STATUTORY INSTRUMENTS

1992 No. 3198

CIVIL AVIATION

The Air Navigation (Overseas Territories) (Amendment) Order 1992

Made - - - -	*17th December 1992*
Laid before Parliament	*6th January 1993*
Coming into force - -	*27th January 1993*

At the Court at Buckingham Palace, the 17th day of December 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(**1**), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(**2**), as amended by section 62 of the Civil Aviation Act 1971(**3**) as so extended by the Civil Aviation Act 1971 (Overseas Territories) Order 1976(**4**), 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.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) Order 1992.

(2) This Order shall come into force on 27th January 1993.

Amendment of the Air Navigation (Overseas Territories) Order 1989

2. The Air Navigation (Overseas Territories) Order 1989(**5**) as amended by the Air Navigation (Overseas Territories) (Amendment) Order 1991(**6**) and by the Air Navigation (Overseas Territories) (Amendment) (No. 2) Order 1991(**7**) shall be further amended as follows:

(**1**) 1949 c. 67.
(**2**) S.I. 1969/592.
(**3**) 1971 c. 75.
(**4**) S.I. 1976/1912.
(**5**) S.I. 1989/2395.
(**6**)) S.I. 1991/189.
(**7**) S.I. 1991/1697.

(1) In Article 5—

(a) for paragraph (2) there shall be substituted the following paragraph—

"(2) Before 1st January 1994 the marks to be borne by aircraft registered in the Territory shall comply with Part B1 or Part B2 of Schedule 1 to this Order. On and after 1st January 1994 the marks to be borne by aircraft registered in the Territory shall comply with Part B2 of Schedule 1 to this Order.".

(b) in paragraph (3) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) that the aircraft is registered in a country in which it is in fact not registered, provided that the marks approved by the Governor for the purposes of flight in accordance with the "B Conditions" contained in Schedule 2 to this Order shall be deemed not to purport to indicate that the aircraft is so registered; or".

(2) In Article 7(1) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

"(b) a balloon flying on a private flight;".

(3) In Article 19(3) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

"(b) in the case of a pilot's licence, to act on any flight as pilot of any aircraft flying in controlled airspace notified for the purposes of this sub-paragraph of this Article in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.".

(4) In Article 30(5) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or".

(5) In Article 31(3) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or".

(6) In Article 31A for paragraph (2) there shall be substituted the following paragraph—

"(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 from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.".

(7) In Article 34(2) for sub-paragraph (e) there shall be substituted the following sub-paragraph—

"(e) from the moment when, after the embarkation of its passengers for the purpose of taking off, it first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:

(i) take all reasonable steps to ensure that all passengers of two years of age or more are properly secured in their seats by safety belts or safety harnesses and that all passengers under the age of two years are properly secured by means of a child restraint device; and

(ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is either stowed

in the passenger compartment stowage spaces approved by the Governor for the purpose of stowing baggage or carried in accordance with the terms of a written permission granted by the Governor which permission may be granted subject to such condition as the Governor thinks fit.".

(8) After Article 36 there shall be added the following new Articles—

"Area navigation equipment—aircraft registered in the Territory

36A.—(1) An aircraft registered in the Territory shall not fly in controlled airspace notified for the purposes of this paragraph of this Article as an area navigation route or area unless—

(a) it is equipped with area navigation equipment which is approved by the Governor in relation to the purpose for which it is to be used, and which is installed and maintained in a manner approved by the Governor; and

(b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft registered in the Territory shall not, when flying in controlled airspace notified for the purposes of this paragraph of this Article, not being an area navigation route or area, be navigated by means of area navigation equipment unless—

(a) the said equipment is approved by the Governor in relation to the purpose for which it is to be used, and is installed and maintained in a manner approved by the Governor; and

(b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(3) For the purposes of this Article, an approval shall be in writing and may be subject to such conditions as the Governor thinks fit. Such an approval may be granted in respect of any aircraft or specified class or category of aircraft or in respect of a specified type or types of equipment.

