1963 No. 608

CIVIL AVIATION

The Air Navigation (Third Amendment) Order 1963

Made - - - -	*26th March* 1963
Laid before Parliament	*1st April* 1963
Coming into Operation	*1st May* 1963

At the Court of Saint James, the 26th day of March 1963

Present,

Her Majesty Queen Elizabeth The Queen Mother

His Royal Highness The Duke of Gloucester

Lord President	**Mr. Boyd-Carpenter**
Chancellor of the Duchy of Lancaster	**Mr. Deedes**

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the twenty-second day of January, 1963, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Duke of Gloucester, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 8 and 57 of the Civil Aviation Act 1949(a) and of all other powers in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows: —

Citation and Operation

1. This Order may be cited as the Air Navigation (Third Amendment) Order 1963 and shall come into operation on 1st May 1963.

(a) 12, 13 & 14 Geo. 6. c. 67.

Interpretation

2.—(1) In this Order, "the Principal Order" means the Air Navigation Order 1960(a), as amended(b).

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

Amendment of Air Navigation Order 1960

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

(1) In Article 3A (8) in the definition of "operator" the word "business" shall be omitted.

(2) in Article 6 (3)—

after sub-paragraph (*b*) there shall be inserted the following sub-paragraph—

"(*bb*) the holder of a licence as such an engineer 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"

(3) in Article 7—

after paragraph (4) (*b*) there shall be inserted the following sub-paragraph—

"(*bb*) the holder of a licence as such an engineer 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"

after paragraph (4) (*d*) there shall be added the following—

"or

(*e*) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Flying Machines), a Senior Commercial Pilot's Licence (Flying Machines) or a Flight Navigator's Licence.";

after paragraph (5) there shall be added the following paragraph—

"(6) 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."

(4) in Article 19 for paragraph (1) there shall be substituted the following paragraph—

"19.—(1) A person shall not give any instruction in flying to any person flying or about to fly a flying machine for the purpose of becoming qualified for—

(*a*) the grant of a pilot's licence; or

(*b*) the inclusion in a pilot's licence of an aircraft rating entitling the holder of the licence to act as pilot of—

(i) a multi-engined aircraft, or

(a) S.I. 1960/972 (1960 I, p. 599).
(b) S.I. 1960/2410, 1962/1332 (1960 I, p. 680; 1962 II, p. 1423).
(c) 52 & 53 Vict. c. 63.

(ii) an aircraft of any class appearing in column 4 of the Table in Part A of the First Schedule to this Order,

if the person under instruction has not been previously entitled under the Act, or qualified in any of Her Majesty's naval, military or air forces, to act as pilot of a multi-engined aircraft, or of an aircraft of that class as the case may be; or

(*c*) the inclusion or variation of any rating, other than an aircraft rating, in a pilot's licence,

unless: —

(i) the person giving the instruction holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which instruction is to be given; and

(ii) such licence includes a flying instructor's rating or an assistant flying instructor's rating entitling the holder, in accordance with the privileges specified in the Ninth Schedule to this Order in respect of that rating, to give the instructions; and

(iii) if consideration is given for the instruction, such licence entitles the holder to act as pilot in command of an aircraft flying for the purpose of public transport:

Provided that sub-paragraph (iii) of this paragraph shall not apply if the aircraft is owned, or is operated under arrangements entered into, by a flying club of which both the person giving and the person receiving the instruction are members."

(5) in Article 52 (2)—

in the fifth line, for the words "or preserved" there shall be substituted the words "preserved or made available";

in sub-paragraph (*d*), for the word and letter "and F" there shall be substituted the word and letters "F and H"; and

after sub-paragraph (*e*) there shall be added the following sub-paragraph—

"(*f*) any such operations manuals as are required to be made available under Article 21 (2) (*a*) (i) of this Order."

(6) In Article 79 (1) for the definition of "The Commonwealth" there shall be substituted the following definition—

""The Commonwealth" means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in section 1 (3) of the British Nationality Act 1948(**a**) and all other territories forming part of Her Majesty's dominions or in which Her Majesty has jurisdiction."

