
 S T A T U T O R Y I N S T R U M E N T S

1977 No. 1255

CIVIL AVIATION

The Air Navigation (Amendment) Order 1977*Made* - - - - - 26th July 1977*Laid before Parliament* - - - 3rd August 1977*Coming into Operation—*

for the purposes of Article 3(15) 30th December 1977

for all other purposes - - 24th August 1977

At the Court at Buckingham Palace, the 26th day of July 1977

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8 and 57 of the Civil Aviation Act 1949(a) as amended by section 62(1) of the Civil Aviation Act 1971(b) 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 commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 1977 and shall come into operation for the purposes of Article 3(15) on 30th December 1977 and for all other purposes on 24th August 1977.

Interpretation

2. The Interpretation Act 1889(c) shall apply 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 1976

3. The Air Navigation Order 1976(d) shall be amended as follows:

(1) In Article 2(2) in sub-paragraphs (b) and (c), a comma shall be inserted after the word "authority" wherever it appears;

(2) In Article 2(2) in sub-paragraph (c) after the word "direction" there shall be inserted the word "order";

(a) 1949 c. 67.
(c) 1889 c. 63.

(b) 1971 c. 75.
(d) S.I. 1976/1783 (1976 III, p. 4769).

(3) In Article 11(6), after the words “the log book”, there shall be inserted “relating to the same part of the aircraft or to the same equipment or apparatus”;

(4) In Article 13(6), for the words “equipment of services”, there shall be substituted “equipment or services”;

(5) In Article 18(6), after the words “any particular operator” there shall be inserted “of any aircraft registered in the United Kingdom”;

(6) In Article 19 in sub-paragraph (b)(ii) of the proviso to paragraph (1), for the words “he is fit to so act”, there shall be substituted “he is fit so to act”;

(7) In Article 19 in sub-paragraph (b)(v) of the proviso to paragraph (1) after “instruction in flying” there shall be inserted “or the conducting of flying tests”;

(8) In Article 19(3), after “United Kingdom” there shall be inserted “or under the law of a relevant overseas territory”;

(9) In Article 19(8) in sub-paragraph (b) for the words “owned and operated” there shall be substituted the words “owned or operated”;

(10) In Article 20(8)(b), for the last sentence there shall be substituted—

“The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the elapse of such period of illness or the confirmation of the pregnancy, and

(aa) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions as a member of the flight crew or upon the Authority exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination; and

(bb) in the case of pregnancy, the suspension may be lifted by the Authority for such period and subject to such conditions as it thinks fit and shall cease upon the holder being medically examined under arrangements made by the Authority after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.”

(11) In Article 23(2) after the words “a flying machine”, there shall be inserted “or glider”;

(12) In Article 28—

(a) at the end of the proviso to paragraph (2) there shall be added—

“(c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3000 kg, and the total seating capacity of which does not exceed five persons.”

(b) at the end of paragraph (5) there shall be added—

“Provided that in the case of a helicopter, if in all the circumstances it is not reasonably practicable for the copies of the load sheet and instructions to be kept elsewhere than in the helicopter, they may be carried in the helicopter in a box approved by the Authority for that purpose.”;

(13) In Article 29, at the end of paragraph (4) there shall be added—

“(5) Without prejudice to the provisions of paragraph (3) of this Article a helicopter, in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance Group B shall not fly over water for the purpose of public transport—

(a) so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing unless it is equipped with apparatus approved by the Authority enabling it to land safely on water but shall not so fly on any flight for more than three minutes except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been given. For the purpose of this subparagraph flying time shall be calculated on the assumption that the helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water;

(b) over that part of the bed of the River Thames which lies between the following points:

Hammersmith Bridge (51°29'16"N) (00°13'45"W)

Greenwich Reach (51°29'03"N) (00° 00'37"W)

between the ordinary high water marks on each of its banks, unless it is equipped with apparatus approved by the Authority enabling it to land safely on water.

(6) Without prejudice to the provisions of paragraph (3) of this Article, a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance Group A2 shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with apparatus approved by the Authority enabling it to land safely on water.

(14) In Article 33, for paragraph (2) there shall be substituted—

“(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by Article 13 of this Order to be provided.”;

(15) After Article 35, there shall be inserted the following new Article—

“*Minimum Navigation Performance*

35A. An aircraft registered in the United Kingdom shall not fly in airspace prescribed for the purposes of this Article unless—

(a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability; and

(b) the navigation systems required by paragraph (a) hereof are approved by the Authority and installed and maintained in a manner approved by the Authority; and

(c) the operating procedures for the navigation systems required by paragraph (a) hereof are approved by the Authority; and

(d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said airspace.”