Area navigation equipment—aircraft not registered in the Territory

36B.—(1) An aircraft which is not registered in the Territory shall not fly in controlled airspace notified for the purposes of paragraph (1) of Article 36A unless—

(a) it is so equipped with area navigation equipment as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying within any specified areas; and

(b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.

(2) An aircraft which is not registered in the Territory shall not, when flying in controlled airspace notified for the purposes of paragraph (2) of Article 36A, be navigated by means of area navigation equipment unless—

(a) the said equipment complies with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying within any specified areas; and

(b) the said equipment is capable of being operated so as to enable the aircraft to maintain the navigation accuracy notified in respect of the airspace in which the aircraft is flying, and it is so operated.".

(9) In Article 44(1) for paragraph (g) of the proviso there shall be substituted the following paragraphs—

"(g) the documents which must be produced to the Governor or an authorised person on request; and

(h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.".

(10) In Article 46—

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) Subject to the proviso to paragraph (5) hereof, this Article shall apply to every public transport aircraft registered in the Territory."

(b) after paragraph (5)(c) there shall be added the following proviso—

"Provided that this paragraph shall not apply to helicopters."

(11) After Article 68 there shall be added the following new Article—

"Prohibition of drunkenness et cetera of controllers

68A. A person shall not when exercising the privileges of an air traffic controller's licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges."

(12) In Article 70(1) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

"(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 notified for the purposes of this sub-paragraph of this Article;".

(13) In Article 83(1) for the words "hire or reward" there shall be substituted the words "valuable consideration".

(14) After Article 83 there shall be added the following new Article—

"Permissions for inter-regional scheduled air services within the European Community

83A.—(1) Subject to paragraph (3) of this Article, the Secretary of State shall grant permission pursuant to Article 83 to the operator of an aircraft (where such permission is required) so as to authorise an inter-regional air service within the meaning of Council Directive 83/416/EEC(**8**) as amended by Council Directive 86/216/EEC(**9**) where the operator is an air carrier within the meaning of that Directive and pursuant to the Directive the United Kingdom is obliged to authorise him to operate such a service.

(2) Any such permission may contain conditions, but these may not be such as to give the operator a lesser authorisation than that to which he is entitled under article 5 of the Directive and may not entitle The Civil Aviation Authority to disapprove the tariffs charged by the operator if the conditions set out in article 7 of the Directive are met.

(3) The Secretary of State may refuse to grant such a permission on any of the grounds set out in articles 3 and 6 of the Directive.

(4) A decision of the Secretary of State to grant, or to refuse to grant, such a permission shall be notified to the Member State which forwards the application for the said permission and to the European Commission within 3 months of his receipt of that application. The reasons for

(**8**) OJ No. L237 of 26th August 1983, page 19.
(**9**) OJ No. L152 of 6th June 1986, page 47.

any refusal to grant such a permission shall be provided in writing upon request made by that State or by the European Commisson.".

(15) In Article 84(1) for the words "hire or reward" there shall be substituted the words "valuable consideration".

(16) In Article 97 after the word "Territory" for the full stop there shall be substituted a colon and the following proviso shall be added thereafter—

"Provided that Article 83A applies only to Gibraltar.".

(17) In Article 99—

(a) in paragraph (1) for the definition of "Aerial work" there shall be substituted the following definition—

> ""Aerial work" has the meaning assigned to it in Article 99A;".

(b) in paragraph (1) in the definition of "Air transport undertaking" for the words "hire or reward" there shall be substituted the words "valuable consideration".

(c) in paragraph (1) for the definition of "Appropriate air traffic control unit" there shall be substituted the following definition—

> ""Appropriate air traffic control unit" means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the case may be;".

(d) in paragraph (1) after the definition of "Appropriate air traffic control unit" there shall be added the following new definition—

> ""Area navigation equipment" means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;".

(e) in paragraph (1) after the definition of "The Civil Aviation Authority" there shall be added the following new definition—

> ""Class A Airspace", "Class B Airspace", "Class C Airspace", "Class D Airspace", and "Class E Airspace" mean airspace respectively notified as such;".

