STATUTORY INSTRUMENTS

1983 No. 1905

CIVIL AVIATION

The Air Navigation (Second Amendment) Order 1983

Made - - - -	21*st December* 1983
Laid before Parliament	9*th January* 1984
Coming into Operation	
for the purpose of Article 2(11), (12), (19), (29)*(c), (d), (g) and (h),* (30) *and* (33)	21*st June* 1984
for the purpose of Article 2(3), (4), (5), (6), (10), (20) *and* (28)*(a) and (b)*	21*st December* 1984
for the purpose of Article 2(31)	21*st December* 1986
for all other purposes	31*st January* 1984

At the Court at Buckingham Palace, the 21st day of December 1983

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60, 61 and 102 of the Civil Aviation Act 1982 (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 commencement

1. This Order may be cited as the Air Navigation (Second Amendment) Order 1983 and shall come into operation for the purpose of Article 2(11), (12), (19), (29)*(c), (d), (g)* and *(h),* (30) and (33) on 21st June 1984; for the purpose of Article 2(3), (4), (5), (6), (10), (20) and (28)*(a)* and *(b)* on 21st December 1984; for the purpose of Article 2(31) on 21st December 1986 and for all other purposes on 31st January 1984.

Amendment of the Air Navigation Order 1980

2. The Air Navigation Order 1980 (b) shall be amended as follows:

(1) In the "ARRANGEMENT OF ORDER" at the beginning of the Order:

(a) in the heading to Article 9 after the word "Maintenance" there shall be added the word "Review" and this heading shall be substituted in the Order;

(b) after the entry relating to Article 9 there shall be inserted "Article 9A Technical log.";

(2) In Article 4(1) the words "and may record therein the particulars specified in paragraph (7) of this Article in a legible or non legible form so

(a) 1982 c.16.
(b) S.I. 1980/1965, amended by S.I. 1982/161.

long as the recording is capable of being reproduced in a legible form." shall be added after the word "premises";

(3) In Article 8(7) for sub-paragraph *(b)* there shall be substituted the following sub-paragraph—

"*(b)* until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and—

(i) classified as mandatory by the Authority; or

(ii) required by a maintenance schedule approved by the Authority in relation to that aircraft or";

(4) For Article 9 there shall be substituted the following Article—

"**9**—(1) An Aircraft registered in the United Kingdom in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless—

(a) 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 Authority in relation to that aircraft;

(b) there is in force a certificate (in this Order referred to as a "certificate of maintenance review") issued in respect of the aircraft in accordance with the provisions of this Article and such certificate shall certify the date on which the maintenance review was carried out and the date thereafter when the next review is due.

(2) The approved maintenance schedule referred to in paragraph (1) of this Article shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purposes of this Article only by—

(a) the holder of an aircraft maintenance engineer's licence:

(i) granted under this Order being a licence which entitles him to issue that certificate, or

(ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order in accordance with the privileges endorsed on the licence, or

(iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed, or

(b) a person whom the Authority has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or

(c) a person approved by the Authority as being competent to issue such certificates, and in accordance with that approval:

Provided that in approving a maintenance schedule, the Authority may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in its direction, may be issued only by the holder of such a licence as is so specified.

(4) A person referred to in paragraph (3) of this Article shall not issue a certificate of maintenance review unless he has first verified that—

(a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft; and

(b) inspections and modifications required by the Authority as provided in Article 8 of this Order have been completed as certified in the relevant certificate of release to service issued in accordance with Article 10 of this Order; and

(c) defects entered in the technical log of the aircraft in accordance with Article 9A of this Order have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Authority; and

(d) certificates of release to service have been issued in accordance with Article 10 of this Order;

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when Article 55 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of Article 58 of this Order, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.";

(5) After Article 9 there shall be inserted the following heading and Article—

"*Technical Log*

9A—(1) A technical log shall be kept in respect of an aircraft registered in the United Kingdom being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(2) At the end of every flight by an aircraft to which the provisions of this Article apply the commander of the aircraft shall enter—

(a) the times when the aircraft took off and landed; and

(b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and

(c) such other particulars in respect of the airworthiness or operation of the aircraft as the Authority may require,

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2,730kg. and which is not operated by a person who is the holder of or is required by Article 6(1) of this Order to hold an air operator's certificate, in such other record as the Authority shall approve and he shall sign and date such entries:

