STATUTORY INSTRUMENTS

1968 No. 1857

CIVIL AVIATION

The Air Navigation (Third Amendment) Order 1968

Made - - - -	22*nd November* 1968
Laid before Parliament	28*th November* 1968
Coming into Operation	
(a) *for all purposes of Article* 3(2), (4), (5) *and* (6)	1*st January* 1970
(b) *for all other purposes*	9*th December* 1968

At the Court at Buckingham Palace, the 22nd day of November 1968

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8, 57 and 59 of the Civil Aviation Act 1949(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and Operation

1. This Order may be cited as the Air Navigation (Third Amendment) Order 1968 and shall come into operation on 1st January 1970 for all purposes of paragraphs (2), (4), (5) and (6) of Article 3, and on 9th December 1968 for all other purposes.

Interpretation

2.—(1) In this Order, "the Principal Order" means the Air Navigation Order 1966(b), as amended (c).

(2) The Interpretation Act 1889(d) 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 1966

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

(1) In Article 10, the following paragraph shall be inserted after paragraph (6) as paragraph (6A):

"(6A) Without prejudice to paragraph (2) of this Article, all navigational equipment (other than radio apparatus) of any of the following types, namely:

(a) 1949 c. 67. (b) S.I. 1966/1184 (1966 III, p. 3073).
(c) S.I. 1966/1408; 1967/1678 (1966 III, p. 3769; 1967 III, p. 4592). (d) 1889 c. 63.

(*a*) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it, and

(*b*) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Board either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.".

(2) In the proviso to Article 17(2) for sub-paragraph (*e*) there shall be substituted the following sub-paragraph:

"(*e*) a person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), flying instructor's rating, assistant flying instructor's rating, or instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a certificate signed by a person authorised by the Board to sign such certificates, indicating that the holder of the licence has, within the period of 13 months in the case of an instrument rating (aeroplanes) and an assistant flying instructor's rating, and 25 months in the case of a flying instructor's rating and an instrument meteorological conditions rating (aeroplanes) preceding the day on which he performs those functions, passed a test of his ability to perform the functions to which the rating relates, being a test carried out in flight in the case of the three last-named ratings, and in the case of the first-named rating, either in flight or by means of apparatus approved by the Board in which flight conditions are simulated on the ground;".

(3) In Article 77, for the words in parenthesis, there shall be substituted "(including an application for, or the issue of a copy of, any such document)".

(4) In Article 83(1):

(*a*) after the definition of "Instrument Flight Rules" there shall be inserted the following definition:

" "Instrument Meteorological Conditions" means weather precluding flight in compliance with the Visual Flight Rules;";

(*b*) after the definition of "Seaplane" there shall be inserted the following definition:

" "Special VFR flight" means a flight which is a special VFR flight for the purposes of rules prescribed under Article 59(1) of this Order;".

(5) In Schedule 9, Part A—Licences:

(*a*) for the Privileges of the Private Pilot's Licence (Aeroplanes) there shall be substituted the following:

"*Privileges:* The holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified in the aircraft rating included in the licence:

Provided that:

(*a*) he shall not fly such an aeroplane for the purpose of public transport or aerial work;

(*b*) he shall not receive any remuneration in respect of the flight, other than remuneration for the giving of instruction in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are members;

(*c*) he shall not, unless his licence includes an instrument meteorological conditions rating, fly as pilot in command of such an aeroplane:

(i) on a flight outside controlled airspace:

(aa) when the visibility is less than one nautical mile; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a visibility of less than 3 nautical miles; or

(ii) on a special VFR flight in a control zone in a visibility of less than 5 nautical miles;

(*d*) he shall not fly as pilot in command of such an aeroplane at night on a flight on which any passenger is carried unless:

(i) his licence includes a night rating (aeroplanes); and

(ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 6 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon".

(*b*) In the Privileges of the Commercial Pilot's Licence (Aeroplanes), Senior Commercial Pilot's Licence (Aeroplanes) and Airline Transport Pilot's Licence (Aeroplanes) after "In addition to the privileges given above for the Private Pilot's Licence (Aeroplanes)" there shall be inserted "which includes an instrument meteorological conditions rating,".

(6) In Schedule 9, Part B—Ratings, after the specification of the consequences of having an Aircraft Rating, there shall be inserted the following:

"*Instrument Meteorological Conditions Rating* (*Aeroplanes*) shall entitle the holder of a private pilot's licence (aeroplanes) to fly as pilot in command of an aeroplane:

(*a*) on a flight outside controlled airspace:

(i) when the visibility is less than one nautical mile; or

(ii) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in Instrument Meteorological Conditions or at or below 3,000 feet above mean sea level in a visibility of less than 3 nautical miles; or

(*b*) on a special VFR flight in a control zone in a visibility of less than 5 nautical miles.".

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1966, as previously amended.

In addition to some minor drafting amendments the following changes are made in the Articles mentioned below:

(1) Whenever a United Kingdom registered aircraft carries non-radio navigational equipment, comprising inertial or automatic-astro navigational systems, the equipment is now required to be of a type approved by the Board of Trade and also to be installed in the aircraft in a manner so approved (Article 10(6A)).

(2) A new instrument meteorological conditions rating for private pilots of aeroplanes is introduced and the privileges of a private pilot's licence (aeroplanes) will no longer entitle the holder to fly in all weather conditions unless he is the holder of the new IMC rating. As with other ratings, the holder of an IMC rating will only be entitled to exercise the privileges thereof if his licence includes a valid certificate of test (Article 17(2) (*e*) and Schedule 9 Parts A and B).

(3) Fees may now be prescribed for applications for certificates, licences or other documents (Article 77).

The changes referred to in paragraphs (1) and (3) above take effect on 9th December 1968. The change referred to in paragraph (2) takes effect on 1st January 1970.