(f) in paragraph (1) for the definition of "Controlled airspace" there shall be substituted the following definition—

> ""Controlled airspace" means airspace which has been notified as Class A, Class B, Class C, Class D, or Class E airspace;".

(g) in paragraph (1) for the definition of "Control area" there shall be substituted the following definition—

> ""Control area" means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;".

(h) in paragraph (1) for the definition of "Control zone" there shall be substituted the following definition—

> ""Control zone" means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;".

(i) in paragraph (1) after the definition of "Danger area" there shall be added the following new definition—

> ""Day" means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;".

(j) in paragraph (1) after the definition of "Decision height" there shall be added the following new definition—

""Director" shall have the same meaning as in Section 53(1) of the Companies Act 1989(**10**);".

(k) in paragraph (1) after the definition of "Flight level" there shall be added the following new definition—

""Flight plan" means such information as may be notified in respect of an air traffic control service unit being information provided or to be provided to that unit relative to an intended flight or portion of a flight of an aircraft;".

(l) in paragraph (1) in the definition of "Military aircraft" for the word "includes" there shall be substituted the word "means".

(m) in paragraph (1) for the definition of "Night" there shall be substituted the following definition—

""Night" means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;".

(n) in paragraph (1) after the definition of "Pressurised aircraft" there shall be added the following new definition—

""Private flight" means a flight which is neither for the purpose of aerial work nor public transport;".

(o) in paragraph (1) in the definition of "Public transport" for the words "paragraph (7) of this Article" there shall be substituted the words "Article 99A".

(p) in paragraph (1) after the definition of "Special VFR flight" there shall be added the following new definition—

""Specified minimum weather provisions" has the meaning assigned to it by paragraph (6A) of this Article;".

(q) in paragraph (1) after the definition of "The Territory" there shall be added the following new definition—

""Valuable consideration" means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken pursuant to an agreement, which is of more than a nominal nature;".

(r) after paragraph (6) there shall be added the following new paragraph—

"(6A) The specified minimum weather provisions shall be as follows—

(a) outside airspace notified for the purposes of Schedule 8 to this Order—

(i) an aircraft flying above 3,000 feet above mean sea level shall remain at least 1,800 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 10 kilometres;

(ii) an aircraft other than a helicopter flying at or below 3,000 feet above mean sea level shall remain at least 1,800 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres:

Provided that this sub-paragraph shall be deemed to be complied with if the aircraft is flown at a speed which according to its airspeed indicator is 140 knots or less and remains clear of cloud, in sight of the surface and in a flight visibility of at least 1,800 metres;

(**10**) 1989 c. 40.

(iii) a helicopter flying at or below 3,000 feet above mean sea level shall remain clear of cloud and in sight of the surface or at least 1,800 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres;

(b) within airspace notified for the purposes of Schedule 8 to this Order an aircraft shall remain at least 1,800 metres horizon tally and 1,000 feet vertically away from cloud and in a flight visibility of at least 10 kilometres:

Provided that in a control zone within such airspace, in the case of a special VFR flight the aircraft shall be flown in accordance with any instructions given by the appropriate air traffic control unit.".

(s) paragraph (7) shall be deleted.

(18) After Article 99 there shall be added the following new Article—

"Public transport and aerial work

99A.—(1) Subject to the provisions of this Article, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight provided that, if the only such valuable consideration consists of remuneration for the services of the pilot, the flight shall be deemed to be a private flight for the purpose of Part III of this Order.

(2) Subject to the provisions of this Article, an aircraft in flight shall for the purpose of this Order be deemed to fly for the purposes of public transport:

(a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;

(b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors), persons with the authority of the Governor either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or

(c) for the purposes of Part III of this Order (other than Articles 13(2) and 14(2) thereof), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg.) otherwise than under a hire-purchase or conditional sale agreement:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (2)(c) of this Article, it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given for the carriage of those passengers:

Provided also that a glider shall not be deemed to fly for the purpose of public transport for the purposes of Part III of this Order by virtue of sub-paragraph (2)(c) of this Article if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club:

And provided further that notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (2)(c) of this Article in respect of the flight or the purpose of the flight it shall:

(i) subject to sub-paragraph (ii) below, for all purposes other than Part III of this Order; and

(ii) for the purposes of Articles 13(2) and 14(2) of this Order;

be deemed to be a private flight.