Provided that in the case of a number of consecutive flights each of which begins and ends—

(i) within the same period of 24 hours; and

(ii) at the same aerodrome, except where each such flight is for the

purpose of dropping or projecting any material for agricultural, public health or similar purposes; and

(iii) with the same person as commander of the aircraft,

the commander of an aircraft 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) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph 2 of this Article a person issuing a certificate of release to service required by Article 10 of this Order in respect of that defect shall enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this Article shall be carried in the aircraft when Article 55 of this Order so requires and copies of the entries referred to in this Article shall be kept on the ground:

Provided that, in the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730kg. or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Authority for that purpose.";

(6) For Article 10 there shall be substituted the following Article—

"**10.**—(1) Except as provided in paragraph (2) of this Article an aircraft registered in the United Kingdom, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall not fly unless there is in force a certificate of release to service issued in accordance with this Article if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in Article 8(7)*(b)* of this Order, as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable—

(a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this Article in respect thereof; or

(b) for such certificate to be issued while the aircraft is at that place,

it may fly to a place at which such certificate can be issued, being the nearest place—

(i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and

(ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it to be given to the Authority within ten days thereafter.

(2) Nothing in paragraph (1) of this Article shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730kg. and in respect of which a certificate of airworthiness of the special category is in force, unless the Authority gives a direction to the contrary in a particular case.

(3) Nothing in paragraph (1) of this Article shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2,730kg. from flying if the only repairs or replacements in respect of which a certificate of release to service 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 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 the aircraft log book kept in respect of the aircraft pursuant to Article 14 of this Order a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of Article 58 of this Order, shall preserve the log book for the period specified in Article 14 of this Order. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Authority whether generally or in relation to a class of aircraft or particular aircraft.

(4) Neither—

(a) equipment provided in compliance with Schedule 5 to this Order (except paragraph (3) thereof); nor

(b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulations made thereunder,

shall be installed or placed on board for use in an aircraft registered in the United Kingdom after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued in accordance with this Article.

(5) A certificate of release to service shall—

(a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done;

(b) certify in relation to any inspection required by the Authority that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Authority and that any consequential repair, replacement or modification has been carried out as aforesaid.

(6) A certificate of release to service may be issued for the purposes of this Article only by—

(a) the holder of an aircraft maintenance engineer's licence:

(i) granted under this Order, being a licence which entitles him to issue that certificate; or

(ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or

(iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

(b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than the United Kingdom 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 2,730kg. and in accordance with the privileges endorsed on the licence; or

(c) a person approved by the Authority as being competent to issue such certification, and in accordance with that approval; or

(d) a person whom the Authority has authorised to issue the certificate in a particular case, and in accordance with that authority; or

(e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an airline Transport Pilot's Licence (Aeroplanes) a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order.

(7) Subject to the provisions of Article 58 of this Order, a certificate of release to service shall be preserved by the operator of the aircraft to which it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(8) In this Article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.";

(7) In Article 12 for paragraph (5) there shall be substituted the following new paragraph:

"(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every public transport aircraft registered in the United Kingdom there shall be:—

(a) provided individually for each passenger; or

(b) if the Authority so permits in writing, exhibited in a prominent position in every passenger compartment—

a notice relevant to the aircraft in question containing pictorial:—

(i) instructions on the brace position to be adopted in the event of an emergency landing;

(ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;

(iii) information as to where emergency exits are to be found and instructions as to how they are to be used;

(iv) information as to where the life-jackets, escape slides, life-rafts and oxygen masks, if required to be provided by paragraph (2) of this Article, are to be found and instructions as to how they are to be used.";

(8) In Article 19 after paragraph 10 there shall be added the following paragraph:

"(11) Without prejudice to any other provision of this Order the Authority may, for the purpose of this Article, either absolutely or subject to such conditions as it thinks fit—

(a) approve any course of training or instruction;

(b) authorise a person to conduct such examinations or tests as it may specify;

(c) approve a person to provide any course of training or instruction and

(d) approve a person as qualified to furnish reports to it and to accept such reports.";

(9) In Article 21(2)*(a)* for the words "and the times" there shall be substituted "and the time spent";

(10) In Article 31 in paragraph *(c)* the word "review" shall be inserted after the words "certificate of maintenance";

(11) In Article 34 after paragraph (2) there shall be added the following new paragraph:

"(2A) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.";

(12) In Article 36 after paragraph (2) there shall be added the following new paragraph:

