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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates the Air Navigation Order 1985, as amended. In addition to some minor drafting amendments the following changes are made:

(1) A glider which is flying for the purpose of aerial work which consists of the giving of instruction in flying or the conducting of flying tests in circumstances where the glider is owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members, need not be registered and need not have a certificate of airworthiness. A flight crew licence is not required by a member of the flight crew of a glider flying for the purpose of aerial work which consists of conducting flying tests in the same circumstances. If valuable consideration is given or promised for the purpose of conferring on a member of a flying club the right to fly a glider owned or operated by the flying club it shall not thereby be deemed to be a flight for the purpose of public transport for airworthiness purposes (articles 3(1), 7(1), 20(8) and 107(2)).

(2) The Authority must now cancel the registration of an aircraft within 2 months of being satisfied that there has been a change of ownership. This reflects the present practice whereby a period of grace is allowed to enable the new owner to register (article 4(13)).

(3) When a copy of the technical log or load sheet is permitted to be carried in an aircraft instead of being left on the ground it may now be so carried in any container approved by the Authority for that purpose (articles 10(4) and 29(5)).

(4) With effect from 4th December 1989, no further Senior Commercial Pilot's Licences (Aeroplanes) (SCPL) shall be granted by the Authority (except renewals for persons holding a SCPL on 3rd December 1989). Any SCPLs which would not otherwise expire on or before 3rd December 1994 will be deemed to expire on that date (article 21(2) and Schedule 8).

(5) The privileges of a Basic Commercial Pilot's Licence (Aeroplanes), a Commercial Pilot's Licence (Aeroplanes) and a Commercial Pilot's Licence (Helicopters and Gyroplanes) are being altered. Whereas the holder of a BCPL(A) has hitherto been entitled in certain cases to act as co-pilot of an aircraft flying for the purpose of public transport only if its maximum total weight authorised is 5700kg. or less and the holder of a CPL(A) or a CPL(H) has hitherto been entitled to act as pilot in command of an aircraft flying for the purpose of public transport only if its maximum total weight authorised is 5700kg. or less, he will now be entitled to act as co-pilot or pilot in command (as the case may be) of such an aircraft only if it is certificated for single pilot operation. The date on which the altered privileges come into force is determined as follows:

- (a) any such licence initially issued on or after 4th December 1989 shall have the altered privileges from the outset;
- (b) persons holding such a licence on 3rd December 1989 will not be affected by the altered privileges during the validity of that licence or any renewal thereof until 3rd December 1994 whereafter the altered privileges will apply.

The Authority may permit a person to act as pilot of an aircraft certificated for single pilot operation although that aircraft is not included in that person's aircraft rating when he is testing persons for the purposes of certain provisions of the Order (article 21(10) and Schedule 8).

(6) On flights for the purpose of public transport of passengers by United Kingdom registered aircraft capable of Seating more than 30 passengers, certain items of accompanied baggage carried

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

in the passenger cabin may now, with the written permission of the Authority, be secured to seats rather than being stowed in approved stowage spaces (articles 29(6) and 37(2)).

(7) To comply with the United Kingdom's European Community obligations, the Secretary of State will grant permission, pursuant to article 88, to the operator of a foreign registered aircraft to take on board or discharge passengers or cargo in the United Kingdom, where valuable consideration is given or promised, in order to operate an inter-regional air service within the meaning of Council Directive [83/416/EEC](#) concerning the authorisation of scheduled inter-regional air services for the transport of passengers, mail and cargo between Member States, as amended by Council Directive [86/216/EEC](#) and [89/463/EEC](#) (article 90).

(8) The provisions of Council Directive [87/601/EEC](#) shall be given effect to in the consideration by the CAA of proposed tariffs for routes between the United Kingdom and other Member States of the European Community (article 91).

(9) The estimate of costs or flying hours required to be made at the time of the flight in order to determine the annual costs or annual flying hours of an aircraft must be the best estimate reasonably practicable (article 106).

(10) Apart from certain specified provisions, the Order does not apply to very small aircraft. Except in the case of balloons and kites the weight limit has been raised from 5kg. without fuel to 7kg. without fuel (article 109).

(11) The Authority may approve persons as qualified to furnish reports to it and to accept such reports in relation to any of the Authority's functions under the Order (article 110).

(12) The requirement on flights in aeroplanes with a maximum total weight authorised of 5700kg. or less to have a safety belt with one diagonal shoulder strap or a safety harness for each passenger seat shall apply to such aircraft certificated to carry not more than 9 passengers (Schedule 4 Scale B(i)(f)).

(13) United Kingdom registered aeroplanes flying for the purpose of public transport of passengers:

- (a) having a maximum total weight authorised exceeding 5700kg. and conforming to a type for which a certificate of airworthiness was first applied for after 30th April 1972;
- (b) which are powered by turbo-jet and have a maximum total weight authorised exceeding 22700kg.;
- (c) were first issued with a type certificate on or after 1st January 1958 and which may carry more than 19 passengers;

must be equipped in the passenger compartments with an emergency floor path lighting system which is able to facilitate the evacuation of the aircraft notwithstanding the failure of any other required emergency lighting system in the passenger compartment. An aircraft commander must familiarise passengers with the position and use of the system when it is required to be fitted. (Article 36 and Schedule 4 Scale Z(iii).)

(14) Requirements are established with effect from 1st February 1991 for the carriage of flight data recorders and cockpit voice recorders by United Kingdom registered helicopters and gyroplanes which have a certificate of airworthiness in the Transport Category and such helicopters and gyroplanes in respect of which an application has been made for such a certificate of airworthiness when flying under "A Conditions" or which have a certificate of airworthiness in the Special Category.

Such helicopters and gyroplanes which have a maximum total weight authorised exceeding 2730kg. but not exceeding 7000kg. and/or which may carry more than 9 passengers must be equipped with a 4 channel cockpit voice recorder and a flight data recorder capable of recording and retaining specified data or a combined cockpit voice recorder/flight data recorder which complies with specified requirements.

Such helicopters and gyroplanes which have a maximum total weight authorised exceeding 7000kg. must be equipped with a cockpit voice recorder and a flight data recorder capable of recording and retaining specified data (which includes additional data to that required for the helicopters and gyroplanes referred to in the preceding paragraph) or a combined cockpit voice recorder/flight data recorder which meets specified requirements.

Requirements are established for the duration and protection of the data which must be retained (article 40 and Schedule 4 Scale SS).

(15) An Area Radar Control (Aerodrome) Rating is introduced which entitles the holder of an air traffic controller's licence at an aerodrome for which the new rating is valid to provide a radar service for aircraft whether or not they are within 40 nautical miles from the aerodrome (Schedule 9, paragraph 2(7)).