(16) In Article 36—

(a) in the heading the word “data” shall be deleted;

(b) in paragraph (1)—

(i) after the word “recorder” there shall be inserted the words “or a cockpit voice recorder”;

(ii) for “sub-paragraph 4(5)” there shall be substituted “sub-paragraph 4(4) or (5)”;

(17) In Article 38, at the end of paragraph (4) there shall be added—

“(4A) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal.”

(18) In Article 40, for paragraph (3) there shall be substituted—

“(3) For the purposes of this Article ‘munitions of war’ means such weapons and ammunition as are designed for use in warfare or against the person, including parts designed for such weapons and ammunition.”

(19) In Article 52, in the heading for “responsibilities”, there shall be substituted “responsibilities”;

(20) For Article 61(6) there shall be substituted—

“Every applicant for and holder of an air traffic controller’s licence or a student air traffic controller’s licence shall upon such occasions as the Authority may require—

(a) submit himself to medical examination by a person approved by the Authority either generally or in a particular case who shall make a report to the Authority in such form as the Authority may require; and

(b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill, as the Authority may require.”;

(21) In Article 63, for paragraph (3) there shall be substituted—

“(3) Upon the pregnancy of the holder of an air traffic controller’s licence being confirmed, the licence shall be deemed to be suspended and such suspension may be lifted by the Authority subject to such conditions as it thinks fit, and shall cease upon the holder being medically examined under arrangements made by the Authority after the pregnancy has ended and pronounced fit to resume her functions under the licence.”

(22) In Article 90—

(a) in paragraph (1),

(i) in the entry beginning “Log book” after the words “variable pitch propeller log book” there shall be inserted “or personal flying log book”;

(ii) after the entry beginning “Record” there shall be inserted the following new entry—

“ ‘Relevant overseas territory’ means any Colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;”;

(b) in paragraph (6), sub-paragraph (a)(ii) for “in the case of the British Airways Board, the members of the Board” there shall be substituted “in the case of the British Airways Board or the Authority, the members of the Board or the Authority respectively”;

(c) in paragraph (10), for the word “contest”, there shall be substituted “context”.

(23) In Schedule 1—

(a) in Part A, in the shoulder heading, for “23(1)” there shall be substituted “23(2)”;

(b) in Part B, paragraph III sub-paragraph (b) for “contracting” there shall be substituted “contrasting”;

(24) In Schedule 4 the final sentence shall be deleted.

(25) In Schedule 5—

(a) in paragraph 4—

(i) in sub-paragraph (6)(a), for “270,000 kg” there shall be substituted “27,000 kg”;

(ii) in sub-paragraph (6)(b), for “conforms” there shall be substituted “conform”;

(iii) in sub-paragraph (6)(c), for “or such a certificate” there shall be substituted “for such a certificate”;

(iv) in sub-paragraph (7)(a) for “maximum total authorised” there shall be substituted “maximum total weight authorised”;

(b) in paragraph 5—

(i) in Scale G, sub-paragraph (ii) for “illumintion” there shall be substituted “illumination”;

(ii) in Scale K, Part 1, sub-paragraph (ii) for “to enable such person”, there shall be substituted “to enable such persons”;

(iii) at the end of Scale M, there shall be added the following proviso—

“Provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Authority may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.”;

(iv) at the end of Scale P and Scale S respectively, there shall be added the following proviso—

“Provided that an aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable, and the aircraft flies in accordance with arrangements approved by the Authority.”;

(v) in Scale X, for “reasonable” there shall be substituted “reasonably”;

(26) In Schedule 6, in paragraph 2,

(a) in sub-paragraph (1)(a) the letter “F” shall be deleted from the column headed “G” and shall be inserted in the column headed “F”;

(b) in sub-paragraph (3)(a)(i) for “apprach” there shall be substituted “approach”;

