STATUTORY INSTRUMENTS

1976 No. 356

CIVIL AVIATION

The Rules of the Air and Air Traffic Control (Fourth Amendment) Regulations 1976

Made - - - - *4th March* 1976

Coming into Operation *1st April* 1976

The Secretary of State, in exercise of his powers under Articles 62(1) of the Air Navigation Order 1974**(a)**, as amended**(b)**, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Rules of the Air and Air Traffic Control (Fourth Amendment) Regulations 1976 and shall come into operation on 1st April 1976.

2. The Interpretation Act 1889**(c)** shall apply for the purpose of the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. The Schedule to the Rules of the Air and Air Traffic Control Regulations 1974**(d)** as amended**(e)**, shall be further amended as follows:—

For Rule 36 there shall be substituted—

"*Special Rules for certain Aerodromes*

36.—(1) Paragraphs (3) and (4) of this Rule shall apply, in addition to the other Rules in this Section, to the aerodromes specified in Column 1 of the following Table to the extent specified in Column 2 thereof and for the purposes of this Rule each aerodrome specified in the Table shall be deemed to comprise the airspace notified in respect of that aerodrome.

TABLE

Column 1 *Aerodromes specified*	*Column 2* *Applicable paragraphs of Rule 36*
Aberdeen	(3)(*a*), (*b*) and (*c*)(i) and (ii) (4)(*a*), (*b*), (*c*) and (*d*)
Birmingham	(3)(*a*) and (*b*)
Blackpool	(3)(*a*) and (*b*)
Bournemouth (Hurn)	(3)(*a*), (*b*) and (*c*)(i) and (ii) (4)(*a*), (*b*), (*c*) and (*d*)
Brize Norton	(3)(*a*) and (*b*)
East Midlands	(3)(*a*), (*b*) and (*c*)(i)
Edinburgh	(3)(*a*), (*b*) and (*c*)(ii)

(a) S.I. 1974/1114 (1974 II, p. 4057). (b) There is no relevant amending Instrument.
(c) 1889 c. 63. (d) S.I. 1974/1401 (1974 II, p. 5360).
(e) S.I. 1974/1767, 1975/544, 1846 (1974 III, p. 6288; 1975 I, p. 1794; III, p. 6968).

Column 1 *Aerodromes specified*	*Column 2* *Applicable paragraphs of Rule 36*
Glamorgan (Rhoose)	(3)(*a*) and (*b*)
Glasgow	(3)(*a*), (*b*) and (*c*)(ii)
Leeds and Bradford	(3)(*a*), (*b*) and (*c*)(i) and (ii) (4)(*a*), (*b*), (*c*) and (*d*)
Liverpool	(3)(*a*) and (*b*)
London (Gatwick)	(3)(*a*) and (*b*)
Luton	(3)(*a*) and (*b*)
Lyneham	(3)(*a*), (*b*) and (*c*)(i)
Newcastle	(3)(*a*), (*b*) and (*c*)(i) and (ii)
Prestwick	(3)(*a*), (*b*) and (*c*)(ii)
Southampton	(3)(*a*), (*b*) and (*c*)(i) and (ii) (4)(*a*), (*b*), (*c*) and (*d*)
Southend	(3)(*a*), (*b*) and (*c*)(i)
Stansted	(3)(*a*) and (*b*) (4)(*a*), (*b*), (*c*) and (*d*)

(2) For the purposes of any paragraph of this Rule, "Special VFR Clearance" means a clearance given by the appropriate air traffic control unit to an aircraft for flight within airspace notified for the purposes of that paragraph if the aircraft remains clear of cloud, within sight of the surface and is flown in accordance with any special instructions given by that unit.

(3) Unless otherwise authorised by the air traffic control unit at the aerodrome,

(*a*) an aircraft shall not, during the notified hours of watch of the air traffic control unit at the aerodrome, fly within the notified airspace unless the commander of the aircraft, before so flying, obtains the permission of the air traffic control unit at the aerodrome and informs the air traffic control unit, on the notified radio frequency appropriate to the circumstances, of the aircraft's position, level and track;

(*b*) while an aircraft is within the notified airspace at any time during the notified hours of watch the commander of the aircraft shall cause a continuous watch to be maintained on that frequency and comply with any instructions which the air traffic control unit at that aerodrome may give in the particular case;

(*c*) provided that except at night and in relation only to airspace notified for the purposes of the paragraphs of this proviso, sub-paragraphs (*a*) and (*b*) shall not apply to:

(i) a glider which remains at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in flight visibility of at least five nautical miles;

(ii) a mechanically driven aircraft without radio equipment which remains at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least five nautical miles, if the commander of the aircraft has previously obtained the permission of the air traffic control unit at the aerodrome to enter the notified airspace.

(4) Unless otherwise authorised by the air traffic control unit at the aerodrome, an aircraft while flying within the notified airspace during the notified hours of watch of the air traffic control unit at the aerodrome,

(*a*) save as provided in sub-paragraphs (*b*), (*c*) and (*d*) hereof, shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least five nautical miles, unless the commander of the aircraft holds a licence which includes a valid Instrument Rating or a valid Instrument Meteorological Conditions Rating;

(*b*) if the commander of the aircraft holds a Commercial Pilot's Licence, a Senior Commercial Pilot's Licence or an Airline Transport Pilot's Licence which does not include a valid instrument rating and he intends to take off or land within the notified airspace, shall be flown in accordance with Special VFR Clearance given to the aircraft;

(*c*) if the commander of the aircraft holds a Private Pilot's Licence which includes a valid Instrument Meteorological Conditions Rating and he intends to land or take off within the notified airspace, shall be flown in accordance with Special VFR Clearance given to the aircraft and remain in a flight visibility of at least $1\frac{1}{2}$ nautical miles;

(*d*) if the aircraft is a helicopter and the commander thereof intends to take off or land within the notified airspace, shall be flown in accordance with Special VFR Clearance given to the helicopter."

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

4th March 1976.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations further amend the Rules of the Air and Air Traffic Control Regulations 1974. The precise co-ordinates of the airspace to which special rules apply in respect of the prescribed aerodromes will now be notified in the United Kingdom Air Pilot. In addition, further rules are applied to Edinburgh airport and new rules are introduced for Newcastle airport.

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