STATUTORY INSTRUMENTS

1962 No. 1332

CIVIL AVIATION

The Air Navigation (Second Amendment) Order 1962

Made - - - -	*27th June* 1962
Laid before Parliament	*3rd July* 1962
Coming into Operation	*4th July* 1962

At the Court at Buckingham Palace, the 27th day of June 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by Sections 8, 57, 58, 59 and 61 of the Civil Aviation Act 1949(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Operation

1. This Order may be cited as the Air Navigation (Second Amendment) Order 1962, and shall come into operation on 4th July 1962.

Interpretation

2.—(1) In this Order, "the principal Order" means the Air Navigation Order 1960(b), as amended by the Air Navigation (Amendment) Order 1960(c).

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

Amendment of Air Navigation Order 1960

3. The principal Order shall be amended as follows:—

(1) In Article 2—

in paragraph (2), the words "of paragraphs (4) and (5)" shall be omitted;

after paragraph (14) there shall be added the following paragraph—

"(15) Nothing in this Article shall require the Minister to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so."

(a) 12, 13 & 14 Geo. 6. c. 67.
(b) S.I. 1960/972 (1960 I, p. 599).
(c) S.I. 1960/2410 (1960 I, p. 680).
(d) 52 & 53 Vict. c. 63.

(2) In Article 6, for paragraph (5) there shall be substituted the following paragraph:—

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

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

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

and shall sign and date such entries:

Provided that in the case of a number of consecutive flights beginning 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."

(3) In Article 14—

in paragraph (4), in the sixth line, after the words "to be flown, and", there shall be inserted the words "to pass";

for paragraph (7) there shall be substituted the following paragraph:—

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

TABLE

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

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

(4) In Article 15, in sub-paragraph (*d*) of the proviso to paragraph (1), for the words "for that purpose" there shall be substituted the words "for use on flights on which a flight radio-telephony operator acts in one of the capacities specified in paragraph (*a*) of this proviso."

(5) In Article 21, the following shall be added as paragraph (5):—

"(5) If in the course of a flight on which the equipment specified in Scale O in paragraph 5 of the Fifth Schedule 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."

(6) For the heading to Article 23, there shall be substituted the following heading:—

"*Loading—public transport aircraft and suspended loads*"

(7) In Article 23, in paragraph (1), after the word "transport" there shall be inserted the words "or any load to be suspended therefrom".

(8) In Article 26, in paragraph (*b*) after the word "carried" where it first occurs, there shall be inserted the words "in the circumstances of the intended flight".

(9) In Article 28—

in sub-paragraph (*a*) of paragraph (2) the words "oxygen equipment" shall be inserted after the words "safety harnesses";

in sub-paragraph (*d*) of paragraph (2), there shall be substituted for the words, "the person, if any," the words "any persons", for the words "is secured in a seat" the words "are secured in seats" and for the word "he" the word "they";
and

for sub-paragraph (*g*) (iii) of paragraph (2), there shall be substituted the following sub-paragraph:—

"(iii) during any time exceeding 30 minutes when the aircraft is flying at an altitude exceeding 10,000 feet but not exceeding 13,000 feet above mean sea level, and at all times when the aircraft is flying at an altitude exceeding 13,000 feet above mean sea level, oxygen is used by all the crew of the aircraft".

(10) In Article 57, in paragraph (2), for the words "by reason of any area being used for purposes of national defence" there shall be substituted the words "for any of the reasons referred to in sub-paragraph (*c*) of paragraph (1) of this Article".

(11) In Article 58, in sub-paragraph (*a*) of paragraph (1), after the word "level" there shall be inserted the words "or within 200 feet of any vessel, vehicle or structure".

(12) In Article 69—

in sub-paragraph (*c*) of paragraph (1), the word " a " in the second line shall be omitted ;

in the fourteenth and fifteenth lines of paragraph (1), the words " the flight " shall be omitted and the following shall be substituted therefor : —

" 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 Minister or by an authorised person,".

(13) In Article 75, in paragraph (3), after the words " public transport " there shall be inserted the words " or aerial work ".

(14) In Article 77, at the end of paragraph (4), there shall be added the words " or Ministry of Aviation Flying Orders for Military Aircraft ".

(15) In Article 79—

in paragraph (1), at the end of the definition of " Aerodrome ", there shall be added the words " (not being an area the use of which for those purposes has been abandoned) " ; in the definition of " Air traffic control unit ", after the word " give ", there shall be inserted the words " instructions or advice or both " ; in the definition of " The Commonwealth " the words " the Union of South Africa " shall be omitted and after the words " the Federation of Malaya," there shall be inserted the words " the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, Tanganyika " ;

in sub-paragraph (*a*) (ii) of paragraph (6), after the words " of this Order ", there shall be inserted the words " or the training practice or tests referred to in paragraph (2) of Article 22 of this Order " ;

and at the end of sub-paragraph (*a*) of paragraph (6) a semi-colon shall be substituted for the full stop, and the following words shall be added : —

" 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 ".