"(3) On any flight on which a cockpit voice recorder is required by paragraph 4(10)*(c)* of Schedule 5 of this Order to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.";

(13) In Article 39—

(a) in paragraph (2)—

(i) for the words "articles, animals and persons" there shall be substituted the words "articles and animals";

(ii) in the proviso the words "to the descent of persons by parachute from an aircraft in an emergency, or" shall be deleted;

(iii) to the proviso there shall be added the following paragraph—

"*(g)* the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.";

(b) in paragraph (4) after the word "Article" shall be added the words "or in Article 39A.";

(14) After Article 39 there shall be added the following heading and Article—

"*Dropping of Persons*

39A.—(1) a person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of a written permission granted by the Authority under this Article.

(2) For the purpose of this Article dropping includes projecting and lowering.

(3) Notwithstanding the grant of a permission under paragraph (1) of this Article, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Authority under this Article.

(5) Every applicant for and every holder of a permission shall make available to the Authority if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the Authority may require. The holder of a permission shall make available to every employee or person who is or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Without prejudice to any other provision to this Order the Authority may, for the purpose of this Article, accept reports furnished to it by a person whom it may approve, either absolutely or subject to such conditions as it thinks fit, as qualified to furnish such reports.

(7) Nothing in this Article shall apply to the descent of persons by parachute from an aircraft in an emergency.";

(15) For Article 41 there shall be substituted the following Article—

"**41.**—(1) An aircraft shall not carry any munition of war unless—

(a) such munition of war is carried with the written permission of the Authority and in accordance with any conditions relating thereto, and

(b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board the aircraft and any conditions of the permission of the Authority.

(2) Notwithstanding paragraph (1) of this Article it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or to take or cause to be taken on board an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless—

(a) the weapon or munition of war:

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon, and

(ii) is carried in a part of the aircraft inaccessible to passengers, and

(iii) in case of a firearm, is unloaded, and

(b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences, and

(c) without prejudice to paragraph (1) of this Article the operator consents to the carriage of such weapon or munition of war on the aircraft.

(4) Nothing in this Article shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom, if the weapon or munition of war, as the case may be, may under the law of the country 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.

(5) For the purposes of this Article a "munition of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons including parts, whether components or accessories, for such weapon, ammunition or article.";

(16) For Article 42 there shall be substituted the following Article—

"**42.**—(1) Without prejudice to any other provisions of this Order, the Secretary of State may make regulations prescribing—

(a) the classification of certain articles and substances as dangerous goods;

(b) the categories of dangerous goods which an aircraft may not carry;

(c) the conditions which apply to the loading on and carriage by an aircraft of dangerous goods;

(d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on or carried in an aircraft;

(e) any other provisions for securing the safety of aircraft and the safety of persons and property on the surface in relation to the loading on or carriage by an aircraft of dangerous goods;

(f) the persons to whom information about the carriage of dangerous goods must be provided;

(g) the documents relating to the carriage by an aircraft of dangerous goods which must be produced to the Authority or an authorised person on request.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) The provisions of this Article and of any regulations made thereunder shall be additional to and not in derogation from the provisions of Article 41 of this Order.";

(17) In Article 44, for paragraph (3) there shall be substituted the following paragraph—

"(3) Every exit from the aircraft shall be marked with the words "Exit" or "Emergency Exit" in capital letters.";

(18) In Article 58 the words "and it remains registered in the United Kingdom" and "and registered in the United Kingdom" shall be deleted from paragraphs *(a)* and *(b)* respectively;

(19) For Article 71 there shall be substituted the following Article—

"**71.**—(1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Authority and the equipment thereof is of a type the specification of which is approved by the Authority in relation to the purpose for which it is to be used.

(2) The person in charge of an aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are:

(a) installed, modified and maintained in a manner approved by the Authority; and

(b) flight checked by the Authority or by a person approved by the Authority for that purpose on such occasions as the Authority may require:

Provided that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by any aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Authority may if it thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) The provisions of this Article shall not apply in respect of any aeronautical radio station of which the person in charge is the Authority or the Secretary of State.";

(20) For Article 72 there shall be substituted the following Article—

"**72.**—(1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome:

(a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and

(b) preserve the written record for a period of one year 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.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with paragraph (2) of this Article shall be:

(a) of a type the specification of which is approved by the Authority in relation to the particular aeronautical radio station; and

(b) installed, modified and maintained in a manner approved by the Authority; and

(c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of this Article includes:

(a) the identification of the aeronautical radio station; and

(b) the date or dates on which the record was made; and

(c) a means of determining the time at which each message or signal was transmitted; and

(d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and

(e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) of this Article ceases to be capable of recording the matters required by this Article to be included in the record the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in paragraph (4) of this Article are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with paragraphs (2) and (5) of this Article for a period of 30 days from the date on which the message or signal was recorded or for 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.

