STATUTORY INSTRUMENTS

1977 No. 2160

CIVIL AVIATION

The Air Navigation (Second Amendment) Order 1977

Made - - - -	21*st December* 1977
Laid before Parliament	6*th January* 1978
Coming into Operation for the purpose of Article 3(2) - -	1*st March* 1978
for the purposes of Articles 3(4), 3(5), 3(6), 3(7) and 3(11) - -	1*st July* 1978
for all other purposes	1*st February* 1978

At the Court at Buckingham Palace, the 21st day of December 1977

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on 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 1977 and shall come into operation for the purpose of Article 3(2) on 1st March 1978, for the purposes of Articles 3(4), 3(5), 3(6), 3(7) and 3(11) on 1st July 1978 and for all other purposes on 1st February 1978.

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 Air Navigation Order 1976

3. The Air Navigation Order 1976(**d**), as amended(**e**), shall be further amended as follows:—

(1) In Article 25 in paragraph (4) after "this Article" there shall be inserted "Article 39A of".

(**a**) 1949 c. 67.
(**b**) 1971 c. 75.
(**c**) 1889 c. 63.
(**d**) S.I. 1976/1783 (1976 III, p. 4679).
(**e**) 1977/1255 (1977 II, p. 3485).

(2) In Article 39 in paragraph (2):

(i) there shall be inserted at the beginning "Except under and in accordance with the terms of an aerial application certificate granted under Article 39A of this Order";

(ii) in paragraph (*f*) of the proviso thereto the words "agriculture, horticulture, forestry or" shall be deleted.

(3) After Article 39 there be inserted the following new Article:

"*Issue of Aerial Application Certificates*

39A.—(1) On or after 1st March 1978 an aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2) of this Article.

(2) The Authority may grant to any person applying therefor an aerial application certificate if it is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this Article. The certificate may be granted subject to such conditions as the Authority thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it does not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of Article 58 of this Order, remain in force for the period specified in the certificate.

(3) Every applicant for and holder of an aerial application certificate shall make available to the Authority upon application and to every member of his operating staff upon the certificate being granted an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Authority may require.

(4) For the purposes of this Article "operating staff" has the meaning ascribed to it in Article 25(4) of this Order.".

(4) For the heading to Article 61 there shall be substituted the following—

"*Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers*".

(5) In Article 61:

(*a*) in paragraph (1) for "or as a student air traffic controller" there shall be substituted "as a student air traffic controller or as an aerodrome flight information service officer";

(*b*) in paragraph (*a*) of the proviso to paragraph (1) after "controller's licence" there shall be inserted "or an aerodrome flight information service officer's licence";

(*c*) after paragraph (3) there shall be added the following new paragraph: —

"(3A) Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence. If, throughout any period of 180 days the holder of the licence has not at any time provided such a service at a particular aerodrome, the licence shall cease to be valid for that aerodrome at the end of that period.";

(*d*) in paragraphs (4) and (5) for "or as a student air traffic controller" in each case there shall be substituted "as a student air traffic controller or as an aerodrome flight information service officer".

(6) In Article 62:

(*a*) for paragraph (1) there shall be substituted the following new paragraph: —

"(1) A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless:

(*a*) in the case of an air traffic control service, he is the holder, and complies with the terms of:

(i) 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

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

(iii) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at that 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 place the type of air traffic control service which is being provided; or

(*b*) in the case of an aerodrome flight information service, he is the holder and complies with the terms of an aerodrome flight information service officer's licence granted under this Order authorising him to provide such a service at that place:

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.";

(*b*) for paragraph (2) there shall be substituted the following new paragraphs:

"(2) The holder of an air traffic controller's 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 place 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 place the type of air traffic control service which is being provided.

(2A) A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he identifies himself in such a manner as may be notified.".

(7) After Article 62 there shall be added the following new Article: —

"*Flight Information Service Manual*

62A.—(1) A person shall not provide an aerodrome flight information service at any aerodrome unless: —

(*a*) the service is provided in accordance with the standards and procedures specified in an aerodrome information service manual in respect of that aerodrome;

(*b*) the manual is produced to the Authority within a reasonable time after a request for its production is made by the Authority;

(*c*) such amendments or additions as the Authority may from time to time require have been made to the manual.".

(8) For Article 68 there shall be substituted the following new Article: —

"68.—(1) The Authority may grant to any person applying therefor a licence in respect of any aerodrome in the United Kingdom if it is satisfied that—

(*a*) that person is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and its aerodrome traffic zone are safe for use by aircraft; and

(*b*) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings.

(2) An aerodrome licence 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 licence.

(3) Without prejudice to the generality of paragraph (2) of this Article, 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.