(3) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(a) (4) A flight shall, for the purposes of Part IV of this Order, be deemed to be a private flight if:

(i) the flight is:

(aa) wholly or principally for the purpose of taking part in an aircraft race, contest or exhibition of flying;

(bb) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (aa) hereof and is made with the intention of carrying out such a flight; or

(cc) for the purpose of returning after such a flight as is specified in sub-paragraph (aa) hereof to a place at which the aircraft is usually based.

(ii) the only valuable consideration in respect of the flight or the purpose of the flight other than:

(aa) valuable consideration specified at sub-paragraph (2)(c) of this Article; or

(bb) in the case of an aircraft owned in accordance with subparagraph (8)(a) of this Article, valuable consideration which falls within sub-paragraph (8)(b) of this Article:

is either

(cc) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or exhibition of flying and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or

(dd) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission in writing of the Governor granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Governor thinks fit;

or falls within both sub-paragraphs (cc) and (dd).

(b) Any prize falling within sub-paragraph (4)(a)(ii)(dd) of this Article shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

(5) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than:

(a) valuable consideration specified at sub-paragraph (2)(c) of this Article; or

(b) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this Article, valuable consideration which falls within subparagraph (8)(b) of this Article;

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Governor and in accordance with any conditions therein specified;

Provided that if valuable consideration specified at sub-paragraph (2)(c) of this Article is given or promised the provisions of that sub-paragraph shall apply to the flight.

(6) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight for the purpose of the flight other than:

(a) valuable consideration specified at sub-paragraph (2)(c) of this Article; or

(b) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this Article, valuable consideration which falls within subparagraph (8)(b) of this Article;

is a contribution to the direct costs of the flight otherwise payable by the pilot in command:

Provided that:

(i) no more than 4 persons (including the pilot) shall be carried on such a flight;

(ii) the proportion which such contribution bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot); and

(iii) no information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club:

Provided further that no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight:

And provided also that if valuable consideration specified at sub-paragraph (2)(c) of this Article is given or promised the provisions of that sub-paragraph shall apply to the flight.

(7) A flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than:

(a) valuable consideration specified at sub-paragraph (2)(c) of this Article; or

(b) in the case of an aircraft owned in accordance with sub-paragraph (8)(a) of this Article, valuable consideration which falls within subparagraph (8)(b) of this Article;

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 or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried:

Provided further that if valuable consideration specified at sub-paragraph (2)(c) of this Article is given or promised the provisions of that sub-paragraph shall apply to the flight.

(8) A flight shall be deemed to be a private flight if:

(a) the aircraft is owned:

(i) jointly by persons (each of whom is a natural person) who each hold not less than 5 per cent beneficial share and:

(aa) the aircraft is registered in the names of all the joint owners; or

(bb) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the Governor of the names of all the persons beneficially entitled to a share in the aircraft; or

(ii) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5 per cent of the shares in that company; and

(b) the only valuable consideration given or promised in respect of the flight or the purpose of the flight is either:

(i) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or

(ii) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid):

or falls within both sub-paragraphs (i) and (ii).

(9) A flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of:

(a) the dropping of persons by parachute and which is made under and in accordance with the terms of a written permission granted by the Governor pursuant to Article 41 of this Order;

(b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) hereof and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a written permission granted by the Governor pursuant to Article 41 of this Order; or

(c) returning after such a flight as is specified in sub-paragraph (a) hereof to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a);

shall be deemed to be for the purposes of aerial work.".

