AIR NAVIGATION

1953 No. 402

The Colonial Air Navigation (Amendment) Order, 1953

Made - - - -	11*th March*, 1953
Laid before Parliament	12*th March*, 1953
Coming into Operation	1*st June*, 1953

At the Court at Buckingham Palace, the 11th day of March, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas in pursuance of the powers conferred upon Him by the Air Navigation Acts, 1920(**a**) to 1947(**b**), and the Colonial Air Navigation (Application of Acts) Orders, 1937(**c**) to 1947(**d**), His late Majesty King George the Sixth was pleased to make the Colonial Air Navigation Order, 1949(**e**), which Order, as amended by the Colonial Air Navigation (Amendment) Order, 1950(**f**), the Colonial Air Navigation (Amendment) Order, 1951(**g**), and the Colonial Air Navigation (Amendment) Order, 1952(**h**), is hereinafter referred to as the " principal Order " :

And Whereas the Civil Aviation Act, 1949(**i**), repealed the Air Navigation Acts, 1920 to 1947, but saved certain provisions thereof:

And Whereas in pursuance of the powers conferred upon Her by the Civil Aviation Act, 1949, Her Majesty was pleased to make the Colonial Civil Aviation (Application of Act) Order, 1952(**j**) :

And Whereas the Colonial Civil Aviation (Application of Act) Order, 1952, revoked the Colonial Air Navigation (Application of Acts) Orders, 1937 to 1947, but saved, together with certain other instruments, any Order in Council made in pursuance of those Orders prior to their revocation:

And Whereas it is expedient that the principal Order should be amended in manner hereinafter appearing:

Now, therefore, Her Majesty, in pursuance of the powers conferred upon Her by the Civil Aviation Act, 1949, and the Colonial Civil Aviation (Application of Act) Order, 1952, 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 :—

(a) 10 & 11 Geo. 5. c. 80.
(b) 10 & 11 Geo. 6. c. 18.
(c) S.R. & O. 1937/378; Rev. I, p. 1200; 1937, p. 141.
(d) S.R. & O. 1947/2738; Rev. I, p. 1200; 1947 I, p. 70.
(e) S.I. 1949/2003; 1949 I, p. 359.
(f) S.I. 1950/1188; 1950 I, p. 329.
(g) S.I. 1951/1776; 1951 I, p. 215.
(h) S.I. 1952/869; 1952 I, p. 112.
(i) 12, 13 & 14 Geo. 6. 67.
(j) S.I. 1952/868; 1952 I, p. 565.

Amendment of principal Order

1. The principal Order shall be amended in accordance with the following provisions:—

(1) For paragraph (5) of Article 16 there shall be substituted the following:—

"(5) A public transport aircraft of any class or description prescribed in relation to this paragraph shall not fly or attempt to fly unless—

(*a*) Written loading instructions have been given by the operator of the aircraft to the person superintending the loading of the aircraft instructing him how the load is to be distributed and secured to ensure

(i) that the load may safely be carried on the proposed flight, and

(ii) that the conditions on which the certificate of airworthiness relating to the aircraft was issued or rendered valid are complied with;

(*b*) The person superintending the loading of the aircraft for the proposed flight has made out, signed and dated a load sheet in duplicate containing the prescribed particulars, and the said load sheet has been submitted to and examined by the person in command of the aircraft."

(2) For Article 17 there shall be substituted the following Articles:—

"17.—(1) Subject to the provisions of paragraph (2) of this Article, this Article shall have effect in relation to public transport aircraft registered in the Colony.

(2) (*a*) This Article shall not have effect in relation to aircraft for the time being used solely for the purpose of training persons carried therein to perform duties in an aircraft;

(*b*) Paragraphs (5) and (6) of this Article shall not have effect in relation to aircraft flown in accordance with the Visual Flight Rules in Section IV of the Second Schedule to this Order if the aircraft is for the time being used solely either (i) for local pleasure flights commencing from and finishing at the same aerodrome with no intermediate landings, or (ii) for flights other than flights made on a scheduled journey and the total maximum weight authorised for the aircraft as shown for the time being in its certificate of airworthiness does not exceed 5,000 lb.

(3) The operator of the aircraft (hereinafter in this Article called "the operator") shall ensure that every member of the operating crew thereof (hereinafter in this Article called "the operating crew") is fully instructed as to the duties and responsibilities to be discharged by him in the capacity in which he is acting as such member and as to the relationship of such duties and responsibilities to the operations system of any air route over which he may be called upon to discharge the same and that he has adequate knowledge of every such air route.