(4) The holder of an aerodrome licence granted under this Order shall—

(*a*) furnish to any person on request information concerning the terms of the licence; and

(*b*) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of public transport of passengers or instruction in flying.

(5) The holder of an aerodrome licence granted under this Order shall not contravene or cause or permit to be contravened any condition of the aerodrome licence—

(*a*) during the times notified pursuant to paragraph (4)(*b*) of this Article in relation to any aircraft;

(*b*) at any time in relation to such aircraft engaged on such flights as are specified in Article 66(2) of this Order.".

but the licence shall not cease to be valid by reason only of such a contravention.".

(9) After Article 76 there shall be inserted the following new Article: —

"*Aviation Fuel at Aerodromes*

76A.—(1) A person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless: —

(*a*) when the aviation fuel is delivered into the installation he is satisfied that:

(i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft; and

(ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and

(iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;

(*b*) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft:

Provided that this paragraph shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom paragraph (1) of this Article applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

(*a*) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;

(*b*) particulars of all samples taken of the aviation fuel and of the results of tests of those samples;

(*c*) particulars of the maintenance and cleaning of the installation;

and he shall preserve the written record for a period of 12 months 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.

(3) (*a*) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(*b*) If it appears to the Authority or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this Article, the Authority or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Authority or by an authorised person.

(4) For the purpose of this Article—

"aviation fuel" means fuel intended for use in aircraft;

"aviation fuel installation" means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.".

(10) In Article 80(1) in sub-paragraph (*a*) for "36 or 40" there shall be substituted "36, 39A or 40".

(11) In Article 90(1): —

(*a*) after the definition of "Aerodrome", there shall be inserted the following new definition: —

"Aerodrome flight information unit" means a person appointed by the Authority or by any other person maintaining an aerodrome to give information by means of radio signals to aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and "aerodrome flight information service" shall be construed accordingly";

(*b*) for the definition of "Air traffic control unit" there shall be substituted the following new definition: —

"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 but does not include a person so appointed solely to give information to aircraft, and "Air traffic control service" shall be construed accordingly.".

(12) In Schedule 9 Part A in paragraph 1:

(*a*) for paragraph (*a*) of the proviso to the privileges of the Private Pilot's Licence (Aeroplanes) there shall be substituted: —

"(*a*) he shall not fly such an aeroplane for the purpose of public transport or aerial work other than aerial work which consists of:

(i) the giving of instruction in flying, if his licence includes a flying instructor's rating or an assistant flying instructor's rating; or

(ii) the conducting of flying tests for the purposes of this Order

in either case in an aeroplane owned, or operated under arrangements entered into by, a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;";

(*b*) for paragraph (*a*) of the proviso to the privileges of the Private Pilot's Licence (Helicopters and Gyroplanes) there shall be substituted: —

"(*a*) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than aerial work which consists of;

(i) the giving of instruction in flying if his licence includes a flying instructor's rating or an assistant flying instructor's rating; or

(ii) the conducting of flying tests for the purposes of this Order

in either case in a helicopter or gyroplane owned, or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;".

(13) In Schedule 11 Part B in paragraph (i) of the proviso to paragraph 1(7) for "sub-paragraphs (2)(*a*)(ii), (2)(*b*)(ii), (5)(*a*)(ii) or (6)(*a*)" there shall be substituted "sub-paragraphs (2)(*a*)(ii), (2)(*b*)(ii) or (2)(*c*)(i)".

(14) In Schedule 13 part B after "Article 69" there shall be inserted "Article 76A".

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1976, as amended. In addition to some minor and drafting amendments the following changes are made:

(1) From 1st March 1978 an aircraft may not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for the training for any of such purposes unless the operator of the aircraft holds an aerial application certificate. Such certificates may be granted by the Civil Aviation Authority upon its being satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, staffing and other arrangements. (Articles 3(1), (2) and (3)).

(2) The exceptions to the requirement of a licence for providing an air traffic control service have now been removed (Article 3(6)).

(3) The Civil Aviation Authority may now grant aerodrome flight information service officer's licences. A person may not provide an aerodrome flight information service or hold himself out whether by use of a radio call sign or in any other way as a person who may provide that service without being the holder of such a licence. (Articles 3(4), (5), (6), (7) and (11)).

(4) There are now specified the matters about which the Civil Aviation Authority must be satisfied before granting an aerodrome licence. (Article 3(8)).

(5) Aviation fuel may not now be delivered to an aerodrome fuel installation unless the person having the management of the installation is satisfied that the installation is capable of storing the fuel so as not to render it unfit for use in aircraft, that the installation is properly marked and, after sampling, that it is fit for use in aircraft. Fuel may not be dispensed from an installation to an aircraft unless it has been sampled and found to be fit for use in aircraft. (Article 3(9)).

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