(7) A person required by this Article to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had

not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this Article shall not apply in respect of any aeronautical radio station of which the person in charge is the Authority or the Secretary of State.";

(21) For Article 76 there shall be substituted the following Article—

"**76.**—(1) Except with the permission of the Authority and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of:

(a) an aeronautical beacon within the United Kingdom:

Provided that in the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the Authority shall not give its permission for the purpose of this article except with the consent of that authority, or

(b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Authority.";

(22) In Article 77(1)*(b)* the word "ground" shall be inserted between the words "aeronautical" and "light";

(23) In Article 83(1)*(a)* for the words "40 or 41" there shall be substituted "41 or 42";

(24) In Article 93, in paragraph (1) for the definition of "Aeronautical light" there shall be substituted the following new definitions—

"aeronautical beacon" means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

"aeronautical ground light" means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;";

(25) In Schedule 1, in Column 3 of the Table in Part A for "non-mechanically" and "mechanically" there shall be substituted respectively "non-power driven" and "power driven";

(26) In Schedule 1, Part B, in paragraph 2 I*(b)*(iii) for the word "the" preceding the word "side" there shall be substituted the word "each";

(27) In Schedule 2, in the paragraph headed "*A and B Conditions*" for "38(5)" there shall be substituted "38(6)";

(28) In Schedule 4—

(a) for the words "certificates of maintenance" wherever they occur there shall be substituted the words "certificates of maintenance review";

(b) for the words "certificates of compliance" wherever they occur there shall be substituted the words "certificates of release to service";

(c) after the words "a type rating has been included in his licence" in the privileges of the aircraft maintenance engineers—Category A (aircraft) licence there shall be added "and in relation to such instruments, electrical equipment, automatic pilots and radio stations as may be specified by the Authority as being appropriate to such aircraft";

(d) after the words "a type rating has been included in his licence" in the privileges of the aircraft maintenance engineers—Category C (engines) licence there shall be added "and in relation to such instruments, electrical equipment and automatic pilots as may be specified by the Authority as being appropriate to such engines,";

(29) In Schedule 5—

(a) in paragraph 4(2)*(b)*(xii) for the word "area" there shall be substituted "areas";

(b) in paragraph 4(9)*(a)*(iii) there shall be deleted from the column "Scale of Equipment Required" "*(b)*" wherever it appears;

(c) in paragraph 4(10) after sub-paragraph *(b)* there shall be added the following new sub-paragraph *(c)* in the column "Helicopters and Gyroplanes":

"*(c)* which have a certificate of airworthiness issued in the Transport category (passenger or cargo) and which have either a maximum total weight authorised exceeding 2,700kg. or which may carry more than 9 passengers"

and the words "when flying on any flight" and "S" shall be added respectively to the columns "Circumstances of Flight" and "Scale of Equipment Required";

(d) in paragraph 5, Scale B(iii) *(b)*:

(i) for the word "aeroplanes" there shall be substituted "aircraft";

(ii) in the proviso the word "either" shall be inserted between "1984" and "to" and after "1981" there shall be added the following words "or to helicopters.";

(e) in paragraph 5, Scale F(i) for the words "with a sweep second hand" there shall be substituted the words "indicating the time in hours, minutes and seconds;";

(f) in paragraph 5, Scale O:

(i) for the words "continue if the set is unserviceable" in the proviso there shall be substituted the following—

"commence if the set is unserviceable or continue if the set becomes unserviceable thereafter:";

(ii) in sub-paragraph (b) of the proviso for the words "on take-off, but" there shall be substituted the word "when";

(g) in paragraph 5, Scale S:

(i) after sub-paragraph (iii) there shall be added the following sub-paragraph (iv)—

"(iv) in respect of helicopters having a maximum total weight authorised exceeding 2,700kg. or a seating capacity exceeding 9 passengers, a 4 channel cockpit voice recorder which has attached to it an under-water sonar location device.";