(4) The operator shall ensure that every member of the operating crew has training, practice and periodical tests in accordance with such requirements as may be prescribed with respect to those matters.

(5) The operator shall provide for the use and guidance of the members of the operating crew an Operations Manual containing such particulars as may be prescribed and such further information as will enable them to become fully acquainted with the nature of any flying operations in which they will be engaged and their respective duties and responsibilities in relation thereto.

(6) The following provisions of this paragraph shall have effect with respect to the said Manual—

(*a*) the operator shall cause the Manual to be revised from time to time as may be necessary in consequence of any change affecting the operation of the aircraft or the equipment thereof or as may otherwise appear to the operator to be necessary ;

(*b*) the operator shall cause copies of the Manual and of any revised portion thereof to be furnished to the members of the operating crew and to such other persons as appear to the operator to be persons to whom it is necessary or expedient that such copies should be supplied ;

(*c*) the operator shall ensure that all copies of the Manual in the hands of members of the operating crew are kept so revised as to show at any time any variation which may then have been made in the requirements with respect to the matters to which the Manual relates ;

(*d*) the operator shall cause to be furnished to the Governor copies of such parts of the Manual as the Governor may from time to time require including any revisions therein.

(7) The operator shall maintain current records of the flight times of every member of the operating crew and shall establish limitations on those flight times such as to ensure that the safety of the aircraft is not endangered by reason of fatigue of any such member attributable to the length or frequency of his flight times.

(8) The Governor may take such measures as he may consider necessary to satisfy himself that the provisions of paragraphs (3) to (7) of this Article are being complied with by the operator.

(9) In this Article the expression " flight time " means any period in the course of the time from the moment at which any aircraft first moves under its own power for the purpose of taking-off for a flight until the moment at which it comes to rest at the end of that flight during which a member of the operating crew of the aircraft is engaged in discharging or remains liable to discharge his duties and responsibilities in the capacity in which he is acting as such member.

17A.—(1) The operator of a public transport aircraft which is not registered in the Colony shall cause to be furnished to the Governor as he may from time to time require particulars of any weather conditions, together with any instructions related thereto, which that operator may have specified for any aerodrome in the Colony for the purpose of limiting its use either for take-off or landing.

(2) No aircraft to which this Article applies shall commence a flight from or land at any aerodrome in the Colony if the weather conditions at that aerodrome are less favourable than the weather conditions specified for that aerodrome under paragraph (1) of this Article.

17B.—(1) Subject to the provisions of paragraph (2) of this Article, this Article shall apply to public transport aircraft registered in the Colony.

(2) This Article shall not apply to (*a*) aircraft for the time being used solely for the purpose of training persons carried therein to perform duties in an aircraft, or (*b*) aircraft flown in accordance with the Visual Flight Rules in Section IV of the Second Schedule to this Order if the aircraft is for the time being used solely either (1) for local pleasure flights commencing from and finishing at the same aerodrome with no intermediate landings, or (ii) for flights other than flights made on a scheduled journey and the total maximum weight authorised for the aircraft as shown for the time being in its certificate of airworthiness does not exceed 5,000 lb.

(3) (*a*) No aircraft to which this Article applies shall commence a flight if either the cloud ceiling or runway visual range at the aerodrome from which the flight is to be commenced is less than the relevant minimum for take-off.

(*b*) No aircraft to which this Article applies shall commence a flight if according to the available information the aircraft would not, without infringing the provisions of paragraph (4) of this Article, be able to commence or continue an approach to landing at the aerodrome of intended landing at the estimated time of arrival at that aerodrome or at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive at that aerodrome.

(4) (*a*) No aircraft to which this Article applies shall commence or continue an approach to landing at any aerodrome if the runway visual range at that aerodrome is less than the relevant minimum for landing.

(*b*) No aircraft to which this Article applies shall continue its approach to landing at any aerodrome below the critical height of the relevant minimum for landing if from that height the approach to landing cannot be completed entirely by visual reference to the ground.

