the permission of the Authority 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 Authority 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 Authority shall not give its 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 Authority.

Dangerous lights

75.—(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 Authority to be such a light as aforesaid is exhibited the Authority 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 Authority under this Article shall not be exercised except with the consent of that authority.

Customs airports

76.—(1) The Secretary of State 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 Secretary of State 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

77. 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 Secretary of State 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.

Restriction with respect to aerial photography and survey from aircraft registered outside the United Kingdom

78. An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not fly over the United Kingdom for the purpose of aerial photography or aerial survey except with the permission of the Secretary of State granted under this Article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

Mandatory reporting

79.—(1) Subject to the provisions of this Article, every person who—

(*a*) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2,300 kg.; or

(*b*) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or

(*c*) signs a certificate of maintenance, release or compliance in respect of such an aircraft, part or equipment; or

(*d*) performs a function for which he requires an air traffic controller's licence; or

(*e*) is the licensee or manager of a licensed aerodrome,

shall—

(i) make a report to the Authority of any reportable occurrence of which he knows and which is of such a description as may be prescribed. The report shall be made within such time, by such means, and shall contain such information as may be prescribed and it shall be presented in such form as the Authority may in any particular case approve, and

(ii) make a report to the Authority, within such time, by such means, and containing such information as the Authority may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this Article.

(2) In this Article "reportable occurrence" means—

(*a*) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person;

(*b*) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident notified to the Secretary of State in pursuance of regulations made under section 10 of the Civil Aviation Act 1949 shall not constitute a reportable occurrence for purposes of this Article.

(3) Subject to paragraph (1)(ii) of this Article, nothing in this Article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this Article.

(4) A person shall not make any report under this Article if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to Article 36(2) and subject to the provisions of Article 57 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Article, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct:

Provided that the record may be erased if the aircraft is outside the United Kingdom and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom.

Power to prevent aircraft flying

80.—(1) If it appears to the Authority 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, 18, 19, 28, 36 or 40 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; or

(*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 Authority 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 Authority or by an authorised person, and the Authority 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 Authority or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of Article 77 or 78 of this Order would be contravened in relation to the flight, the Secretary of State 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 Secretary of State or by an authorised person, and the Secretary of State or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) of this Article the Secretary of State or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

81. The Authority 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 it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order; and

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

Provided that access to a Government aerodrome or aerodrome owned or managed by the Authority shall only be obtained with the permission of the person in charge of the aerodrome.

Obstruction of persons

82. 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

83. Any person who fails to comply with any direction given to him 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.

Penalties

84.—(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, 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 paragraphs (5) or (6) of this Article, he shall be liable on summary conviction, to a fine not exceeding £50; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding £100.

(5) If any person contravenes any provision specified in Part A of Schedule 13 to this Order he shall be liable on summary conviction to a fine not exceeding £100, or in the case of a second or subsequent conviction for the like offence to a fine not exceeding £200; and on conviction on indictment to a fine not exceeding £200 or imprisonment for a term not exceeding 6 months.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on summary conviction to a fine not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

Extra-territorial effect of the Order

85.—(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 aircratt 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 other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation;

(*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;

(*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; and

(*e*) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft on or in the neighbourhood of an offshore installation shall apply to every person irrespective of his nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body 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

86. The Authority 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 reference 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 hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

Application of Order to the Crown and visiting forces etc.

87.—(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 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 73 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 44, 45, 46 and 64 and in addition Article 60 (so far as applicable) shall apply unless the aircraft is flown in compliance with Ministry of Defence Military Flying Regulations or Flying Orders for Military Aircraft.

(a) 1948 c. 56.

Exemption from Order

88. The Authority may exempt from any of the provisions of this Order (other than Articles 77, 78 or 89 thereof) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

Appeal to County Court or Sheriff's Court

89.—(1) Subject to paragraph (2) of this Article, an appeal shall lie to a county court from any decision of the Authority that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller or student air traffic controller, and if the court is satisfied that on the evidence submitted to the Authority it was wrong in so deciding, the court may reverse the Authority's decision and the Authority shall give effect to the court's determination:

Provided that an appeal shall not lie from a decision of the Authority that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(2) (*a*) If the appellant resides or has his registered or principal office in Scotland the appeal shall lie to the sheriff within whose jurisdiction he resides and the appeal shall be brought within 21 days from the date of the Authority's decision or within such further period as the sheriff may in his discretion allow;

(*b*) Notwithstanding any provision to the contrary in rules governing appeals to a county court in Northern Ireland, if the appellant resides or has his registered or principal office in Northern Ireland the appeal shall lie to the county court held under the County Courts Act (Northern Ireland) 1959(a) for the division in which he resides.

(3) The Authority shall be a respondent to any appeal under this Article.

(4) For purposes of any provision relating to the time within which an appeal may be brought, the Authority's decision shall be deemed to have been taken on the date on which the Authority furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

(5) In the case of an appeal to the sheriff:

(*a*) the sheriff may, if he thinks fit, and shall on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor, but where it is proposed to appoint any person as an assessor objection to him either personally or in respect of his qualification may be stated by any party to the appeal and shall be considered and disposed of by the sheriff;

(*b*) the assessors for each sheriffdom shall be appointed from a list of persons approved for the purposes by the sheriff principal and such a list shall be published in such manner as the sheriff principal shall direct and shall be in force for three years only, but persons entered in any such list may be again approved in any subsequent list: it shall be lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in his sheriffdom;

(a) 1959 c. 25 (N.I.).

(*c*) the sheriff before whom an appeal is heard with the assistance of an assessor shall make a note of any question submitted by him to such assessor and of the answer thereto;

(*d*) an appeal shall lie on a point of law from any decision of a sheriff under this Article to the Court of Session.

