
 STATUTORY INSTRUMENTS

1972 No. 1723

CIVIL AVIATION

The Air Navigation (Third Amendment) Order 1972

Made - - - 14th November 1972
Laid before Parliament 20th November 1972
Coming into Operation 12th December 1972

At the Court at Buckingham Palace, the 14th day of November 1972

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 1972 and shall come into operation on 12th December 1972.

Interpretation

2. The Interpretation Act 1889(b) 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 the Air Navigation Order 1972

3. The Air Navigation Order 1972(c) as amended (d), shall be further amended as follows:

(1) For Article 63(2) there shall be substituted:

“The holder of a licence shall not be entitled to perform any of the functions specified in Schedule 10 to this Order in respect of a rating at any of the places referred to in paragraph (1) of this Article unless:

(a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed, or

(b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under this Order which authorises him to provide at

(a) 1949 c. 67.

(b) 1889 c. 63.

(c) S.I. 1972/129 (1972 I, p. 366).

(d) The relevant amending Order is S.I. 1972/672 (1972 I, p. 2168).

that aerodrome or other place the type of air traffic control service which is being provided.”.

- (2) For Article 79(3) and (4) there shall be substituted:

“(3) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of Article 77 or 78 of this Order would be contravened in relation to the flight, the Secretary of State or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) of this Article the Secretary of State or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.”.

- (3) In Article 89(1) for the definition of “authorised person” there shall be substituted:

“ “Authorised person” means:

(a) any constable, and

(b) in Article 79(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and

(c) in Article 79(1) and (2) and in any Article other than Article 79, any person authorised by the Authority (whether by name, or by class or description) either generally or in relation to a particular case or class of cases;”.

- (4) In Schedule 6, sub-paragraph 2(2) in line 3 for “flight level 250” there shall be substituted “flight level 245”.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Air Navigation Order 1972. The following changes are made:

- (1) Article 63(2) is amended to remove doubt whether an air traffic controller whose licence does not include the appropriate rating may nevertheless provide air traffic control if he does so under the supervision

of the holder of a valid air traffic controller's licence which authorises the supervisor to provide that type of air traffic control at the aerodrome in question:

- (2) An authorised person (as well as the Secretary of State) may now prevent an aircraft from making a flight which appears likely to contravene the restrictions with respect to carriage for hire or reward by, and aerial photography and survey from, aircraft registered outside the United Kingdom; and the Secretary of State and any authorised person may now enter upon and inspect an aircraft for any of the purposes of Article 79(3), and not only in order to detain it;
- (3) "Authorised person" is now defined for purposes of Article 79(3) and (4) as including a person authorised by the Secretary of State;
- (4) The equipment set out in Scale E of Schedule 6 to the Air Navigation Order 1972 must now be carried by all aircraft (other than gliders and helicopters) within the United Kingdom when flying at or above flight level 245 and within such controlled airspace as may be notified.

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