(5) If according to the available information an aircraft would as regards any flight be required by Rule 23 of the Second Schedule to this Order to be flown in accordance with the Instrument Flight Rules in Section V of the said Second Schedule at the aerodrome of intended landing, the person in command of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(6) In this Article :—

" relevant minimum " in relation to an aerodrome means a weather minimum specified in the Operations Manual required by Article 17 of this Order ;

" weather minima " means the cloud ceiling and runway visual range for take-off and the critical height and runway visual range for landing below which the aircraft cannot safely take-off or land (as the case may be) at the relevant aerodrome, provided that no weather minima shall be less than any minima specified for that aerodrome by the appropriate authority unless it shall have been specifically approved by that authority ;

" cloud ceiling " in relation to an aerodrome means the distance measured vertically from aerodrome elevation to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one half of the sky visible from the aerodrome ;

"critical height" means the height specified in the Operations Manual as the minimum height above aerodrome elevation to which an approach to landing can safely be continued without visual reference to the ground;

"runway visual range" means the maximum distance along the runway or the landing strip measured from any point on the runway or landing strip in the direction in which the aircraft will approach or from which it will commence its flight, as the case may be, at which the runway or landing strip, or the markers or lights delineating it, are visible, provided that where any such maximum distance has been measured in relation to any aerodrome in the Colony by the aerodrome authorities of that aerodrome, and has been communicated to the person in command, the distance so measured shall be taken to be the runway visual range;

"alternate aerodrome" and "appropriate authority" have the meanings assigned to them respectively in Rule 1 of the Second Schedule to this Order;

"runway" and "landing strip" have the meanings assigned to them respectively in Rule 37 of the Second Schedule to this Order;

"approach to landing" means that portion of the flight of the aircraft in which it is descending below a height of 1,000 feet above the critical height of the relevant minimum for landing;

"flight" includes the whole of the period occupied in transit from an aerodrome to the aerodrome of next landing from the time when the aircraft is first in motion on the ground until the time when it comes to rest on landing".

(3) For Article 35 there shall be substituted the following Article—

"35.—(1) Subject as hereinafter in this paragraph provided, no person shall carry in an aircraft any dangerous goods to which this Article applies except with the special permission in writing of the Governor or, in a case where the aircraft is registered outside the Colony and there is in force an agreement between the Governor and the duly competent authority in the country in which the aircraft is registered relating to the carriage of such goods in aircraft, with the special permission in writing of that authority, and subject to any conditions imposed by any such special permission:

Provided that no such special permission shall be required for the carriage of any article of equipment of the aircraft or of any article required for the purposes of the operation, navigation or safety of the aircraft or for the safety or well-being of any person or persons on board.

(2) Subject as hereinafter in this paragraph provided, every person consigning for carriage by any aircraft any dangerous goods—

(i) shall mark the nature of such goods on a label which shall be attached or affixed to the outside of the package or container; and

(ii) shall give the carrier an air consignment note stating the nature of such goods:

Provided that this paragraph shall not apply to the carriage of equipment or other articles in accordance with the proviso to paragraph (1) of this Article.

(3) In cases to which paragraph (2) of this Article applies the carrier shall inform the person in command of the aircraft of the nature, weight and quantity of the goods at or before the time of sending such goods to be carried or taken on board the aircraft.

(4) In this Article the expression "dangerous goods" means any explosive substance and any other goods (whether explosive or not) which by reason of their nature are liable to endanger the safety of the aircraft or persons on board the aircraft.

(5) The provisions of this Article shall be in addition to and not in derogation of the provisions of the last foregoing Article."

Short title and commencement

2.—(1) This Order may be cited as the Colonial Air Navigation (Amendment) Order, 1953.

(2) This Order and the principal Order may be cited together as the Colonial Air Navigation Orders, 1949 to 1953.

(3) This Order shall come into operation on the first day of June, 1953.

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 Colonial Air Navigation Order, 1949. The Amendments relate, among other matters, to loading instructions, Operations Manuals, the compliance with minimum weather conditions by operators of public transport aircraft, and the carriage of dangerous goods in aircraft.

1953 No. 1668

The Colonial Air Navigation (Amendment) (No. 2) Order, 1953

Made - - - -	*19th November*, 1953
Laid before Parliament	*20th November*, 1953
Coming into Operation	*15th February*, 1954

At the Court at Buckingham Palace, the 19th day of November, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas His late Majesty King George the Sixth was pleased to make the Colonial Air Navigation Order, 1949(a), which Order, as amended by the Colonial Air Navigation (Amendment) Order, 1950(b), the

(a) S.I. 1949/2000; 1949 I, p. 359. (b) S.I. 1950/1188; 1950 I, p. 329.