Interpretation

90.—(1) In this Order, unless the contest otherwise requires—

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

"Aerodrome traffic zone" in relation to any aerodrome means the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome and within a distance of 1½ nautical miles 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 Authority 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;

"Approach to landing" means that portion of the flight of the aircraft in which it is descending below a height of 1,000 feet above the decision height of the relevant minimum for landing;

"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" means:

(*a*) any constable, and

(*b*) in Article 80(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and

(*c*) in Article 80(1) and (2) and in any Article other than Article 80, any person authorised by the Authority (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"the Authority" means the Civil Aviation Authority;

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

"Cargo" includes mail and animals;

"Certificate of airworthiness" includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

"Certificate of maintenance", "certificate of release" and "certificate of compliance" have the meanings respectively assigned to them by Articles 9(1), 10(1) and 11(4) of this Order;

"Cloud ceiling" in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

"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 Authority, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

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

(a) 1894 c. 60.

"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;

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

"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 simulator" means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

"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(1) of this Order;

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

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

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

"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;

"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 68(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 Authority 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 Secretary of State; and

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

"Nautical mile" means the International Nautical Mile, that is to say, a distance of 1,852 metres;

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

"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 published by the Authority and entitled "Notam—United Kingdom" or "United Kingdom Air Pilot" and for the time being in force;

"Offshore installation" has the same meaning as in the Mineral Workings (Offshore Installations) Act 1971;

"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 Secretary of State under this Order, and the expression "prescribe" shall be construed accordingly;

(a) 1964 c. 5. (b) 1962 c. 8.

"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.

"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;

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

"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 Civil Aviation Act 1949;

"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 purposes 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).

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

(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 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 passengers 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 the British Airways Board, the members of the Board), persons with the authority of the Authority 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 (not being a single-seater aircraft of which the maximum total weight authorised does not exceed 910 kg. and in respect of which a certificate of airworthiness of the Special Category is in force) 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 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 given or promised if the transaction were effected otherwise than aforesaid, hire or reward shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(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.

(10) Unless the contest 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 or under any other Act.

Saving

91.—(1) Subject to the provisions of Articles 68 and 72 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.

(2) Nothing in this Order shall oblige the Authority to accept an application from the holder of any current certificate, licence, approval, permission, exemption, or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

Small aircraft

92. The provisions of this Order, other than Articles 45 and 65 thereof, shall not apply to or in relation to—

(*a*) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;

(*b*) any kite weighing not more than 2 kg.;

(*c*) any other aircraft weighing not more than 5 kg. without its fuel.

N. E. Leigh,

SCHEDULE 1

Articles 4(6), 23(1) and 90(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 Authority 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 surface, 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 50 centimetres.

(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 5 centimetres 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 30 centimetres:

Provided that where owing to the structure of the aircraft a height of 30 centimetres is not reasonably practicable, the height shall be the greatest height reasonably practicable in the circumstances, but not less than 15 centimetres.

(*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 75 centimetres.

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 hyphen shall be formed by solid lines and shall be of a colour clearly constracting 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.

PART C

AIRCRAFT DEALER'S CERTIFICATE—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, lease or sell it; or

(*e*) proceeding to or from a place for the purpose of storage.

(3) Without prejudice to the provisions of Article 32 of this Order the operator of the aircraft shall satisfy himself before the aircraft takes off that the aircraft is in every way fit for the intended flight.

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

SCHEDULE 2

Articles 3(1), 7(1) and 38(5)

A AND B CONDITIONS

The A Conditions and B Conditions referred to in Article 3(1), 7(1) and 38(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 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, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in subparagraph (*a*), after such an application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or

(*c*) proceed to or from a place at which the aircraft is to be or has been stored.

(3) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate or by a person approved by the Authority for the purpose of issuing certificates under this condition, and in accordance with that approval.

(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 persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2) of these Conditions.

(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 an aerodrome owned or managed by the Authority, or a licensed aerodrome, in accordance with normal aviation practice.

(7) Without prejudice to the provisions of Article 18(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 Authority 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 Authority for the purposes of these Conditions, and the provisions of Articles 14, 15, 19, 32, 35, 54 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 it to qualify for the issue of a certificate of airworthiness or the validation thereof, or the approval of a modification of the aircraft; or

(*c*) proceeding to or from a place at which any experiment, inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph (*a*) or (*b*), or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or

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

(4) Without prejudice to the provisions of Article 18(2) of this Order, 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 its engines) who carry out during the flight duties in connection with the purposes so specified;

(*c*) persons approved by the Authority 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 Authority in relation to that flight, over any congested area of a city, town or settlement.

SCHEDULE 3

Article 8

1. *Categories of Aircraft*

Transport Category (Passenger).

General Purpose Category.

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.

General Purpose Category: 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 purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

SCHEDULE 4

Article 12

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) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence—

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

(*b*) certificates of compliance in respect of inspection, 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) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence—

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

Aircraft Maintenance Engineers—Category C (Engines)

In relation to engines of a description specified in his licence being engines in respect of which a type rating has been included in his licence—

(*a*) certificates of maintenance or certificates of release 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 engines for flight under the 'A Conditions'.

Aircraft Maintenance Engineers—Category D (Engines)

In relation to engines of a description specified in his licence being engines in respect of which a type rating has been included in his licence—

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

Aircraft Maintenance Engineers—Category X

Compasses.

Instruments.

Electrical Equipment.

Automatic Pilots.

In relation respectively to compasses, instruments, electrical equipment or automatic pilots of a description specified in his licence, being compasses, instruments, electrical equipment or automatic pilots in respect of which a type rating has been included in his licence—

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

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

Aircraft Maintenance Engineers—Category R (Radio)

In relation to aircraft radio stations of a description specified in his licence being radio stations in respect of which a type rating has been included in his licence—

(*a*) certificates of maintenance or certificates of release in accordance with the maintenance schedules 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.

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 the effect.

SCHEDULE 5

Articles 11(3) and 13(2)

AIRCRAFT EQUIPMENT

1. Every aircraft of a description specified in the first column of the Table set forth in paragraph 4 of this Schedule and which is registered in the United Kingdom shall be provided, when flying in the circumstances specified in the second column of the said Table, 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 Authority:

(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 Scales J, U and V.