- (27) In Schedule 8—
- (a) in Area A, in the heading, for “Arctic” there shall be substituted “Arctic”;
 - (b) in Area B, for the word “areas” there shall be substituted “area”;
 - (c) in Area K, for the point “67° north latitude 50° west longitude” there shall be substituted “67° north latitude 60° west longitude”;
- (28) In Schedule 9, Part A—
- (a) in paragraph 1 in the entry relating to the Private Pilot’s Licence (Aeroplanes), in paragraph (a) of the proviso—
 - (i) after “instruction in flying” there shall be inserted “or the conducting of flying tests in either case”;
 - (ii) after “the person giving” there shall be inserted “the instruction or conducting the test”;
 - (iii) after “the person receiving the instruction” there shall be inserted “or undergoing the test”;
 - (b) in paragraph 2 in the entry relating to the Private Pilot’s Licence (Helicopters and Gyroplanes) in paragraph (a) of the proviso—
 - (i) after “instruction in flying” there shall be inserted “or the conducting of flying tests in either case”;
 - (ii) after “the person giving” there shall be inserted “the instruction or conducting the test”;
 - (iii) after “the person receiving the instruction”, there shall be inserted “or undergoing the test”;
 - (c) in paragraph 3 in the entry relating to the Private Pilot’s Licence (Balloons and Airships) in paragraph (a) of the proviso—
 - (i) after “instruction in flying” there shall be inserted “or the conducting of flying tests in either case”;
 - (ii) after “the person giving” there shall be inserted “the instruction or conducting the test”;
 - (iii) after “the person receiving the instruction”, there shall be inserted “or undergoing the test”;
- (29) In Schedule 11, in Part B—
- (a) at the end of paragraph 1(2)(b) there shall be added the following sub-paragraph—
 - “(c) Every pilot included in the flight crew who is seated at the flying controls during take-off or landing shall within the relevant period:—
 - (i) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodromes of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Authority or under the supervision of a person approved by the Authority for the purpose by means of a flight simulator approved by the Authority; and
 - (ii) have carried out when seated at the flying controls not less than three take-offs and three landings in aircraft of the type to be used on the flight”.

- (b) sub-paragraphs (5)(a)(ii), (5)(a)(iii) and (6) of paragraph 1 shall be deleted;
- (c) in sub-paragraph (7)(a) of paragraph 1, for “sub-paragraph (5)(a)(iii) and (6)(b)” there shall be substituted “sub-paragraph (2)(c)(ii);”;
- (d) for sub-paragraph (7)(b) of paragraph 1, there shall be substituted—
“(b) in the case of sub-paragraphs (2)(a)(ii), (2)(b)(ii), (2)(c)(i) and (3)(b) of this paragraph, of 6 months;”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Air Navigation Order 1976.

In addition to some minor and drafting amendments the following changes are made:

- (1) The holder of a flight crew licence or an air traffic controller's licence may now be permitted by the Authority to continue to exercise the privileges of her licence during pregnancy subject to such conditions as the Authority thinks fit. Previously the licence was deemed to be suspended upon confirmation of the pregnancy and remained so suspended until the pregnancy had ended and the licence holder had been examined and pronounced fit to resume the exercise of those privileges. (Article 3(10) and (22))
- (2) A person who gives instruction in flying a glider to any person for the purpose of becoming qualified for the grant of a Commercial Pilot's Licence (Glider) must now have a flying instructor's rating or an assistant flying instructor's rating included in his licence. (Article 3(11))
- (3) Helicopters of less than 3000 kgs maximum total weight authorised and with a seating capacity not exceeding 5 persons may now fly on a flight for the purpose of public transport without the prior preparation of a load sheet. Additionally all helicopters may now carry both copies of the load sheet, if required to be completed in the aircraft in a container of a type approved by the Authority. Previously one copy of the load sheet was required to be kept elsewhere than in the aircraft. (Article 3(12))
- (4) A helicopter designated by its certificate of airworthiness as being of performance Group B may not now fly for the purpose of public transport over water further than 20 seconds flying time from a point at which it could make an autorotative descent to land, unless it is equipped with flotation apparatus or if it is so equipped, further than 3 minutes flying time from that point. Additionally a helicopter of the same designation may not now fly for the purpose of public transport along the River Thames helicopter route without being equipped with flotation apparatus. (Article 3(13))

- (5) A helicopter designated by its certificate of airworthiness as being of performance Group A2 may not now fly for the purpose of public transport over water for more than 15 minutes during any flight unless it is equipped with flotation apparatus. (Article 3(13))
- (6) An aircraft may not now fly in prescribed airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability, the equipment is installed and maintained in a manner approved by the Authority and the equipment is operated in accordance with operating procedures approved by the Authority while the aircraft is flying within the prescribed airspace. Under Article 90(1) of the Air Navigation Order 1976, "prescribed" means prescribed in regulations made by the Secretary of State under that Order. (Article 3(15))
- (7) In aeroplanes which are required to be equipped with cockpit voice recorders that equipment must now be in use whenever the aircraft is in flight. Such an aeroplane may, however, now fly notwithstanding that its flight recorder has become unserviceable if it flies with the approval of the Authority. (Article 3(16)).
- (8) The definition of "munitions of war", which under Article 40 of the Air Navigation Order 1976 may not be carried in aircraft, is now extended to include weapons or ammunition designed for use against the person, whether or not in warfare and parts designed for such weapons or ammunition. (Article 3(19))
- (9) Only those pilots who are seated at the flying controls of public transport aircraft during take-off or landing are now required to undergo the tests and practice hitherto required by Schedule 11, Part B paragraph 1(6). (Article 3(30))

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