(7) in the Fifth Schedule in sub-paragraph (2) (*d*) (ii) of the Table in paragraph 4 after the word "that" in the fourth line, there shall be inserted the words—

"with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Minister".

(a) 11 & 12 Geo. 6. c. 56.

(8) in Part B of the Tenth Schedule

for paragraph 1 (2) there shall be substituted the following sub-paragraph—

"(2) *Pilots*

(*a*) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator—

(i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft;

(ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Minister for the purpose by means of apparatus so approved in which flight conditions are simulated on the ground. The tests specified in sub-paragraph (2) (*a*) (ii) of this paragraph when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the Minister.

(*b*) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relevant period have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight

(i) as to his competence to act as pilot thereof, while executing normal manoeuvres and procedures, and

(ii) as to his competence to act as pilot thereof while executing emergency manoeuvres and procedures."

for paragraph 1 (5) (*a*) (ii) there shall be substituted the following sub-paragraph—

"(ii) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Minister or under the supervision of a person approved by the Minister for the purpose by means of apparatus so approved in which flight conditions are simulated on the ground.";

for paragraph 1 (6) there shall be substituted the following sub-paragraph—

"(6) For the purposes of this paragraph—

"instrument flight conditions" means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;

"relevant period" means a period which immediately precedes the commencement of the flight, being a period—

(*a*) in the case of sub-paragraph (5) (*a*) (iii) of this paragraph, of three months;

(*b*) in the case of sub-paragraphs (2) (*a*) (ii), (2) (*b*) (ii), (3) and (5) (*a*) (ii) of this paragraph, of six months;

(*c*) in the case of sub-paragraphs (1), (2) (*a*) (i), (2) (*b*) (i), (4) and (5) (*a*) (i) of this paragraph, of thirteen months;

Provided that—

(i) any pilot of the aircraft to whom the provisions of sub-paragraphs (2) (*a*) (ii), (2) (*b*) (ii), or (5) (*a*) (ii) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3) of this paragraph apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on two occasions within the period of thirteen months immediately preceding the flight, such occasions being separated by an interval of not less than four months;

(ii) the requirements of sub-paragraph (5) (*a*) (i) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so to act on flights between the same places over the same route more than thirteen months before commencement of the flight, he has within the period of thirteen months immediately preceding the flight flown as pilot of an aircraft between those places over that route."

(9) in the Eleventh Schedule—

in the list of documents to be carried on a flight for the purpose of public transport after the letter "F" there shall be inserted the letter "H"; and

after the definition of document "G" there shall be inserted the following definition—

""H" means the operations manual, if any, required by Article 21 (2) (*a*) (ii) of this Order to be carried on the flight."

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Air Navigation Order 1960 as previously amended. In addition to some minor and drafting amendments, the following changes are made in the Articles and Schedules mentioned below :—

(1) Maintenance engineers who hold licences under the law of such countries as the Minister of Aviation may prescribe are empowered to issue certificates of maintenance and compliance for aircraft registered in the United Kingdom (Articles 6 (3) and 7 (4)).

(2) Holders of Airline Transport Pilots' Licences (Flying Machines), Senior Commercial Pilots' Licences (Flying Machines) or Flight Navigators' Licences are empowered to issue certificates of compliance in relation to the adjustment and compensation of direct reading magnetic compasses (Article 7 (4)).

(3) Authorised persons are empowered to require the production of the copies of the operations manual made available to operating staff and carried in the aircraft (Article 52 (2) ; Eleventh Schedule).

(4) Changes are made in the requirements for competency checks for crews of public transport aircraft. The principal changes are that tests formerly required every 12 months are required every 13 months, while the test of a pilot's ability to execute normal manoeuvres and procedures in flight is required every 13 months only ; the tests of ability to execute emergency manoeuvres and procedures in flight will, as before, be required every 6 months (Tenth Schedule, Part B).