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

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

(xiii) Megaphones, referred to in Scale Y.

4. TABLE

Description of aircraft	*Circumstances of Flight*	*Scale of Equipment Required*
(1) Gliders	(*a*) *flying for purposes other than public transport or aerial work* when flying by night.	A(ii)
	(*b*) *flying for the purpose of public transport or aerial work;* and	A, B, D and F(i)
	(i) when flying by night	C and G
	(ii) when carrying out aerobatic manoeuvres	M
(2) Flying machines	(*a*) *flying for purposes other than public transport;* and	A
	(i) when flying by night	C and D
	(ii) when flying under Instrument Flight Rules	
	(*aa*) outside controlled airspace	D
	(*bb*) within controlled airspace	E with E(*iv*) duplicated and F
	(iii) when carrying out aerobatic manoeuvres	M
	(*b*) *flying for the purpose of public transport;* and	A, B, D and F(i)
	(i) when flying under Instrument Flight Rules except flights outside controlled airspace by flying machines having a maximum total weight authorised not exceeding 1,150 kg.	E with E(iv) duplicated and F
	(ii) when flying by night; and in the case of flying machines of which the maximum total weight authorised exceeds 1,150 kg.	C and G E with E(iv) duplicated and F
	(iii) when flying over water beyond gliding distance from land	H
	(iv) when flying over water—	
	(*aa*) in the case of an aeroplane—	
	(*aaa*) classified in its certificate of airworthiness as being of performance group A, C or X; or	

	(*bbb*) 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 airworthness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Authority 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	H and J
	(*bb*) in the case of all other flying machines, when more than 30 minutes flying time* from such an aerodrome	H and J
	(v) on all flights which involve manoeuvres on water	H, I and J
	(vi) when flying at a height of 10,000 feet or more above mean sea level	K
	(vii) 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	L

*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 the relevant Certificate of Airworthiness as the speed for compliance with regulations governing flights over water.

Description of aircraft	*Circumstances of Flight*	*Scale of Equipment Required*
	(viii) when carrying out aerobatic manoeuvres	M
	(ix) on all flights on which the aircraft carries a flight crew of more than one person	N
	(x) on all flights for the purpose of the public transport of passengers	Q and Y
	(xi) on all flights by a pressurised aircraft	R
	(xii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xiii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, polar conditions are likely to be met	V
	(xiv) when flying at an altitude of more than 49,000 feet	W
(3) Turbine-jet flying machines having a maximum total weight authorized exceeding 5,700 kg., or pressurized aircraft having a maximum total weight authorized exceeding 11,400 kg.	*When flying for the purpose of public transport*	O
(4) Turbine-engined aeroplanes having a maximum total weight authorized exceeding 5,700 kg. and piston-engined aeroplanes having a maximum total weight authorized exceeding 27,000 kg.		
(*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	*when flying on any flight*	P
(*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
Provided that this paragraph shall not apply to:		

(i) aeroplanes having a maximum total weight authorised exceeding 230,000 kg. which conform to a type which was first issued with a type certificate in the United Kingdom after 1st January 1970; or (ii) aeroplanes having a maximum total weight authorised exceeding 5,700 kg. but not exceeding 230,000 kg. which conform to a type which was first issued with a type certificate (whether in the United Kingdom or elsewhere) after 1st April 1971.		
(5) Aeroplanes— (*a*) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorised exceeding 5,700 kg. and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo); or	*when flying on any flight*	S
(*b*) which conform to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and having a maximum total weight authorized exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or	*when flying on any flight*	S
(*c*) having a maximum total weight authorized exceeding 5,700 kg. which conform to a type first issued with type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane exceeding 230,000 kg. maximum total weight authorized) in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the "A" Conditions or in respect of which there is in force a certificate of airworthiness in the Special Category.	*when flying on any flight*	S

Description of aircraft	*Circumstances of Flight*	*Scale of Equipment Required*
(6) Aeroplanes—		
(*a*) which conform to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) on or after 1st April 1971 and which have a maximum total weight authorized exceeding 270,000 kg. and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or	*when flying on any flight*	T
(*b*) which conforms to a type first issued with a type certificate in the United Kingdom on or after 1st January 1970 and which have a maximum total weight authorized exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or	*when flying on any flight*	T
(*c*) having a maximum total weight authorized exceeding 27,000 kg. which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane having a maximum total weight authorized exceeding 230,000 kg.) in respect of which an application has been made, and not withdrawn or refused or such a certificate of airworthiness and which fly under the "A" Conditions or in respect of which there is in force a certificate of airworthiness in the Special Category.	*when flying on any flight*	T
(7) Aeroplanes—		
(*a*) which are turbo-jet and which have a maximum total authorised exceeding 15,000 kg. or which are authorised to carry 30 passengers or more by the certificate of airworthiness in force in respect thereof;	*on all flights for the purpose of public transport beginning on or after 1st January* 1977	X
(*b*) which are not turbo-jet and which have a maximum total weight authorised exceeding 15,000 kg. or which are authorised to carry 30 passengers or more by the certificate of airworthiness in force in respect thereof.	*on all flights for the purpose of public transport beginning on or after 1st July* 1977	X

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)(*a*) On all flights beginning before 1st January 1978 subject to Scale B(iii)(*a*), a safety belt or safety harness for every seat in use.

(*b*) on all flights beginning on or after 1st January 1978—

(*aa*) subject to Scale B(iii)(*b*), in all aeroplanes, helicopters and gyroplanes, for every pilot's seat and for any seat situated alongside a pilot's seat, a safety belt with one diagonal shoulder strap or a safety harness:

Provided that the Authority may permit a safety belt without a diagonal shoulder strap to be fitted if it is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap, or a safety harness.

(*bb*) For every seat in use (not being a seat referred to in sub-paragraph (*aa*) above) a safety belt with or without one diagonal shoulder strap or a safety harness.