(ii) in the proviso, for the word "aeroplane" there shall be substituted the word "aircraft";

(h) in paragraph 5, Scale T after the word "device" there shall be added the following words—"except in respect of those helicopters which have a device attached to a cockpit voice recorder in accordance with Scale S.";

(30) In Schedule 6, in paragraph 2(2) there shall be added the following sub-paragraph:

"*(c)* when flying at or above flight level 100. . . ." in relation to which there shall be added to the column headed "E", "E*";

(31) In Schedule 9 Part A—

(a) in paragraph 1—

(i) in paragraph (2) of the privileges of the Commercial Pilot's Licence (Aeroplanes) there shall be added to the proviso the following sub-paragraph—

"*(e)* He shall not fly such an aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane.";

(ii) there shall be added to paragraph (3) of the privileges of the Commercial Pilot's Licence (Aeroplanes) the following proviso—

"Provided that he shall not act as co-pilot of any aeroplane whose maximum total weight authorised exceeds 20,000kg. on any flight for the purpose of public transport after he attains the age of 60 years.";

(iii) there shall be added to the privileges of the Commercial Pilot's Licence (Aeroplanes) a new sub-paragraph—

"(4) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.";

(iv) for the privileges of the Airline Transport Pilot's Licence (Aeroplanes) there shall be substituted the following paragraph—

"The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that proviso *(d)* to Paragraph (2) of those privileges shall not apply and the holder of the licence shall not at any

time after he attains the age of 60 years act as pilot in command or co-pilot of any aeroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000kg.";

(b) in paragraph 2—

(i) in paragraph (2) of the privileges of the Commercial Pilot's Licence (Helicopters and Gyroplanes) there shall be added to the proviso the following sub-paragraph—

"*(e)* He shall not fly such a helicopter or gyroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the helicopter or gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that helicopter or gyroplane.";

(ii) there shall be added to paragraph (3) of the privileges of the Commercial Pilot's Licence (Helicopters and Gyroplanes) the following proviso—

"Provided that he shall not act as co-pilot of any helicopter or gyroplane whose maximum total weight authorised exceeds 20,000kg. on any flight for the purpose of public transport after he attains the age of 60 years.";

(iii) there shall be added to the privileges of the Commercial Pilot's Licence (Helicopters and Gyroplanes) a new sub-paragraph—

"(4) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any helicopter or gyroplane on a flight for the purpose of public transport.";

(iv) for the privileges of the Airline Transport Pilot's Licence (Helicopters and Gyroplanes) there shall be substituted the following paragraph—

"The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that proviso *(b)* to paragraph (3) of those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot in command or co-pilot of any helicopter or gyroplane for the purpose of public transport if its maximum total weight authorised exceeds 20,000kg.";

(32) In Schedule 9 Part C in the Table in paragraph 1*(a)* for the words relevant to Case E in the column headed "Description of Flight" there shall be substituted the words "Any flight within the privileges of a Private Pilot's Licence.";

(33) In Schedule 11 Part A after paragraph (xv) for the colon there shall be substituted a semi-colon after which there shall be added the following paragraph:

"(xvi) the labelling and marking of dangerous goods, the manner in which they must be loaded on an aircraft and the responsibilities of members of the crew in respect of the carriage of dangerous goods:";

(34) In Schedule 12—

(a) in the definition of "E" after the words "certificate of maintenance" there shall be inserted the word "review";

(b) in the definition of "F" for the words "Article 9(6) and the log book, if any, in which entries are required to be made under Article 10(5)" there shall be substituted "Article 9A".

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

In addition to some minor and drafting amendments, the principal changes are:

(1) The Authority may now keep the register of aircraft in the United Kingdom on computer provided that the particulars so recorded can be reproduced in a legible form. (Article 2(2)).

(2) A certificate of airworthiness now becomes invalid if an inspection required by the maintenance schedule approved by the Authority in respect of the aircraft has not been carried out. (Article 2(3)).

