STATUTORY INSTRUMENTS

1970 No. 1951

CIVIL AVIATION

The Air Navigation (Second Amendment) Order 1970

Made - - - - - - -	17*th December* 1970
Laid before Parliament - - -	23*rd December* 1970
Coming into Operation	
(a) *for all purposes of Article* 3(4)(*c*), (5), (6) *and* (9) - - - -	31*st December* 1970
(b) *for all other purposes* - -	1*st April* 1971

At the Court at Buckingham Palace, the 17th day of December 1970.

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8, 57 and 59 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 1970 and shall come into operation on 31st December 1970 for the purposes of Article 3(4)(*c*), (5), (6) and (9) and on 1st April 1971 for all other purposes.

Interpretation

2.—(1) In this Order, "the Principal Order" means the Air Navigation Order 1970**(b)** as amended**(c)**.

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

Amendment of Air Navigation Order 1970

3. The Principal Order shall be further amended as follows:

(1) At the end of Article 8(2) there shall be added the following proviso:

"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 6,000 lb.;

(a) 1949 c. 67. **(b)** S.I. 1970/954 (1970 II, p. 2964).
(c) There is no relevant amending instrument. **(d)** 1889 c. 63.

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

(2) In Article 9(1) after "registered in the United Kingdom" there shall be inserted "(not being an aircraft in respect of which a certificate of airworthiness of the General Purpose Category or the Special Category is in force)";

(3) The following Article shall be inserted after Article 9 as Article 9A:

"*Maintenance of General Purpose Category aircraft*

9A.—(1) An aircraft registered in the United Kingdom being an aircraft in the General Purpose Category 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 Secretary of State in relation to that aircraft.

(2) 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 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 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.";

(4) In Article 10:

(*a*) In paragraph (1):

(i) after "in force", where that expression first appears, there shall be inserted "(not being an aircraft of which the maximum total weight authorised does not exceed 6,000 lb. and in respect of which a certificate of airworthiness of the Special Category is in force)";

(ii) after "shall not fly" there shall be inserted "(except as provided for in paragraph (1A) of this Article)";

(*b*) After paragraph (1) there shall be added the following paragraph:

"(1A) Nothing in paragraph (1) of this Article shall prevent an aircraft of which the maximum total weight authorised does not exceed 6,000 lb. 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 (other than a student 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.".

(*c*) In paragraph (4) after sub-paragraph (*c*) there shall be inserted the following:

"or

(*cc*) 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 6,000 lb.;";

(5) In Article 12(5) for the second sentence there shall be substituted:

"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) In Article 37:

(*a*) in the heading "weapons and of" shall be inserted before "munitions of war";

(*b*) in paragraph (3) there shall be inserted immediately after "warfare": "including parts for such weapons and ammunition.";

(*c*) the following shall be added as paragraphs (4) and (5):

"(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 elsewhere than in the United Kingdom, if the weapons or ammunition, as the case may be, may under the law of the State 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.";

(7) In Article 85(6)(*a*)(iii) after "right to fly the aircraft on that flight" there shall be inserted "(not being a single-seater aircraft of which the maximum total weight authorised does not exceed 2,000 lb. and in respect of which a certificate of airworthiness of the Special Category is in force)' ;

(8) In Schedule 3:

(*a*) in paragraph 1 after "Transport Category (Passenger)" there shall be inserted "General Purpose Category.";

(*b*) in paragraph 2:

(i) after "*Transport Category* (*Passenger*)" there shall be inserted the following category:

"*General Purpose Category:* Any purpose.";

(ii) for "Special Category" and the purposes indicated in respect thereof, there shall be substituted "*Special Category:* Any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.";

(9) In Schedule 9 Part C paragraph 6:

(*a*) at the end of sub-paragraph (1) there shall be added the following proviso:

"Provided that a certificate of test certifying that a test was conducted for the purposes of Group A or Group B in an aeroplane (land plane) shall be appropriate to the functions to be performed on an aeroplane (self-launching motor glider).";

(*b*) at the end of sub-paragraph (2) there shall be added the following proviso:

"Provided that a certificate of experience certifying that 5 hours' experience was gained for the purposes of Group A or Group B in an aeroplane (landplane) shall be appropriate to the functions to be performed on an aeroplane (self-launching motor glider).";

(10) In Schedule 11 in the description of Document "F" after "Article 9(5)" there shall be inserted "or Article 9A(2)";

(11) (*a*) In Schedule 12 Part A:

(i) after "Article 5" there shall be inserted "Article 9A(1)";

(ii) for "Article 10(5)" there shall be substituted "Article 10(1A) and (5).";

(*b*) In Schedule 12 Part B for "Article 10 (except paragraph (5))" there shall be substituted "Article 10 (except paragraphs (1A) and (5)).".

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Air Navigation Order 1970. The following changes are made in the Articles mentioned below:

(1) A new category is introduced for the certification of aircraft not exceeding 6,000 lb. maximum total weight authorised, called the General Purpose Category. Such aircraft may henceforth be certificated only in that category or the Special Category (Article 8 and Schedule 3).

(2) A new Article (9A) is added requiring the commander of an aircraft in the General Purpose Category to keep a log book and providing that

aircraft in the General Purpose Category are not required to have a certificate of maintenance but are to be maintained in accordance with approved maintenance schedules.

(3) Aircraft in the Special Category not exceeding 6,000 lb. maximum total weight authorised are not required to have a certificate of compliance (Article 10).

(4) In respect of an aircraft not exceeding 6,000 lb. maximum total weight authorised which does not fly for the purpose of public transport, the owner or operator of the aircraft, if he holds a pilot's licence, can now carry out prescribed repairs or replacements; he must keep a record of the work done (Article 10).

(5) In respect of aircraft not exceeding 6,000 lb. maximum total weight authorised the certificate of compliance may now be issued by any aircraft maintenance engineer who holds a licence or authorisation granted or issued by any Contracting State in which the overhaul or other work has been done (Article 10).

(6) A notice stating where life jackets (if any) are to be found has to be exhibited in a prominent position in every passenger compartment of every public transport aircraft registered in the United Kingdom. Now, by way of alternative, such a notice can be provided individually for each passenger (Article 12).

(7) The prohibition of the carriage of munitions of war is extended to include parts for munitions of war. In addition it will now be an offence for a person to carry or have in his charge any weapon on board a United Kingdom-registered aircraft unless stowed in a part of the aircraft inaccessible to passengers and, if it is a firearm, kept unloaded. The Article will not, however, apply to weapons or ammunition on board an aircraft registered in a country other than the United Kingdom if carried in accordance with the law of the State of registry for the safety of the aircraft or of persons on board (Article 37).

(8) The giving of hire or reward for the right to fly a single-seater aircraft in the Special Category not exceeding 2,000 lb. maximum total weight authorised will no longer mean that the aircraft is engaged on public transport for the purposes of Part III of the Order (Article 85).

(9) A certificate of test or experience in respect of an aeroplane (landplane) Group A or B will now serve as a certificate of test or experience in respect of an aeroplane (self-launching motor glider) Group A or B for the purposes of Article 19(2) proviso (*d*) of the Order (Schedule 9 Part C).

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