
STATUTORY INSTRUMENTS

1989 No. 2004

The Air Navigation Order 1989

PART VIII

CONTROL OF AIR TRAFFIC

Rules of the air and air traffic control

69.—(1) Without prejudice to any other provision of this Order, the Secretary of State may make regulations (hereinafter referred to in this Order as the Rules of the Air and Air Traffic Control) prescribing:

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes;
- (d) the air traffic control services to be provided at aerodromes; and
- (e) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to the provisions of paragraph (3) of this article, it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary:

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 318) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Authority.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers

70.—(1) The Authority shall grant a licence subject to such conditions as it thinks fit to any person to act as an air traffic controller, as a student air traffic controller, or as an aerodrome flight information service officer upon its being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Authority may require of him:

Provided that the Authority shall not grant:

- (a) a student air traffic controller's licence or an aerodrome flight information service officer's licence to a person under the age of 18 years;
 - (b) an air traffic controller's licence which includes an aerodrome control rating, an approach control rating or an area control rating, to a person under the age of 20 years; or
 - (c) an air traffic controller's licence which includes any other rating, to a person under the age of 21 years.
- (2) Every licence to act as an air traffic controller shall include:
- (a) ratings of one or more of the classes set forth in Schedule 9 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide;
 - (b) a list of the places at which he may provide the service; and
 - (c) the type of radar equipment, if any, with the aid of which he may provide the service.

If throughout any period of 90 days, the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Authority's powers under article 66 of this Order, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Authority to that effect and shall forward the licence to the Authority to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and who is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.

(4) Every licence to act as an aerodrome flight information service officer shall be valid only for the purpose of authorising the holder to provide an aerodrome flight information service at an aerodrome specified in the licence. If, throughout any period of 180 days the holder of the licence has not at any time provided such a service at a particular aerodrome, the licence shall cease to be valid for that aerodrome at the end of that period.

(5) A licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(6) Subject to the provisions of article 66 of this Order, a licence to act as an air traffic controller, as a student air traffic controller or as an aerodrome flight information service officer shall remain in force for the period indicated in the licence and may be renewed by the Authority from time to time, upon its being satisfied that the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force, subject as aforesaid for the lifetime of the holder.

(7) 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 and such examinations and tests may be conducted by the Authority or by a person approved by the Authority.

(8) Every applicant for and holder of an aerodrome flight information service officer's licence shall upon such occasions as the Authority may require, subject himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Authority may require and such examinations and tests may be conducted by the Authority or by a person approved by the Authority.

(9) On the basis of the medical examination referred to in paragraph (7) of this article, the Authority or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to article 73 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(10) The holder of an air traffic controller's licence or a student air traffic controller's licence shall not provide any type of air traffic control service at any such aerodrome or place as is referred to in article 71(1) of this Order unless his licence includes a medical certificate issued and in force under paragraph (9) of this article.

Prohibition of unlicensed air traffic controllers, student air traffic controllers and aerodrome flight information service officers

71.—(1) A person shall not provide at any place any type of air traffic control service or an aerodrome flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless:

- (a) in the case of an air traffic control service, he is the holder of, and complies with the terms of:
 - (i) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with article 70(3) of this Order;
 - (ii) a valid air traffic controller's licence so granted authorising him to provide that type of service at that place; or
 - (iii) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at that place, but 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 so granted which authorises him to provide at that place the type of air traffic control service which is being provided; or
- (b) in the case of an aerodrome flight information service, he is the holder of and complies with the terms of an aerodrome flight information service officer's licence granted under this Order authorising him to provide such a service at that place:

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

(2) The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in Schedule 9 to this Order in respect of a rating at any place 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 that place the type of air traffic control service which is being provided.
- (3) A person shall not provide any type of air traffic control service or an aerodrome flight information service unless he has identified himself in such a manner as may be notified.
- (4) Nothing in a licence granted under article 70 of this Order shall permit any person to operate manually any direction-finding equipment for the purpose of providing air traffic control service to an aircraft at a time when he is providing air traffic control service or making signals to that aircraft or to another aircraft.
- (5) Nothing in this article shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

Flight Information Service Manual

72. A person shall not provide an aerodrome flight information service at any aerodrome unless:
- (a) the service is provided in accordance with the standards and procedures specified in an aerodrome information service manual in respect of that aerodrome;
 - (b) the manual is produced to the Authority within a reasonable time after a request for its production is made by the Authority; and
 - (c) such amendments or additions have been made to the manual as the Authority may from time to time require.

Incapacity of air traffic controllers

73.—(1) Every holder of an air traffic controller's licence granted under article 70 of this Order who:

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant;

shall inform the Authority in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence shall be deemed to be suspended upon the elapse of such period of injury or illness as is referred to in paragraph (1)(a) of this article. The suspension of the licence shall cease:

- (a) upon the holder being medically examined under arrangements made by the Authority and pronounced fit to resume his functions under the licence; or
- (b) upon the Authority exempting the holder from the requirement of a medical examination subject to such conditions as the Authority may think fit.

Power to prohibit or restrict flying

- (a) 74. (1) (a) Where the Secretary of State deems it necessary in the public interest to restrict or prohibit flying by reason of:
 - (i) the intended gathering or movement of a large number of persons;
 - (ii) the intended holding of an aircraft race or contest or of an exhibition of flying; or
 - (iii) national defence or any other reason affecting the public interest;

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flight:

- (aa) by any aircraft, whether or not registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (bb) by aircraft registered in the United Kingdom, in any other airspace, being airspace in respect of which Her Majesty's Government in the United Kingdom has in pursuance of international arrangements undertaken to provide navigation services for aircraft.
- (b) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this article he shall, unless otherwise instructed pursuant to paragraph (3) of this article, cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(3) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(a)(iii) of this article or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio or by one of the prescribed visual signals by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes

75.—(1) Within the United Kingdom:

- (a) a captive balloon or kite shall not be flown at a height of more than 60 metres above ground level or within 60 metres of any vessel, vehicle or structure;
- (b) a captive balloon shall not be flown within 5km. of an aerodrome;
- (c) a balloon exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled airspace;
- (d) a kite shall not be flown within 5km. of an aerodrome;
- (e) an airship shall not be moored; and
- (f) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;

without the permission in writing of the Authority and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.