1956 No. 615

The Colonial Air Navigation (Amendment) Order, 1956

Made - - - -	*24th April*, 1956
Laid before Parliament	*28th April*, 1956
Coming into Operation	*1st July*, 1956

At the Court at Buckingham Palace, the 24th day of April, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient to amend the Colonial Air Navigation Order, 1955(a), (hereinafter referred to as the " principal Order ") in the manner hereinafter appearing:

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

Citations, construction and commencement

1.—(1) This Order may be cited as the Colonial Air Navigation (Amendment) Order, 1956, and shall be construed as one with the principal Order.

(2) This Order and the principal Order may be cited together as the Colonial Air Navigation Orders, 1955 and 1956.

(3) This Order shall come into operation on the 1st day of July, 1956.

Insertion of new Article in the principal Order

2. Immediately after Article 27 of the principal Order there shall be inserted the following new Article:—

"Journey Log Books.

27A.—(1) Whenever a journey log book is required by this Order to be kept, carried, produced or dealt with, there shall be kept, carried, produced or dealt with accordingly (as the case may be) either a journey log book or a document in lieu thereof and such journey log book or document shall contain the following particulars:—

(i) the nationality and registration marks of the aircraft;

(ii) the name of the operator of the aircraft;

(iii) in relation to the flight upon which the journey log book or document is required to be carried, the name of each member of the crew of the aircraft, indicating the duties which he has undertaken for that flight;

(a) S.I. 1955/711 (1955 I, p. 351). (b) 12, 13 & 14 Geo. 6. c. 67.
(c) S.I. 1952/868 (1952 I, p. 565).

(iv) in relation to such flight, the place and date of the departure of the aircraft on the flight and the place and date of its arrival at the end of the flight."

Amendment of Articles 27, 29 *and* 30 *of the principal Order*

3. The following provisions of the principal Order relating to journey log books shall be amended so that:—

(*a*) in paragraph (1) (*a*) of Article 27 the words "not being a flight made on a scheduled journey" shall be omitted;

(*b*) paragraph (3) of Article 27 shall cease to have effect in relation to a journey log book;

(*c*) paragraph (2) of Article 29 shall be revoked;

(*d*) in paragraphs (3) (*b*) and (4) (*b*) of Article 29 the following words shall be omitted:—

"kept with the journey log book of the aircraft whenever such log book is required under this Order to be carried in the aircraft",

and there shall be substituted the word "preserved";

(*e*) in paragraph (2) (*c*) of Article 30 for the words "any journey log book or any other log book" there shall be substituted the words "any log book (not being a journey log book)".

Insertion of new Article in the principal Order

4. Immediately after Article 75 of the principal Order there shall be inserted the following new Article:—

"Modification of provisions of Order.

75A. The Governor may prescribe that in respect of any or all flights by aircraft registered in the Colony the following conditions shall apply:—

(*a*) the provisions of Article 27A of this Order shall be of no effect,

(*b*) the provisions of paragraph (3) of Article 27 and of Articles 29 and 30 of this Order shall be modified, in such manner as may appear to the Governor to be necessary, so as to take account of the use of journey log books, and

(*c*) paragraph (1) (*a*) of Article 27 of this Order shall have effect as if the words "not being a flight made on a scheduled journey," were inserted immediately before the words "a journey log book".

Amendment of Articles 11 *and* 77, *and Schedules* I, II *and* IV *of the principal Order*

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

(*a*) in paragraph (2) (*b*) of Article 11 the words "which is registered in the Colony and" shall be omitted;

(*b*) in the definition of "Class" in paragraph (1) of Article 77 there shall be inserted after the word "aircraft" where that word first occurs the words "(except in Article 75)";

(*c*) in paragraph 2 (*a*) (ii) of Schedule I, there shall be substituted for the words "twelve inches" the words "six inches";

(*d*) Schedule II shall be amended in accordance with the provisions set out in the Schedule to this Order;

(*e*) in paragraph 25 of Schedule IV, for the words and figures "paragraph (3) of Article 33" there shall be substituted the words and figures "paragraph (2) (*a*) (v) of Article 33".

W. G. Agnew.

THE SCHEDULE

AMENDMENTS OF SCHEDULE II TO THE PRINCIPAL ORDER

1. In paragraph (4) of Rule 19 the words "or control area" shall be inserted after the words "control zone".

2. For Rule 28 there shall be substituted the following Rule:—

"28. Aircraft may be flown in accordance with the Visual Flight Rules contained in this Section:

Provided that aircraft flown by night over the Colony shall not be flown in accordance with the said Rules unless they are performing a special V.F.R. flight."

3. In Section V after the heading "Instrument Flight Rules (I.F.R.)" there shall be inserted the following new Rule as Rule 29A:—

"29A. Aircraft which are not or are not permitted to be flown in accordance with the Visual Flight Rules contained in Section IV shall be flown in accordance with the Instrument Flight Rules contained in this Section."

4. In paragraph (*a*) of Rule 38, the words and figures "at least 300 yards" shall be omitted and in paragraph (*b*) of that Rule for the words "directional radio guide" there shall be substituted the words "radio range" and for the words "such guide" in the said paragraph there shall be substituted the words "such radio range".

5. After Rule 39 there shall be inserted the following sub-heading and new Rule:—

"Notification of Flight over an area in which Search and Rescue Operations would be difficult

39A.—(1) The following provisions of this paragraph shall have effect in relation to public transport aircraft:—

(*a*) before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, the person in command of an aircraft shall submit or cause to be submitted to the appropriate Air Traffic Control a flight notification containing such particulars as may be required by that Air Traffic Control;

(*b*) when a flight notification has been submitted in accordance with sub-paragraph (*a*) of this paragraph the person in command of an aircraft which is able to communicate by radio with an appropriate radio station shall, if he finds it necessary to deviate in respect of any particular from the said flight notification, report by radio the nature of the proposed deviation to the appropriate Air Traffic Control as soon as practicable.

(2) Before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, a person in command of an aircraft, other than a public transport aircraft, may submit or cause to be submitted to the appropriate Air Traffic Control a flight notification containing such particulars as may be required by that Air Traffic Control. If a flight notification is so submitted, the person in command of such aircraft shall comply with the requirements specified in sub-paragraph (*b*) of paragraph (1) of this Rule as if the aircraft were a public transport aircraft."

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, 1955, so as to permit the use of a simplified document in place of the journey log-book and makes certain related amendments in respect of the carriage of this and other documents in aircraft (Articles 2 and 3). In addition to some amendments of a minor nature, amendments are also made to the provisions of that Order dealing with the following matters:—

(*a*) the performance of flights for the purpose of experiment or test (Article 5 (*a*)),

(*b*) the height of the nationality and registration marks on certain parts of aircraft (Article 5 (*c*)),

(*c*) the areas in which aerobatic flight is prohibited (The Schedule, paragraph 1),

(*d*) the requirements governing aircraft in flight by night, including those relating to compliance by such aircraft with Instrument Flight Rules (The Schedule, paragraphs 2 and 3), and

(*e*) the requirements governing flight along a line of landmarks, or following a track indicated by a directional radio guide (The Schedule, paragraph 4),

(*f*) notification of flight over an area in which search and rescue operations would be difficult (The Schedule, paragraph 5).

The references quoted are to provisions of the present Order.