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, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;

Haemostatic bandages or tourniquets, scissors;
Antiseptic, analgesic and stimulant drugs;
Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700 kg.;
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 1·82 metres from the ground when the undercarriage of the machine is in the normal position for taxying, or

(*b*) would be more than 1·82 metres 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) (*a*) On all flights beginning before 1st January 1978, if the maximum total weight authorised of the aircraft is more than 2,730 kg. a safety harness for every pilot's seat in use, in place of the safety belt referred to under Scale A:

Provided that the Authority may permit a safety belt to be fitted if it is satisfied that it is not reasonably practicable to fit a safety harness.

(*b*) On all flights beginning on or after 1st January 1978, if the maximum total weight authorised of the aircraft exceeds 2730 kg. a safety harness for every pilot's seat in use, in place of the safety belt with one diagonal shoulder strap referred to under Scale A:

Provided that the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is 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 indicator and a 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 indicator and a 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;

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

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 exceeds 5,700 kg. a means of indicating the outside air temperature;

(v) If the maximum total weight authorised of the aircraft exceeds 5,700 kg. 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 illumintion 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 5,700 kg., 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;

(*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*) a waterproof torch;

(*g*) marine type pyrotechnical distress signals;

(*h*) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (*i*);

(*i*) for each 4 or proportion of 4 persons the liferaft is designed to carry:
100 grammes of glucose toffee tablets;
½ litre of fresh water in durable containers;

Provided that in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient,

(a) S.I. 1965/1105 (1965 II, p. 2940)

when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (*h*), to provide ½ litre of water for each 4 or proportion of 4 persons the liferaft is designed to carry.

(*j*) first aid equipment.

Items (*f*) to (*j*) inclusive, shall be contained in a pack.

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

TABLE

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

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 11 to this Order.

PART II

Column 1	*Column 2*	*Column 3*	*Column 4*
Vertical displacement of the flying machine in relation to flight levels	*Capability of flying machine to descend (where relevant)*	*Period of supply of oxygen*	*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
	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 has 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 of the controls, means of propulsion, lifting surfaces, windows or equipment of the 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 and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O

A radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions:

Provided that a flight may continue if the set becomes unserviceable—

(*a*) so as to give the warning only to one pilot so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or

(*b*) on take-off, but the weather report or forecasts available to the commander of the aircraft 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 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.

Scale P

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

(*a*) indicated air speed;

(*b*) indicated altitude;

(*c*) vertical acceleration;

(*d*) magnetic heading;

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

(*f*) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

(*g*) flap position;

(*h*) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded:

Provided that any aeroplane having a maximum total weight authorised not exceeding 11,400 kg. may be provided with:

(*a*) a flight data recorder capable of recording the data described in sub-paragraphs (*a*) to (*h*) of this Scale; or

(*b*) a 4 channel cockpit voice recorder.

In addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 27,000 kg., a four channel cockpit voice recorder.

The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.

Scale Q

If the maximum total weight authorised of the flying machine exceeds 5,700 kg. and it was first registered, whether in the United Kingdom or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt 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 command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes; and

(ii) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and

(iii) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

Scale S

A flight recording system comprising:

(i) in respect of aeroplanes having a maximum total weight authorised not exceeding 11,400 kg. either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale data from which the following information can be ascertained: the flight path of the aeroplane; the attitude of the aeroplane; and the basic lift, thrust and drag forces acting upon the aeroplane;

(ii) in respect of aeroplanes having a maximum total weight authorised exceeding 11,400 kg., but not exceeding 27,000 kg., a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the information specified in paragraph (i) can be ascertained;

(iii) in respect of aeroplanes having a maximum total weight authorised exceeding 27,000 kg., a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the following information can be established: the flight path of the aeroplane; the attitude of the aeroplane; the basic lift, thrust and drag forces acting upon the aeroplane; the selection of high lift devices (if any) and airbrakes (if any); the position of primary flying control and pitch trim surfaces; cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply; outside air temperature; instrument landing system deviations; use made of automatic flight control system; radio altitude (if any); and the level of essential AC electricity supply.

The cockpit voice recorder or flight data recorder, as the case may be shall, be so constructed that the record would be likely to be preserved in the event of an accident.

Scale T

An underwater sonar location device.

Scale U

(*a*) 1 survival beacon radio apparatus;

(*b*) marine type pyrotechnical distress signals;

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

(*d*) for each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers;

(*e*) first aid equipment.

Scale V

(*a*) 1 survival beacon radio apparatus;

(*b*) marine type pyrotechnical distress signals;

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

(*d*) for each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers;

(*e*) first aid equipment;

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

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

(*h*) 2 snow shovels;

(*i*) 2 ice saws;

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

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

Scale W

Cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

Provided that an aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

Scale X

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water: provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonable practicable for the equipment to be repaired or replaced.

Scale Y

On flights beginning on or after 1st January 1978—

(i) If the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

(ii) If the aircraft has a total seating capacity exceeding 149 passengers two portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

SCHEDULE 6

Article 14

RADIO EQUIPMENT TO BE CARRIED IN AIRCRAFT

1. Every aircraft 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	E	F	G
(1) All aircraft within the United Kingdom:							
(*a*) when flying under Instrument Flight Rules within controlled airspace	A	B					F
(*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*				F*	
(*c*) when flying within any airspace in respect of which special rules are prescribed by the said regulations in relation to a particular aerodrome, so as to require two-way radio communication with that aerodrome ...	A*						
(*d*) when making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph							G*
(2) All aircraft (other than gliders) within the United Kingdom when flying at or above flight level 245 or within such controlled airspace as may be notified for the purpose of this sub-paragraph	A*	B*			E*	F*	
(3) All aircraft registered in the United Kingdom, wherever they may be:							
(*a*) when flying for the purpose of public transport under Instrument Flight Rules:							
(i) while making an apprach to landing	A	B	C	D			
(ii) on all other occasions	A	B	C				
(*b*) exceeding 2,300 kg, maximum total weight authorised when flying for the purpose of public transport under Visual Flight Rules	A	B					
(*c*) not exceeding 2,300 kg. 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 and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

3. The scales of radio equipment indicated in the foregoing Table shall be as follows:

Scale A

Radio equipment capable of maintaining two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E

Such type of radio equipment as may be notified as being capable of (*a*) replying to an interrogation from secondary surveillance radar units on the surface and (*b*) being set in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit.