(3) Certificates of maintenance are now replaced by certificates of maintenance review which must certify not only that an aircraft has been maintained in accordance with the maintenance schedule approved by the Authority in respect of the aircraft but also that the aircraft has been inspected and modified as required by the Authority, that defects entered in the technical log of the aircraft have been rectified or deferred in accordance with procedures approved by the Authority and that certificates of release to service have been issued in respect of the overhaul, repair, replacement, modification, maintenance or inspection of the aircraft. Every United Kingdom registered aircraft which has a certificate of airworthiness in the transport or aerial work category, whether or not it is in fact flying for purposes of public transport or aerial work, is now prohibited from flying unless it has been maintained in accordance with a maintenance schedule approved by the Authority and it has a valid certificate of maintenance review. An aircraft is no longer permitted to fly solely for training purposes if the radio station has not been maintained in accordance with the approved maintenance schedule or if there is no certificate of maintenance review in force in respect of the radio station. (Article 2(4)).

(4) A technical log must now be kept for any United Kingdom registered aircraft which has a certificate of airworthiness in the transport or aerial work category, whether or not it is in fact flying for the purpose of public transport or aerial work. The commander of the aircraft need not now include in the details recorded in the technical log particulars of any defect which does not

affect the airworthiness or safe operation of the aircraft, but he must include any other particulars which the Authority may require in respect of the airworthiness or operation of the aircraft. In the case of an aircraft whose maximum total weight authorised does not exceed 2,730kg. and which is not operated by a person who holds or is required to hold an air operator's certificate, the details may, instead of being entered in the technical log, be entered in some other record approved by the Authority. (Article 2(5)).

(5) Certificates of compliance are now replaced by certificates of release to service which must be issued not only when a part of an aircraft or its equipment has been inspected, overhauled, repaired, replaced or modified but also when the aircraft has been maintained. The dispensation for owners and operators of small aircraft doing prescribed repairs is now confined to aircraft in the private and special categories. (Article 2(6)).

(6) Individual safety leaflets containing pictorial information and instructions are now required to be provided for each passenger on a public transport aircraft registered in the United Kingdom unless the Authority has given written permission for a notice or notices to be exhibited in each passenger compartment. (Article 2(7)).

(7) For the avoidance of doubt it is expressly provided that the Authority may approve courses of training or instruction, persons to provide such courses, persons as qualified to furnish reports to it and the Authority may also authorise persons to conduct examinations and tests specified by it in relation to the functions of the Authority in licensing flight crews. (Article 2(8)).

(8) A member of the flight crew of an aircraft may now be required to operate radio or radio equipment with which the aircraft is required to be equipped by either the appropriate air traffic control unit or when flying in notified airspace. (Article 2(11)).

(9) From 21st June 1984 a helicopter on any flight will be required to be equipped with a 4-channel cockpit voice recorder to which is attached an under-water sonar location device if the certificate of airworthiness is issued in the transport category and the helicopter either has a maximum total weight authorised exceeding 2,700kg. or the capacity to carry more than 9 passengers. (Article 2(29)(c), (g) and (h)).

On flights by such helicopters the cockpit voice recorder is required always to be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped. (Article 2(12)).

(10) Parachuting from an aircraft flying over the United Kingdom is now allowed with the written permission of the Authority. An aircraft may now only be used for such purposes if the certificate of airworthiness includes an express provision that the aircraft may be used for that purpose and in accordance with the provisions thereof. Every applicant for and holder of such a permission is required to make available to the Authority a parachuting manual if requested to do so and is required to make such amendment or addition to the manual as the Authority may require. (Article 2(13) and (14)).

(11) An aircraft may now carry a munition of war with the written permission of the Authority if the operator of the aircraft has previously informed the commander in writing of the conditions of such permission and the details of the type, weight, quantity and location of the munition of war. A person may now have in his possession or cause to be taken on board an

aircraft a weapon or munition of war if he has furnished the operator with particulars before the flight commences and the operator consents to the carriage of such weapon or munition of war which must be consigned as cargo or be part of a passenger's baggage and stowed in a place inaccessible to passengers and, in the case of a firearm, be unloaded. Foreign registered aircraft may if permitted by the law of the state in which they are registered carry weapons or munitions of war for the purpose of ensuring the safety of the aircraft or of persons on board. (Article 2(15)).

(12) The Secretary of State may now make regulations prescribing the classification of articles and substances as dangerous goods and the conditions which apply to the carriage of such goods by aircraft including the manner in which they must be packed, marked, labelled and consigned and loaded. Regulations may also prescribe the documents which must be produced to the Authority or an authorised person and the persons to whom information about the carriage of dangerous goods must be provided. It shall be an offence to contravene or permit the contravention of such regulations. (Article 2(16)).

