

1990 No. 2154

CIVIL AVIATION

The Air Navigation (Amendment) Order 1990

Made - - - - - *31st October 1990*

Laid before Parliament *8th November 1990*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 31st day of October 1990

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than subsection (3)(r)), 61 and 102 of the Civil Aviation Act 1982^(a) and 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 1990 and shall come into force for the purposes of article 2(5) and (21) on 1st February 1991, for the purposes of article 2(8) and (25) on 1st October 1991 and for all other purposes on 1st December 1990.

Amendment of the Air Navigation Order 1989

2. The Air Navigation Order 1989^(b) shall be amended as follows:

(1) For article 5(3)(a) there shall be substituted the following:

“(a) that the aircraft is registered in a country in which it is not in fact registered: Provided that marks approved by the Authority for the purposes of flight in accordance with the “B Conditions” contained in Schedule 2 to this Order shall be deemed not to indicate that the aircraft is so registered; or”.

(2) In article 8, after paragraph (7) there shall be added:

“(8) Nothing in this Order shall oblige the Authority to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such approved persons as the Authority may specify (either generally or in a particular case or class of cases).”

(3) In article 31(7) for the words “Rules of the Air and Air Traffic Control” there shall be substituted the words “Rules of the Air”.

(4) For the heading to article 32 there shall be substituted “Public transport aircraft not registered in the United Kingdom—aerodrome operating minima”.

^(a) 1982 c. 16.

^(b) S.I. 1989/2004.

(5) After article 32 there shall be added the following:

“Non-public transport aircraft—aerodrome operating minima

“32A.—(1) This article shall apply to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend below 1000 feet above the height of the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(3) An aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not:

(a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(4) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or, if the relevant minima have not been notified, such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.”

(6) In the heading to article 69, and in article 69(1), (2), (3), (4) and (5) for the words “Rules of the Air and Air Traffic Control” there shall be substituted the words “Rules of the Air”.

(7) Article 69(1)(d) shall be deleted and at the end of article 69(1)(c) there shall be added the word “and”.

(8) After article 69 there shall be added the following:

“Provision of Air Traffic Services

69A.—(1) No person shall provide an air traffic control service otherwise than under and in accordance with the terms of an approval granted to him by the Authority, and the Authority shall grant an approval to any person applying therefor if it is satisfied that the person is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.”

(9) After article 69A(1) there shall be inserted the following:

“(2) In the case of an aerodrome (other than a Government aerodrome) in respect of which there is equipment for providing holding aid, let-down aid or approach aid by radio or radar, the person in charge of the aerodrome shall:

(a) inform the Authority in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person and

(b) during any period and at such times as are notified, cause an air traffic control service to be provided for any aircraft which is flying in, or in the vicinity of, the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(3) The Authority may direct that there shall be provided in respect of any aerodrome (other than a Government aerodrome) such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Authority considers appropriate in respect thereof. The Authority may specify in the direction the periods during and the times at which such a service or such means shall be provided and the person in charge of the aerodrome shall cause such a service or such means to be provided in accordance with any such direction.

(4) Obligations to cause an air traffic control service to be provided arising under paragraph (2) or (3) are without prejudice to each other.

Use of Radio Call Signs at Aerodromes

69B. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified."

- (10) Articles 90 and 91 shall be deleted.
- (11) In article 106(1) in the paragraph commencing "Aerodrome traffic zone" for "Rules of the Air and Air Traffic Control Regulations 1985" there shall be substituted "Rules of the Air Regulations 1990(a)".
- (12) In article 106(1):
 - (a) after the definition of "Direct costs" there shall be inserted the following:
" "Director" has the same meaning as in section 53(1) of the Companies Act 1989(b);"
 - (b) in the sub-paragraph commencing "Rules of the Air and Air Traffic Control" the words "and Air Traffic Control" shall be deleted.
- (13) In article 107(7) after the words "is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command," there shall be inserted the words "or by or on behalf of a body Corporate of which the pilot in command is a director,".
- (14) In Schedule 4 paragraph 5 Scale B(i)(d) for the words "for attachment to" there shall be substituted the words "to be attached to or secured by".
- (15) In Schedule 4 paragraph 5 Scale C(i) and (iii) for the words "Rules of the Air and Air Traffic Control" there shall be substituted the words "Rules of the Air".
- (16) In Schedule 4 paragraph 5 Scale J(ii) for the words "Rules of the Air and Air Traffic Control" there shall be substituted the words "Rules of the Air".
- (17) In Schedule 5 in the Table at paragraph 2 at sub paragraph (1)(b) for the words "Rules of the Air and Air Traffic Control" there shall be substituted the words "Rules of the Air".
- (18) For Schedule 7 there shall be substituted the following:

" SCHEDULE 7

Article 19(4)

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT NAVIGATORS AS MEMBERS OF FLIGHT CREWS OR APPROVED NAVIGATIONAL EQUIPMENT ON PUBLIC TRANSPORT AIRCRAFT

The following areas are hereby specified for the purposes of article 19(4) of this Order.

Area A—Arctic

All that area north of latitude 68° north, but excluding any part thereof within the area enclosed by rhumb lines joining successively the following points:

68° north latitude 00° east/west longitude
73° north latitude 15° east longitude
73° north latitude 30° east longitude
68° north latitude 45° east longitude
68° north latitude 00° east/west longitude

Area B—Antarctic

All that area south of latitude 55° south.

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points:

30° north latitude 05° west longitude
24° north latitude 11° west longitude
14° north latitude 11° west longitude
14° north latitude 28° east longitude
24° north latitude 28° east longitude
28° north latitude 23° east longitude
30° north latitude 15° east longitude
30° north latitude 05° west longitude

(a) S.I. 1990/
(b) 1989 c. 40.

Area E—South America

All that area enclosed by rhumb lines joining successively the following points:

04° north latitude 72° west longitude
04° north latitude 60° west longitude
08° south latitude 42° west longitude
18° south latitude 54° west longitude
18° south latitude 60° west longitude
14° south latitude 72° west longitude
05° south latitude 76° west longitude
04° north latitude 72° west longitude

Area F—Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

60° north latitude 180° east/west longitude
20° north latitude 128° east longitude
04° north latitude 128° east longitude
04° north latitude 180° east/west longitude
55° south latitude 180° east/west longitude
55° south latitude 82° west longitude
25° south latitude 82° west longitude
60° north latitude 155° west longitude
60° north latitude 180° east/west longitude

Area G—Australia

All that area enclosed by rhumb lines joining successively the following points:

18° south latitude 123° east longitude
30° south latitude 118° east longitude
30° south latitude 135° east longitude
18° south latitude 123° east longitude

Area H—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

35° south latitude 110° east longitude
55° south latitude 180° east/west longitude
55° south latitude 10° east longitude
40° south latitude 10° east longitude
25° south latitude 60° east longitude
20° south latitude 60° east longitude
05° south latitude 43° east longitude
10° north latitude 55° east longitude
10° north latitude 73° east longitude
04° north latitude 77° east longitude
04° north latitude 92° east longitude
10° south latitude 100° east longitude
10° south latitude 110° east longitude
35° south latitude 110° east longitude

Area I—North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

55° north latitude 15° west longitude
68° north latitude 28° west longitude
68° north latitude 60° west longitude
45° north latitude 45° west longitude
40° north latitude 60° west longitude
40° north latitude 19° west longitude
55° north latitude 15° west longitude

Area J—South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

40° north latitude 60° west longitude
18° north latitude 60° west longitude
05° south latitude 30° west longitude
55° south latitude 55° west longitude
55° south latitude 10° east longitude
40° south latitude 10° east longitude
02° north latitude 05° east longitude
02° north latitude 10° west longitude
15° north latitude 25° west longitude
40° north latitude 19° west longitude
40° north latitude 60° west longitude

Area K—Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 130° west longitude
55° north latitude 115° west longitude
55° north latitude 70° west longitude
68° north latitude 60° west longitude
68° north latitude 130° west longitude

Area L—Northern Asia

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 56° east longitude
68° north latitude 160° east longitude
50° north latitude 125° east longitude
50° north latitude 56° east longitude
68° north latitude 56° east longitude

Area M—Southern Asia

All that area enclosed by rhumb lines joining successively the following points:

50° north latitude 56° east longitude
50° north latitude 125° east longitude
40° north latitude 110° east longitude
30° north latitude 110° east longitude
30° north latitude 80° east longitude
35° north latitude 80° east longitude
35° north latitude 56° east longitude
50° north latitude 56° east longitude

- (19) In Schedule 9 in sub-paragraph 2(1) and in sub-paragraph 2(2) for the words “in the vicinity of the aerodrome traffic zone” there shall be substituted the words “in, or in the vicinity of, the aerodrome traffic zone”.
- (20) In Schedule 12, Part A, adjacent to “32” in the column headed “Article of Order”, in the column headed “Subject Matter” for the words “Aerodrome operating minima—foreign registered aircraft” there shall be substituted the words “Aerodrome operating minima—foreign registered public transport aircraft”.
- (21) In Schedule 12, Part A, in the column headed “Article of Order” immediately below “32” there shall be inserted “32A” and adjacent thereto in the column headed “Subject Matter” there shall be inserted the words “Aerodrome operating minima—non-public transport aircraft”.
- (22) In Schedule 12, Part A, adjacent to “69(2)” in the column headed “Article of Order”, in the column headed “Subject Matter” for the words “Breach of the Rules of the Air and Air Traffic Control” there shall be substituted the words “Breach of the Rules of the Air”.
- (23) In Schedule 12, Part A, in the column headed “Article of Order” immediately below “69(2)” there shall be inserted “69A (2) and (3)” and adjacent thereto in the column headed “Subject Matter” there shall be inserted the words “Provision of air traffic services”.
- (24) In Schedule 12, Part A, in the column headed “Article of Order” immediately below “69A(2) and (3)” there shall be inserted “69B” and adjacent thereto in the column headed “Subject Matter” there shall be inserted the words “Use of radio call signs at aerodromes”.
- (25) In Schedule 12, Part B, in the column headed “Article of Order” immediately below “68 (except (3))” there shall be inserted “69A (1)” and adjacent thereto in the column headed “Subject Matter” there shall be inserted the words “Provision of an air traffic control service without an approval”.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 1989.

The principal changes are:

- (1) For the avoidance of doubt, marks approved by the Authority for the purposes of flight under B Conditions are deemed not to indicate that an aircraft is registered (article 2(1)).
- (2) The Authority may refuse to accept an application for the issue of a certificate of airworthiness or validation or for the variation or renewal of any such certificate if the application is not supported by specified reports from persons approved by the Authority (article 2(2)).
- (3) With effect from 1st February 1991 a non-public transport aircraft approaching to land on a runway in respect of which there is a notified instrument approach procedure must comply with any relevant aerodrome operating minima in relation to that runway (article 2(5) and (21)).
- (4) With effect from 1st October 1991 a person may not provide an air traffic control service unless he has an approval from the Authority and complies with the terms of that approval (article 2(8) and (25)).
- (5) A number of provisions in relation to air traffic services have been deleted from the Rules of the Air and Air Traffic Control Regulations and are now included in the Order.

The provisions are as follows. First, a requirement to provide an air traffic control service whenever equipment is in operation for the purpose of providing holding aid, let-down aid or approach aid. Secondly, the power for the Authority to direct that an air traffic control service, aerodrome flight information service or means of two-way radio communication be provided at specified times. Thirdly, a requirement that the call sign used by a radio station at an aerodrome must only be used for a purpose for which it has been notified;

(article 2(3), (6), (7), (9), (11), (12), (15), (16), (17) and (22)).

- (6) On 1st November 1990, EC Regulation 2343/90 Article 16 will revoke EC Directive 83/416/EEC, save as respects Gibraltar airport, and EC Regulation 2342/90 Article 14 will revoke EC Directive 87/601/EEC. Since EC Regulations are binding and directly applicable in the UK without implementing measures, Articles 90 and 91 of the Air Navigation Order 1989 will become spent on that date, and have accordingly been deleted.
- (7) The direct cost of a flight, otherwise payable by the pilot in command, may be recovered in specified circumstances from a body Corporate of which the pilot in command is a director (article 2(13)).
- (8) The areas over which an aircraft in flight must carry a flight navigator as a member of its flight crew or specified navigation equipment approved by the Authority are revised (article 2(18)).

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