Scale F

Radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate aeronautical radio stations.

Scale G

Radio equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

4. All aircraft registered in the United Kingdom when flying to, from or over Berlin, Germany, shall be equipped with radio navigation equipment appropriate to the route, including automatic direction finding equipment and any one of the following:

(i) equipment which will enable the aircraft to be navigated by means of signals received from radio navigation land stations forming part of the Decca radio navigation system, or

(ii) equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

In this sub-paragraph "automatic direction finding equipment" means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment.

SCHEDULE 7

Article 15

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

(*e*) particulars of all maintenance work carried out on the aircraft or its equipment;

(*f*) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under this Order, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by Article 9(6) and (7) of this Order;

(*g*) particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid:

Provided that entries shall not be required to be made under sub-paragraph (*e*), (*f*) and (*g*) in resect 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 to 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 is fitted;

(*c*) the name and address of the operator of each such aircraft;

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

(*e*) particulars of all maintenance work done on the engine;

(*f*) particulars of any defects occurring 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(6) and (7) 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*) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;

(*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(6) and (7) of this Order;

(*g*) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

SCHEDULE 8

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT NAVIGATORS AS MEMBERS OF THE FLIGHT CREWS OR APPROVED NAVIGATIONAL EQUIPMENT ON PUBLIC TRANSPORT AIRCRAFT.

The following areas are hereby specified for the purposes of Article 18(4) of this Order:

Area A—Artic

All that area north of latitude 67° north, but excluding any part thereof lying within 300 nautical miles of Norway.

Area B—Antarctic

All that areas south of latitude 55° 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 the area enclosed by rhumb lines joining successively the following points:

22°	north	latitude	42°	east	longitude
16°	„	„	46°	„	„
20°	„	„	55°	„	„
24°	„	„	48°	„	„
22°	„	„	42°	„	„

Area E—South America (Central)

All that area enclosed by rhumb lines joining successively the following points:

04°	north	latitude	72°	west	longitude
04°	„	„	60°	„	„
08°	south	„	42°	„	„
18°	„	„	54°	„	„
18°	„	„	60°	„	„
14°	„	„	72°	„	„
05°	„	„	76°	„	„
04°	north	„	72°	„	„

Area F—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

55°	south	latitude	75°	west	longitude
20°	„	„	73°	„	„
05°	„	„	85°	„	„

05°	north	„	80°	„	„
15°	„	„	105°	„	„
30°	„	„	125°	„	„
55°	„	„	140°	„	„
67°	„	„	180°	„	„
60°	„	„	180°	„	„
20°	„	„	128°	east	„
04°	„	„	128°	„	„
00°	„	„	165°	west	„
55°	south	„	180°	„	„
55°	„	„	75°	west	„

Area G—Australia

All that area enclosed by rhumb lines joining successively the following points:

18°	south	latitude	123°	east	longitude
30°	„	„	118°	„	„
30°	„	„	135°	„	„
18°	„	„	123°	„	„

Area H—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

35°	south	latitude	110°	east	longitude
20°	„	„	110°	„	„
13°	„	„	120°	„	„
10°	„	„	100°	„	„
13°	north	„	91°	„	„
13°	„	„	86°	„	„
00°	„	„	80°	„	„
20°	north	„	67°	„	„
20°	„	„	62°	„	„
05°	south	„	43°	„	„
20°	„	„	60°	„	„
25°	south	„	60°	„	„
40°	„	„	10°	„	„
55°	„	„	10°	„	„
55°	„	„	180°	„	„
35°	„	„	110°	„	„

Area I—North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

55°	north	latitude	15°	west	longitude
67°	„	„	40°	„	„
67°	„	„	60°	„	„
45°	„	„	45°	„	„
40°	„	„	63°	„	„
40°	„	„	19°	„	„
55°	„	„	15°	„	„

Area J—South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

40°	north	latitude	63°	west	longitude
19°	„	„	63°	„	„
05°	south	„	30°	„	„
55°	„	„	55°	„	„
55°	„	„	10°	east	„
05°	„	„	10°	„	„

02°	north	„	05°	„	„
02°	„	„	10°	west	„
15°	„	„	25°	„	„
40°	„	„	19°	„	„
40°	„	„	63°	„	„

Area K—Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

67°	north	latitude	130°	west	longitude
55°	„	„	115°	„	„
55°	„	„	70°	„	„
67°	„	„	50°	„	„
67°	„	„	130°	„	„

SCHEDULE 9

Article 20

FLIGHT CREW OF AIRCRAFT: LICENCES AND RATINGS

PART A—LICENCES

Minimum Age, Period of Validity, Privileges

1. *Aeroplane Pilots*

Private Pilot's Licence (Aeroplanes)

Minimum Age —17 years

No Maximum Period of Validity

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, other than aerial work which consists of the giving of instruction in flying 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 both members;

(*b*) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction as is specified in paragraph (*a*) of this proviso;

(*c*) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), 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—10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot in command of an aeroplane on a special VFR flight notwithstanding that the flight visibility is less than 1½ nautical miles; and

(2) he shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:
Provided that:

(*a*) he shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;

(*b*) he shall not fly such an aeroplane at night on which any passenger is carried unless his licence includes an instrument rating (aeroplanes) 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° below the horizon;

(*c*) he shall not, unless his licence includes an instrument rating (aeroplanes) fly any such aeroplane of which the maximum total weight authorised exceeds 2,300 kg. 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 5,700 kg.; and

(3) he shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

Senior Commercial Pilot's Licence (Aeroplanes)

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that in proviso (*d*) to paragraph (2) of those privileges, 20,000 kg. shall be substituted for 5,700 kg.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that for proviso (*d*) to paragraph (2) of those privileges there shall be substituted:

(*d*) he shall not at any time after he attains the age of 60 years fly such an aeroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000 kg.