(13) Every exit from a public transport aircraft registered in the United Kingdom must be marked as either an Exit or Emergency Exit in capital letters. (Article 2(17)).

(14) A person who has ceased to be the operator of an aircraft is no longer required to preserve certain documents relating to the aircraft or its engines if another person who has become the operator of the aircraft or the aircraft in which the engines are installed demands delivery of those documents even though the aircraft ceases to remain registered in the United Kingdom. (Article 2(18)).

(15) The provisions of Articles 71 and 72 are no longer restricted to licensed aerodromes from which aircraft of which the maximum total weight authorised exceeds 2,730kg. operate on flights for the public transport of passengers.

The Authority is now required to approve the purpose of any aeronautical radio station before it is established or used and its equipment must be of a type of which the specification has been approved by the Authority for the purpose for which it is to be used.

The person in charge of an aeronautical radio station the purpose of which is to provide radio or radar navigational aid to aircraft making an approach to land at an aerodrome must now have all aeronautical radio stations operated by him at that aerodrome installed, modified, maintained and flight checked by the Authority or by a person approved by the Authority before he may provide such navigational aid. He must also notify the type and hours of operation of any service available for use by aircraft if the aeronautical radio station is at an aerodrome for which a licence for public use has been granted, or in the case of an aeronautical radio station at any other aerodrome, if he is required to do so by the Authority in approving the purpose for which the aeronautical radio station is to be used.

Instead of the aerodrome licensee the person in charge of an aeronautical radio station approved by the Authority is now required to keep written records and recording apparatus which must record specified particulars at all times when the aeronautical radio station is in operation for providing an air traffic control service. (Article 2(19) and (20)).

(16) New definitions of the expressions "aeronautical beacon" and "aeronautical ground light" replace the definition of "aeronautical light" (Article 2(24)). The permission of the Authority is now only required for establishing, maintaining or altering the character of an aeronautical beacon within the United Kingdom or an aeronautical ground light which is at a licensed aerodrome or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome. (Article 2(21)).

(17) For the avoidance of doubt it is expressly provided that the privileges of an aircraft maintenance engineer's Category A (aircraft) or Category C (engines) Licence enable the licensed engineer to issue certificates in relation to such instruments, electrical equipment, automatic pilots as may be specified by the Authority in relation to such aircraft or engine or such radio station as may be specified by it in relation to such aircraft. (Article 2(28)).

(18) On all flights for the purpose of the public transport of passengers on helicopters from 21st June 1984 there shall be a safety harness for each seat for use by cabin attendants and the minimum number of harnesses shall correspond to the maximum number of cabin attendants which the helicopter is required to carry. (Article 2(29)(d)).

(19) Aircraft registered in the United Kingdom flying for the purpose of public transport or within controlled airspace may now carry either an analogue or a digital display time piece. (Article 2(29(e)).

(20) All aircraft, other than gliders, are now required to be provided with secondary surveillance radar when flying above Flight Level 100, unless the appropriate air traffic control unit otherwise permits in relation to a particular flight and provided the aircraft complies with any instructions given by the air traffic control unit in a particular case. (Article 2(30)).

(21) From 21st December 1986 the privileges of the Commercial and Airline Transport Pilot's Licences (Aeroplanes) and (Helicopters and Gyroplanes) will be restricted so that after he has reached 60 the holder of a licence may only fly an aircraft which weighs 20,000kg. or less if it is fitted with dual controls and he is accompanied by a second appropriately licensed pilot who has not yet attained the age of 60. After he has reached 65 the holder of a licence is not permitted to fly any aircraft flying for the purpose of public transport. (Article 2(31)).

(22) For the avoidance of doubt Case E of the Table in Part C of Schedule 9 has been amended to make it clear that a certificate of test or certificate of experience is appropriate for any flight within the privileges of a Private Pilot's Licence including aerial work consisting of the giving of instruction in flying or the conducting of flying tests in either case in an aeroplane owned, or operated under arrangements entered into by a flying club. (Article 2(32)).

(23) The operator of a public transport aircraft who is required to produce an operations manual in respect of that aircraft shall from 21st June 1984 include therein information and instructions relating to the labelling and marking of dangerous goods, the manner in which they must be loaded in an aircraft and the responsibilities of members of the crew in respect of the carriage of dangerous goods. (Article 2(33)).

SI 1983/1905
ISBN 0-11-037905-5

