STATUTORY INSTRUMENTS

# 1972 No. 1266

# CIVIL AVIATION
# The Air Navigation (Second Amendment) Order 1972

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| *Made* - - - | 14*th August* 1972 |
| *Laid before Parliament* | 18*th August* 1972 |
| *Coming into Operation* | |
| (*a*) *for the purposes of Article* 3(1) | 1*st October* 1972 |
| (*b*) *for all other purposes* | 7*th September* 1972 |

At the Court at Balmoral the 14th day of August 1972

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 1972 and shall come into operation for the purposes of Article 3(1) on 1st October 1972 and for all other purposes on 7th September 1972.

*Interpretation*

**2.** The Interpretation Act 1889(**b**) 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 the Air Navigation Order* 1972

**3.** The Air Navigation Order 1972(**c**), as amended (**d**), shall be further amended as follows:

(1) To Article 4, there shall be added at the end:

"(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(**e**) shall not become void by virtue of

(**a**) 1949 c. 67.
(**b**) 1889 c. 63.
(**c**) S.I. 1972/129 (1972 I, p. 366).
(**d**) S.I. 1972/672 (1972 I, p. 2168).
(**e**) 1968 c. 61.

paragraph (10) of this Article, nor shall the Authority cancel the registration of such an aircraft pursuant to paragraph (13) of this Article unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.";

(2) In Article 14 for "apparatus" wherever it appears there shall be substituted "equipment";

(3) In Article 20(2) after sub-paragraph (*d*) there shall be inserted:

"(*dd*) 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;";

(4) For the side heading to Schedule 1 there shall be substituted "Articles 4(6), 23(1) and 89(7)";

(5) For the side heading to Schedule 5 there shall be substituted "Articles 11(3) and 13(2)";

(6) In Schedule 9:

(*a*) In Part A 6, in the entry relating to the Flight Navigator's Licence under the sub-heading "*Maximum Period of Validity*", for "12 months" there shall be substituted "5 years";

(*b*) In Part C:

(i) in paragraph 1 after "proviso (*d*)" there shall be added "and proviso (*dd*)";

(ii) in paragraph 2:

(*aa*) in sub-paragraph (*b*)(ii) after "certificate of experience" there shall be inserted "for a pilot";

(*bb*) after sub-paragraph (*b*)(ii) there shall be added:—

"(iii) in the case of a certificate of experience for 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 successfully navigated an aircraft for a total of 20 hours within the period of 13 months preceding that date, disregarding any flight of less than 1,000 nautical miles;";

(*cc*) at the beginning of sub-paragraph (*c*) there shall be added " in the case of a certificate for a pilot";

(*dd*) at the end of sub-paragraph (*d*) there shall be added "or flight navigator.";

(iii) in paragraph 5 after "functions to be performed" there shall be inserted "by pilots";

(iv) in paragraph 6(2) after the words "a certificate of experience" where they first occur, there shall be inserted "for a pilot";

(v) at the end of paragraph 7 there shall be added "A certificate of experience in the capacity of flight navigator shall be appropriate to functions performed in the capacity of flight navigator.";

(vi) in paragraph 8 after "certificate of experience" there shall be inserted "for a pilot";

(vii) in paragraph 9 for "is certifies" in the third line of paragraph (*a*) there shall be substituted "it certifies";

(viii) in paragraph 9 for paragraph (*b*) there shall be substituted:

"(*b*) A certificate of experience for a pilot shall not be valid in relation to a flight made more than 6 months after it was signed in the case of Group F or more than 13 months after it was signed in the case of any other Group, and a certificate of experience for a flight navigator shall not be valid in relation to a flight made more than 13 months after it was signed.";

(7) In Schedule 10, for paragraph 2(3) there shall be substituted:

"(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".

*W. G. Agnew.*

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## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order further amends the Air Navigation Order 1972.

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

(1) where an aircraft is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages, that aircraft shall not cease to be registered in the register of aircraft in the United Kingdom unless all the mortgagees of that aircraft agree;

(2) the holder of a flight navigator's licence will no longer be entitled to perform functions on a flight on which (in accordance with Article 18(4) of the Air Navigation Order 1972) a flight navigator must be carried, unless his licence bears a valid certificate of experience as such;

(3) the maximum period of validity of a flight navigator's licence will be extended from 12 months to 5 years;

(4) the approach radar control rating included in an air traffic controller's licence will now entitle the holder to provide an air traffic control service with the aid of surveillance radar equipment for aircraft flying within 40 nautical miles of the aerodrome traffic zone of the aerodrome at which the service is being provided.

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