2. *Helicopter and Gyroplane Pilots*

Private Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age—17 years

No Maximum Period of Validity

Privileges: The holder of the licence shall be entitled 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.

Provided that:

(*a*) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than in aerial work which consists of the giving of instruction in flying 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 both members;

(*b*) he shall not receive any remuneration for his services on a flight other than remuneration for the giving of such instruction as is specified in paragraph (*a*) of this proviso;

(*c*) he shall not fly as pilot in command of such a helicopter or gyroplane 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 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 feet, and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.

Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age—18 years

Maximum Period of Validity—10 years

Privileges;

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Helicopters and Gyroplanes) which includes a night rating (helicopters and gyroplanes); and

(2) he shall be entitled to fly as pilot in command of any helicopter or gyroplane 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 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 feet, and a landing, at a time when the depression of the centre of the sun was not less than 12° 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 5,700 kg.; and

(3) he shall be entitled to fly as co-pilot of any helicopter or gyroplane specified in the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.

Airline Transport Pilot's Licence (Helicopters and Gyroplanes)

Minimum Age—21 years

Maximum Period of Validity—10 years

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that proviso (*b*) to paragraph (2) shall not apply.

3. *Balloon and Airship Pilots*

Private Pilot's Licence (Balloons and Airships)

Minimum Age—17 years

No Maximum Period of Validity

Privileges: The holder of the licence shall be entitled to fly as pilot in command of any type of balloon or airship specified in Part 1 of the aircraft rating included in the licence and co-pilot of any type of balloon or airship specified in such aircraft rating:

Provided that:

(*a*) he shall not fly such balloon or airship for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are both members;

(*b*) he shall not receive any remuneration for his service as a pilot other than remuneration for the giving of such instruction as is specified in paragraph (*a*) of this proviso.

Commercial Pilot's Licence (Balloons)

Minimum Age—18 years

Maximum Period of Validity—6 months*

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships); and

(2) he shall be entitled to fly, when the balloon is flying for any purpose whatsoever, 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:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships); and

(2) he shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot in command of any type of airship specified in Part 1 of the aircraft rating included in the licence and as co-pilot of any type of airship specified in such aircraft rating.

4. *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 for any purpose as pilot in command or co-pilot of—

(*a*) any glider of which the maximum total weight authorised does not exceed 680 kg.;

(*b*) any glider of which the maximum total weight authorised exceeds 680 kg. 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.

5. *Other Flight Crew*

Flight Navigator's Licence

Minimum Age—21 years

Maximum Period of Validity—10 years

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—10 years

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—10 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—10 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 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 without being subject to the restrictions contained in proviso (*c*)(i) to the privileges of such a licence set out in Part A of this Schedule; and

(*b*) on a special VFR flight in a control zone in a flight visibility of less than 5, but not less than 1½, nautical miles.

Instrument Rating (*Aeroplanes*) shall entitle the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying in controlled airspace in circumstances which require compliance 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 a 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 a 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 included in a flight engineer's licence shall entitle the holder of the licence 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

1. (*a*) A certificate of test or a certificate of experience required by Article 20(4) of this Order shall not be appropriate to the functions to be performed on a flight unless it is a certificate appropriate to the description of the flight according to the following Table:—

TABLE

Case	Class of Licence	Description of Flight	Certificate Required
A	Private Pilot's Licence (Aeroplanes) Private Pilot's Licence (Helicopters and Gyroplanes)	Any flight within the privileges of the licence.	Certificate of test or certificate of experience
B	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	Carriage of passengers on a flight in respect of which the holder of the licence receives remuneration.	Certificate of test
C	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For public transport.	Certificate of test
D	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For aerial work.	Certificate of test or certificate of experience

Case	Class of Licence	Description of Flight	Certificate Required
E	Commercial Pilot's Licence (Aeroplanes) Commercial Pilot's Licence (Helicopters and Gyroplanes) Commercial Pilot's Licence (Gliders) Senior Commercial Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Aeroplanes) Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	Flight for any purpose other than Cases B, C or D.	Certificate of test or certificate of experience
F	Flight Navigator's Licence	Flights to which Article 18(4) of this Order applies.	Certificate of experience
G	Flight Engineer's Licence	For public transport.	Certificate of test
H	Flight Engineer's Licence	Any flight other than for public transport.	Certificate of test or certificate of experience

(*b*) For the purposes of this Part of this Schedule references to Cases are references to the Cases indicated in the first Column of the Table in paragraph 1(*a*) of this Part of this Schedule.

Certificate of Test

2. A certificate of test required by Article 20(4) or 20(5) of this Order shall be signed by a person authorised by the Authority to sign certificates of this kind and shall certify the following particulars:

(*a*) the functions to which the certificate relates;

(*b*) that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence or personal flying logbook of which the certificate forms part, as the case may be, passed an appropriate test of his ability to perform the functions to which the certificate relates;

(*c*) the type of aircraft or flight simulator in or by means of which the test was conducted;

(*d*) the date on which it was signed.

