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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 5**

Operations

CHAPTER 2

Operational rules for <sup>[F1]</sup>Non-Part-21] aircraft

*SECTION 5*

*Operation of radio and navigation equipment*

**<sup>[F1]</sup>Carriage of equipment**

**78A.**—(1) This article applies to any aircraft registered in the United Kingdom.

(2) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use.

(3) An aircraft to which this article applies must not commence a flight if any of the equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use unless the aircraft does so in accordance with the terms of a permission granted to the operator under paragraph (2).]

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**Textual Amendments**

**F1** Art. 78A inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **21(2)**

**Operation of radio in aircraft**

**79.**—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

- (a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and
- (b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) The radio station in an aircraft must not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services.

### Operation of, and training in operation of, airborne collision avoidance system

- 80.**—(1) Subject to paragraph (2), when ACAS II is used—
- (a) operational procedures and training must be in accordance with the Airborne Collision Avoidance Regulation;
  - (b) the pilot in command—
    - (i) must apply the appropriate operational procedures and be adequately trained;
    - (ii) must not commence a flight unless satisfied that every member of the flight crew has had the training specified in sub-paragraph (c)(i);
  - (c) every member of the flight crew—
    - (i) must apply the appropriate operational procedures and be adequately trained; and
    - (ii) must not act as a member of the flight crew on a flight unless that person has had that training.
- (2) In the case of an aircraft which is registered elsewhere than in the United Kingdom, the airborne collision avoidance system must be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

### Minimum navigation performance

- 81.**—(1) An aircraft registered in the United Kingdom must not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.
- (2) The equipment required by paragraph (1) must—
- (a) be approved by <sup>F2</sup>... the CAA;
  - (b) be installed in a manner approved by the CAA;
  - (c) be maintained in a manner approved by the CAA; and
  - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

#### Textual Amendments

- F2** Words in art. 81(2)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 23** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Height keeping performance – aircraft registered in the United Kingdom

- 82.**—(1) An aircraft registered in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace unless—
- (a) it is equipped with height keeping systems which enable the aircraft to maintain the required height keeping performance capability; or
  - (b) it is otherwise authorised by the appropriate air traffic control unit.
- (2) The equipment required by paragraph (1) must—
- (a) be approved by <sup>F3</sup>... the CAA;
  - (b) be installed in a manner approved by the CAA;
  - (c) be maintained in a manner approved by the CAA; and

- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

#### Textual Amendments

- F3** Words in art. 82(2)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 24** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

#### Height keeping performance – aircraft registered elsewhere than in the United Kingdom

**83.**—(1) An aircraft registered elsewhere than in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace in the United Kingdom unless—

- (a) it complies with paragraph (2); or  
(b) it is otherwise authorised by the appropriate air traffic control unit.

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any designated airspace; and  
(b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance notified for the airspace in which the aircraft is flying, and it is so operated.

#### Area navigation and required navigation performance capabilities – aircraft registered in the United Kingdom

**84.**—(1) Subject to paragraph (3), an aircraft registered in the United Kingdom must not fly in Required Navigation Performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability notified, prescribed or otherwise designated for that airspace.

(2) The equipment required by paragraph (1) must—

- (a) be approved by <sup>F4</sup>... the CAA;  
(b) be installed in a manner approved by the CAA;  
(c) be maintained in a manner approved by the CAA; and  
(d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

(3) An aircraft need not comply with the requirements of this article if—

- (a) the appropriate air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and  
(b) the aircraft complies with any instructions the air traffic control unit may give.

#### Textual Amendments

- F4** Words in art. 84(2)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 25** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**Area navigation and required navigation performance capabilities – aircraft registered elsewhere than in the United Kingdom**

**85.**—(1) Subject to paragraph (3), an aircraft registered elsewhere than in the United Kingdom must not fly in Required Navigation Performance airspace in the United Kingdom unless it complies with paragraph (2).

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

- (a) it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace; and
- (b) the navigation equipment is capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified for the airspace in which the aircraft is flying, and is so operated.

(3) Paragraph (2) does not apply to an aircraft if—

- (a) the appropriate United Kingdom air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
- (b) the aircraft complies with any instructions the air traffic control unit may give.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016, Cross  
Heading: SECTION 5.