(16) In the First Schedule, in the heading to Part A, for the reference to Article 79 (6) there shall be substituted a reference to Article 79 (7).

(17) In the Second Schedule, for Condition (6) of the B Conditions there shall be substituted the following : —

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

(18) In the Fifth Schedule—

in paragraph 1, for the words " with the scales of equipment respectively indicated in that Table ", there shall be substituted the words, " 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." ;

the Table in paragraph 4 shall be amended by the addition of a column headed " O " in which the letter O shall be inserted opposite the following item, which shall be inserted after item (2) (*i*) in the first column of the Table :—

" (*ii*) On all flights by—

(i) flying machines powered by turbine jet engines, and of which the maximum total weight authorised exceeds 25,000 lb.,

(ii) flying machines powered by propeller turbine engines, and of which the maximum total weight authorised exceeds 100,000 lb.,

(iii) flying machines powered by propeller turbine engines and first registered whether in the United Kingdom or elsewhere on or after 1st January 1962, of which the maximum total weight authorised exceeds 50,000 lb.,

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

with the exception of any flight on which the radar set specified in Scale O in paragraph 5 of this Schedule is unserviceable on take-off but the weather report or forecasts available to the commander of the aircraft at that time indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions which can be detected by the set when in working order are unlikely to be encountered on the intended route or any planned diversion therefrom, or the commander of the aircraft has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the Operations Manual " ;

in paragraph 5—

in paragraph (iii) of Scale B there shall be inserted at the beginning of the paragraph the words " If the maximum total weight authorised of the aircraft is more than 6,000 lb." ;

after Scale " N " there shall be inserted the following Scale :—

" *Scale O*

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

and

for Scale K, there shall be substituted the following Scale :—

" *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 control 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 Tables 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 at an altitude exceeding 35,000 feet above mean sea level, 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 at an altitude exceeding 10,000 feet, but not exceeding 13,000 feet, above mean sea level; 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 at an altitude exceeding 13,000 feet above mean sea level,

together with suitable and sufficient apparatus to enable such persons 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 (v A) of Part A of the Tenth Schedule to this Order.

PART II

Column 1 *Altitude above mean sea level at which the flying machine flies*	*Column 2* *Capability of flying machine to descend (where relevant)*	*Column 3* *Period of supply of oxygen*	*Column 4* *Persons for whom oxygen is to be provided*
Exceeding 10,000 feet	—	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
Exceeding 10,000 feet but not exceeding 30,000 feet	Flying machine is either flying at an altitude not exceeding 15,000 feet 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 at an altitude exceeding 15,000 feet and is not so capable	30 minutes or the period specified at B hereunder whichever is the greater	All passengers
Exceeding 30,000 feet but not exceeding 35,000 feet	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	30 minutes or the period specified at B hereunder whichever is the greater	All passengers
Exceeding 35,000 feet	—	30 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 at an altitude exceeding 10,000 feet above mean sea level.

B. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies at an altitude exceeding 15,000 feet above mean sea level.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies at an altitude exceeding 10,000 feet, but not exceeding 15,000 feet above mean sea level.

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, from the altitude at which it is then flying to an altitude of 15,000 feet above mean sea level within 6 minutes, and of continuing at or below that altitude 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, from the altitude at which it is then flying to an altitude of 15,000 feet above mean sea level within 4 minutes and of continuing at or below that altitude to its place of intended destination or any other place at which a safe landing can be made."

(19) In the Ninth Schedule—

in paragraph 1 of Part A, under the sub-heading "Privileges", in paragraph (*c*), for the word "passenger" there shall be substituted the word "person";

in paragraph 2 of Part A, for the sub-paragraphs under the headings "Commercial Pilot's Licence (Flying Machines)", "Senior Commercial Pilot's Licence (Flying Machines)" and "Airline Transport Pilot's Licence (Flying Machines)" there shall be substituted the following—

"*Commercial Pilot's Licence (Flying Machines)*

Minimum age—18 years

Maximum Period of Validity—6 months*

Privileges: In addition to the privileges given above for the Private Pilot's Licence the holder of the licence shall be entitled to fly as—

(i) pilot in command of any flying machine of which the maximum total weight authorised does not exceed 12,500 lb. and which is of a type specified in Part 1 of the aircraft rating included in the licence, when the flying machine is engaged in a flight for the purpose of public transport or aerial work:

Provided that—

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

(*b*) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence 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 is not less than 12 degrees below the horizon.

(ii) co-pilot of any flying machine of a type specified in Part 1 and Part 2 of such aircraft rating when the flying machine is engaged in a flight for the purpose of public transport or aerial work.