Nature of Test

3. The appropriate test referred to in paragraph 2 of this Part of this Schedule shall be:

(*a*) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as pilot in command and/or co-pilot of aircraft of the type specified in the certificate, a test of the pilot's competence to fly the aircraft as pilot in command and/or co-pilot and shall where the Authority so specifies in respect of the whole or part of a test be conducted in an aircraft in flight or by means of a flight simulator approved by the Authority;

(*b*) in the case of a test which entitles the holder of the licence of which the certificate forms part to act as flight engineer of aircraft of the type specified in the certificate, a test of the flight engineer's competence to perform the duties of a flight engineer in the type of aircraft to be used on the flight and shall, where the Authority so specifies in respect of the whole or part of a test be conducted in an aircraft in flight or by means of a flight simulator approved by the Authority;

(*c*) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which an Instrument Rating relates a test of his ability to perform the functions to which the rating relates and shall, where the Authority so specifies in respect of the whole or part of the test be conducted in an aircraft in flight or by means of a flight simulator approved by the Authority;

(*d*) in the case of a test which entitles the holder of the licence of which the certificate forms part to perform the functions to which a flying instructor's rating, an assistant flying instructor's rating or an instrument meteorological conditions rating relates, a test of his ability to perform the functions to which the rating relates and shall be conducted in an aircraft in flight.

Period of Validity of Certificate of Test

4. (*a*) A certificate of test required by Article 20(4) of this Order shall not be valid in relation to a flight made more than 13 months in Cases A, B, E and H, or more than 6 months in Cases C, D and G, after the date of the test which it certifies:

Provided that in the case of Cases C, D, and G two certificates of test shall together be deemed to constitute a valid certificate of test 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 test required by Article 20(5) of this Order shall not be valid in relation to a flight made more than 13 months in the case of an instrument rating (aeroplanes) and an assistant flying instructor's rating or more than 25 months in the case of an instrument meteorological conditions rating (aeroplanes) and a flying instructor's rating, after the date of the test which it certifies.

Certificate of Experience

5. A certificate of experience required by Article 20(4) of this Order shall be signed by a person authorised by the Authority to sign such a certificate and shall certify the following particulars:

(*a*) the functions to which the certificate relates;

(*b*) in the case of a pilot or flight engineer, that on the date on which the certificate was signed the holder of the licence or personal flying logbook of which it forms part, as the case may be, produced his personal flying logbook to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which his licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;

(*c*) in the case of a flight navigator that on the date on which the certificate was signed the holder of the licence of which it forms part produced his navigation logs, charts and workings of astronomical observations to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which the licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;

(*d*) in the case of a pilot or flight engineer the type or types of aircraft in which the experience was gained;

(*e*) the date on which it was signed.

Period of Experience

6. A certificate of experience shall not be valid unless the experience certified was gained within the period of 13 months preceding the signing of the certificate in the case of Cases A, E, F and H, or 6 months preceding the signing of the certificate in the case of Case D.

Period of Validity of Certificate of Experience

7. A certificate of experience shall not be valid more than 6 months after it was signed for Case D nor more than 13 months after it was signed for any other Case.

SCHEDULE 10

Article 62(2)

Air Traffic Controllers: Ratings

1. The holder of a licence which includes ratings of two or more of the classes specified in paragraph 2 of this Schedule shall not at any one time perform the functions specified in respect of more than one of those ratings:

Provided that the functions of any one of the following groups of ratings may be exercised at the same time:

(*a*) The Aerodrome Control Rating and the Approach Control Rating;

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

(*c*) The Area Control Rating and the Area Radar Control Rating.

2. Ratings of the following classes may be included in an air traffic controller's licence (other than a student air traffic controller's licence) granted under Article 61 of the 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:

(1) *Aerodrome Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft on the manoeuvring area or apron of that aerodrome or which is flying in the vicinity of the aerodrome traffic zone by visual reference to the surface.

(2) *Approach Control Rating* shall entitle the holder of the licence ,at any aerodrome for which the rating is valid to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft which is flying in the vicinity of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(3) *Approach Radar Control Rating* shall entitle the holder of the licence, at any aerodrome at which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid for any aircraft which is flying within 40 nautical miles of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(4) *Precision Approach Radar Control Rating* shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of precision approach radar equipment for which the rating is valid.

(5) *Area Control Rating* shall entitle the holder of the licence at any place for which the rating is valid to provide an air traffic control service without the aid of any surveillance radar equipment.

(6) *Area Radar Control Rating* shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid.

SCHEDULE 11

PUBLIC TRANSPORT—OPERATIONAL REQUIREMENTS

PART A.—OPERATIONS MANUAL — Article 25

Information and instructions relating to the following matters shall be included in the operations manual referred to in Article 25(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 scheme referred to in Article 51(1)(*c*)(i) 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) the particulars referred to in Article 30 of this Order;

(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:

(xv) in the case of aircraft intended to fly at an altitude of more than 49,000 feet, the procedures for the use of cosmic radiation detection equipment.

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 is it 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 27

1. The training, experience, practice and periodical tests required under Article 27(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 Authority 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 Authority for the purpose by means of a flight simulator approved by the Authority under Article 20(10) of this Order. 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 Authority.

(*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:—

(*a*) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight;

(*b*) as to his competence to perform his duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight.

A flight engineer's ability to carry out normal procedures shall be tested in an aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in an aircraft in flight, or under supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority.

(4) *Flight Navigators and Flight Radio Operators*

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under Article 18(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 aerodromes 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 Authority or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority under Article 20(10) of this Order;

(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) *Co-pilots*

Any co-pilot who acts as pilot of the aircraft during take-off or landing shall within the relevant period—

(*a*) 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 tests being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Authority or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority;

(*b*) have carried out either as pilot in command or as co-pilot not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(7) 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 precedes the commencement of the flight, being a period—

(*a*) in the case of sub-paragraph (5)(*a*)(iii) and (6)(*b*) of this paragraph, of 3 months;

(*b*) in the case of sub-paragraphs (2)(*a*)(ii), (2)(*b*)(ii), (3)(*b*), (5)(*a*)(ii) and (6)(*a*) of this paragraph, of 6 months;

(*c*) in the case of sub-paragraphs (1), (2)(*a*)(i), (2)(*b*)(i), (3)(*a*), (4) and (5)(*a*)(i) of this paragraph, of 13 months:

Provided that—

(i) any pilot of the aircraft to whom the provisions of sub-paragraphs (2)(*a*)(ii), (2)(*b*)(ii), (5)(*a*)(ii) or (6)(*a*) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3)(*b*) 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 13 months immediately preceding the flight, such occasions being separated by an interval of not less than 4 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 13 months before commencement of the flight, he has within the period of 13 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 27(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.

