STATUTORY INSTRUMENTS

1975 No. 429

CIVIL AVIATION

The Air Navigation (Second Amendment) Order 1975

Made - - - -	18*th March* 1975
Laid before Parliament	25*th March* 1975
Coming into Operation	1*st May* 1975

At the Court at Buckingham Palace, the 18th day of March 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8 and 57 of the Civil Aviation Act 1949**(a)** as amended by section 62(1) of the Civil Aviation Act 1971**(b)** and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and Commencement

1. This Order may be cited as the Air Navigation (Second Amendment) Order 1975 and shall come into operation on 1st May 1975.

Interpretation

2. The Interpretation Act 1889**(c)** shall apply 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 1974

3. The Air Navigation Order 1974**(d)**, as amended **(e)**, shall be further amended as follows:

(1) For Article 18(4) there shall be substituted:

"(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,

(a) 1949 c. 67. **(b)** 1971 c. 75.
(c) 1889 c. 63. **(d)** S.I. 1974/1114 (1974 II, p. 4057).
(e) There is no relevant amending instrument.

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."

(2) In Article 19(1), for the proviso there shall be substituted:

"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;

(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; 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".

(3) At the end of Article 19(3), there shall be added:

"or on any flight in respect of which he receives remuneration for his services as a member of the flight crew on any flight."

(4) For Article 20(8), there shall be substituted—

"(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 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."

(5) For Articles 49 to 56, there shall be substituted:

"**49.**—(1) Articles 50 and 51 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 1600 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

50.—(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 59, be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew—responsibilities of crew

51.—(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—responsibilities of flight crew

52. 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 of 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 1600 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 exceed 25 hours."

(6) In Article 58, after paragraph (3) there shall be added:

"(*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."

(7) For Schedule 8 there shall be substituted the following Schedule:

Article 18(4)

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—Arctic

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 area 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°	"	"	60°	"	"
67°	"	"	130°	"	"

(8) In Schedule 9 Part A, paragraph 1, headed "Student Pilot's" shall be deleted.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

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

(1) For flights in areas specified in Schedule 8 to the Order public transport aircraft may now carry in lieu of a flight navigator, navigational equipment approved by the Civil Aviation Authority. (Article 18(4)).

(2) The Student Pilot's Licence is now abolished. A person may now 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 such a licence without holding an appropriate licence, if he is over 17 years of age, holds a valid medical certificate, acts under the instruction of a qualified flying instructor, is the sole occupant of the aircraft and is not flying for the purpose of public transport or aerial work. (Article 19(1)).

(3) The holder of a foreign pilot's licence may not now receive remuneration for his services as a member of the flight crew of a United Kingdom registered aircraft unless his licence is validated by the Authority. (Article 19(3)).

(4) New provisions are introduced to regulate the flight times of aircraft crews for the avoidance of fatigue, giving effect to recommendations of the Report of the Committee on Flight Time Limitations) published by the Civil Aviation Authority). In particular it requires the aircraft operator to establish a scheme, to be approved by the Authority, for the avoidance of fatigue of his aircraft crew. The scheme must include cabin crew. Previously the requirements of the Order applied only in respect of flight crew. (Articles 49 to 52).

(5) The geographical limits of the areas set forth in Schedule 8 are re-defined. (Schedule 8).

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