Senior Commercial Pilot's Licence (Flying Machines)

Minimum age—21 years

Maximum Period of Validity—6 months*

Privileges: In addition to the privileges given above for the Private Pilot's Licence the holder of the licence shall be entitled to fly as—

(i) pilot in command of any flying machine of which the maximum total weight authorised does not exceed 30,000 lb. and which is of a type specified in Part 1 of the aircraft rating included in the licence, when the flying machine is

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that Licence.

engaged in a flight for the purpose of public transport or aerial work :

Provided that--

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

(*b*) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence 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 is not less than 12 degrees below the horizon.

(ii) co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating when the flying machine is engaged in a flight for the purpose of public transport or aerial work.

Airline Transport Pilot's Licence (*Flying Machines*)

Minimum age—21 years

Maximum Period of Validity—6 months*

Privileges : In addition to the privileges given above for the private Pilot's Licence the holder of the licence shall be entitled to fly as—

(i) pilot in command of any flying machine of a type specified in Part 1 of the aircraft rating included in the licence when the flying machine is engaged in a flight for the purpose of public transport or aerial work:

Provided that—

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

(*b*) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence 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 is not less than 12 degrees below the horizon.

(ii) co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating when the flying machine is engaged in a flight for the purpose of public transport or aerial work." ;

in paragraph 1 of Part B, in the proviso under the heading " Instrument Rating (Flying Machines) ", the words " conducted by that person " shall be omitted.

(20) In the Tenth Schedule, in Part A—

in sub-paragraph (ii), the words " including the method of supervision of flight operations " shall be omitted ;

in sub-paragraph (iv), the words " (not being particulars contained in a flight manual forming part of the certificate of airworthiness) " shall be omitted ;

* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that Licence.

after item (v) there shall be inserted the following item:—

"(vA) 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 the Fifth Schedule to this Order is to be computed.";

in sub-paragraph (ix), the words "search and rescue facilities" shall be omitted;

for sub-paragraph (x) there shall be substituted the following sub-paragraph:—

"(x) the reporting in flight to the notified authorities of meteorological observations";

in sub-paragraph (xiii), the words "procedures for the reporting to search and rescue agencies of particulars of emergency and survival equipment carried on board the aircraft", shall be omitted.

(21) In the Eleventh Schedule for the definition of document "F" there shall be substituted the following definition:—

"'F' means the technical log, if any, in which entries are required to be made under paragraph (5) of Article 6 of this Order."

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Air Navigation Order 1960, as previously amended. The principal changes made are as follows:—

(1) The commander of the aircraft will be required to sign and date the particulars which he enters in a technical log under Article 6 (5). The proviso to that paragraph is also amended so as to require him to make entries of defects at the end of each flight in the case of certain consecutive flights.

(2) An increase is made in the number of persons required to be included in the crew of aircraft carrying more than fifty passengers, for the purpose of performing duties in the interest of the safety of passengers, and provision is made for such a person to be carried in aircraft with fewer than twenty passengers in exceptional cases. (Article 14 (7)).

(3) Requirements previously relating only to the loading of aircraft for public transport are extended to loads suspended from aircraft (including helicopters) whether or not for public transport. (Article 23 (1)).

(4) A requirement is included that captive balloons may not be flown within 200 feet of any vessel, vehicle or structure. (Article 58 (1) (*a*)).

(5) The exemption conferred by Article 77 (4) on aircraft flown in compliance with Air Ministry Flying Orders from those provisions of the Order which are applied by that paragraph to military aircraft flown by civilian pilots in certain cases is extended to aircraft flown in compliance with Ministry of Aviation Flying Orders.

(6) Provision is made whereby an aircraft in which persons authorised by the Minister to witness the training, practice or tests referred to in paragraph (2) of Article 22 of the Order, are carried gratuitously by an air transport undertaking will no longer be deemed, by reason of that circumstance only, to fly for the purpose of public transport. (Article 79 (6) (*a*) (ii)).

(7) The general requirement that aircraft flying under the B Conditions shall not fly over congested areas is altered so as to permit such flight in compliance with procedures approved by the Minister in relation to that flight. (Second Schedule, B Conditions, paragraph (6)).

(8) A safety harness for pilots' seats is no longer required in aircraft of which the maximum total weight authorised does not exceed 6,000 lb. (Fifth Schedule, paragraph 5, Scale B (iii)).

(9) The carriage of oxygen is required for the use of passengers in pressurised aircraft in certain cases. (Article 21 (5); Article 28 (2); Fifth Schedule, paragraph 5, Scale K; Tenth Schedule, Part A).

(10) Certain aircraft are required to carry a storm warning radar set. (Fifth Schedule, paragraphs 4 and 5).

(11) Drafting and other minor changes are made in the privileges, as set out in the Ninth Schedule, of the Commercial Pilot's Licence (Flying Machines), the Senior Commercial Pilot's Licence (Flying Machines) and the Airline Transport Pilot's Licence (Flying Machines).