Part C—TRAINING MANUAL

The following information and instructions in relation to the training, experience, practice and periodical tests required under Article 27(2) of this Order shall be included in the training manual referred to in Article 26(2) of this Order;

(i) the manner in which the training, practice and periodical tests required under Article 27(2) and specified in Part B of Schedule 11 to this Order are to be carried out;

(ii) (*a*) the minimum qualifications and experience which the operator requires of persons appointed by him to give or to supervise the said training, practice and periodical tests; and

(*b*) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and

(*c*) the type of aircraft in respect of which each such person is appointed to give or to supervise the said training, practice and periodical tests;

(iii) the minimum qualifications and experience required of each member of the crew undergoing the said training, practice and periodical tests;

(iv) the syllabus for, and specimen forms for recording, the said training, practice and periodical tests;

(v) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;

(vi) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport;

(vii) the use to be made in the said training and testing of apparatus approved for the purpose by the Authority.

SCHEDULE 12

Articles 54 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 the public transport of passengers: Document J.

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 tele-communication log book required by this Order;

(a) 1949 c. 54.

"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 28 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(6) and the log book, if any, in which entries are required to be made under Article 10(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 25(2)(*a*)(iii) of this Order to be carried on the flight;

"J" means one copy of the certificate of release, if any, in force in respect of the aircraft.

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 Civil Aviation Act 1949 under section 66(1) thereof or any British Protected State.

SCHEDULE 13

Article 84

PENALTIES

PART A—PROVISIONS REFERRED TO IN ARTICLE 84(5)

Article 3
Article 5
Article 11(2) and (5)
Article 15
Article 16(3)
Article 28(5)
Article 35
Article 36(2)
Article 47
Article 64(2)
Article 68(4)
Article 70
Article 74
Article 75(1) and (2)
Article 82

PART B—PROVISIONS REFERRED TO IN ARTICLE 84(6)

Article 6
Article 7
Article 9(1)
Article 10(1)
Article 11 (except paragraphs (2) & (5))
Article 13
Article 14
Article 16 (except paragraph (3))
Article 18
Article 19
Article 23
Article 25
Article 26
Article 27
Article 28 (except paragraph (5))
Articles 29 to 34, inclusive
Article 36(1)
Articles 37 to 46, inclusive
Article 48
Article 49
Articles 51 to 53, inclusive
Article 59 (except paragraph (3))
Article 60 (except paragraph (4))
Article 62 (except paragraph (4))
Article 64 (except paragraph (2))
Article 65
Article 66
Article 69
Article 77
Article 78
Article 79
Article 80

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Air Navigation Order 1974, as amended.

In addition to some minor and drafting amendments the following changes are made:

(1) The requirement for operators to hold an air operator's certificate is extended to operators of all aircraft flying on flights for the purpose of public transport. Previously only operators of aircraft having a maximum total weight authorised of more than 2,300 kg. and flying for the purpose of public transport were required to hold the certificate (Article 6(1)).

(2) A person who gives instruction in flying a glider to a member of a flying club of which he is also a member and who does so in a glider owned or operated by the club, may now do so without holding a pilot's licence. Previously a licence was required for all flights by gliders made for the purpose of public transport or aerial work (Article 19(8)).

(3) An air traffic controller's licence may now remain in force for the period indicated in the licence or if no period is indicated, for the lifetime of the holder. Previously such a licence could only be issued for a period not exceeding five years (Article 61(5)).

(4) The provisions of the Order, which hitherto applied only to foreign aircraft when within the United Kingdom are now extended to such aircraft when on or in the neighbourhood of an offshore installation (Article 85(1)).

(5) The Authority is no longer required to accept an application for the renewal of any document more than 60 days before the expiration of that document (Article 91(2)).

(6) On flights for the purpose of the public transport of passengers beginning on or after 1st January 1978, aircraft with a total seating capacity of 60 to 149 passengers will be required to carry one megaphone, and aircraft with a total seating capacity of 150 or more passengers will be required to carry two megaphones (Schedule 5).

(7) On flights beginning on or after 1st January 1978 all aeroplanes, gyroplanes and helicopters will be required to be equipped with a safety belt, with one diagonal shoulder strap, for every pilot's seat and for each seat situated alongside a pilot's seat, if a safety harness is not otherwise required (Schedule 5).

(8) Co-pilots are now required to be trained and periodically tested as to their proficiency in the use of instrument approach to land systems and take-offs and landings as frequently and to the same standard as aircraft commanders (Schedule 11).

The following Table shows, in relation to each Article of the Air Navigation Order 1974, as amended, the Article of the 1976 Order in which it is reproduced.

TABLE OF COMPARISON

1974 Order as amended	1976 Order	1974 Order as amended	1976 Order
1	1	47	48
2	2	48	49
3	3	(new Article)	50
4	4	"	51
5	5	"	52
6	6	"	53
7	7	57	54
8	8	(new Article)	55
9	9	58	56
10	10	59	57
11	11	60	58
12	12	61	59
13	13	62	60
14	14	63	61
15	15	64	62
16	16	65	63
17	17	66	64
18	18	67	65
19	19	68	66
20	20	69	67
21	21	70	68
22	22	71	69
23	23	72	70
24	24	73	71
25	25	74	72
(new Article)	26	75	73
26	27	76	74
27	28	77	75
28	29	78	76
29	30	79	77
30	31	80	78
31	32	(new Article)	79
32	33	81	80
33	34	82	81
34	35	83	82
35	36	84	83
36	37	85	84
37	38	86	85
38	39	87	86
39	40	88	87
40	41	89	88
41	42	90	98
42	43	91	90
43	44	92	91
44	45	93	92
45	46		
46	47		