(19) In Part B of Schedule 1—

(a) after the heading "NATIONALITY AND REGISTRATION MARKS OF AIRCRAFT REGISTERED IN THE TERRITORY" there shall be added the new sub-heading "PART B1".

(b) before PART C there shall be added the following new sub-PART—

"PART B2

1. The nationality mark of the aircraft shall be a group of two capital letters in Roman character and the registration mark shall be a group of three capital letters in Roman character assigned by the Governor on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

2. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the construction features of the aircraft and shall always be kept clean and visible.

3. The letters constituting each group of marks shall be of equal height and they, and the hyphen, shall be of a single colour which shall clearly contrast with the background on which they appear.

4. The nationality and registration marks shall also be inscribed on a fire-proof metal plate affixed in a prominent position—

(a) in the case of a microlight aeroplane, either in accordance with sub-paragraph (c) of this paragraph or on the wing;

(b) in the case of a balloon, on the basket or envelope; or

(c) in the case of any other aircraft on the fuselage or car, as the case may be.

5. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner:

Position and Size of Marks

(a) Heavier-than-air Aircraft (excluding kites)

(i) Horizontal Surfaces of the Wings—

(aa) On aircraft having a fixed wing surface, the marks shall appear on the lower surface of the wing structure, and shall be on the port wing unless they extend across the whole surface of both wings. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(bb) The height of the letters shall be at least 50 centimetres:

Provided that if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed.

(ii) Fuselage (or equivalent structure) and Vertical Tail Surfaces—

(aa) The marks shall also appear either—

(aaa) on each side of the fuselage (or equivalent structure), and shall, in the case of fixed wing aircraft, be located between the wings and the horizontal tail surface; or

(bbb) on the vertical tail surfaces.

(bb) When located on a single vertical tail surface, the marks shall appear on both sides. When located on multivertical tail surfaces the marks shall appear on the outboard sides of the outer surfaces. Subject to subparagraphs (dd) and (ee) below, the height of the letters constituting each group of marks shall be at least 30 centimetres.

(cc) If one of the surfaces authorised for displaying the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with subparagraph (ee) below) and the other is not, marks of 30 centimetres in height shall be placed on the largest authorised surface.

(dd) If neither surface is large enough for marks of 30 centimetres in height (whilst complying with subparagraph (ee) below), marks

of the greatest height practicable in the circumstances shall be displayed on the larger of the two surfaces.

(ee) The marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface.

(ff) On rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the sides of the fuselage (or equivalent structure) is less than 30 centimetres the marks shall also appear on the lower surface of the fuselage as close to the line of symmetry as is practicable and shall be placed with the tops of the letters towards the nose. The height of the letters constituting each group of marks shall be at least 50 centimetres:

Provided that if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances shall be displayed.

(iii) Whenever in the preceding provisions of this paragraph marks of the greatest height practicable in the circumstances are required, that height shall be such as is consistent with compliance with Section II of this Part of this Schedule.

(b) Airships and Free Balloons

(i) Airships: The marks shall be placed on each side of the airship. They shall be placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser.

(ii) Free Balloons: The marks shall be in two places on diametrically opposite sides of the balloon.

(iii) In the case of both airships and free balloons the side marks shall be so placed as to be visible both from the sides and from the ground. The height of the letters shall be at least 50 centimetres.

Width, Spacing and Thickness of Marks

II

(a) (i) For the purposes of this Section "a standard letter" shall mean any letter other than the letters I, M and W.

(ii) The width of each standard letter and the length of the hyphen between the nationality mark and the registration mark shall be two-thirds of the height of a letter.

(iii) The width of the letters M and W shall be neither less than two-thirds of their height nor more than their height.

(iv) The width of the letter I shall be one-sixth of the height of the letters forming the marks.

(b) The width of the lines comprising each letter and hyphen shall be one-sixth of the height of the letters forming the marks.

(c) Each letter and hyphen shall be separated from the letter or hyphen which it immediately precedes or follows, by a space equal to either one-quarter or one-

half of the width of a standard letter. Each such space shall be equal to every other such space within the marks.".

(20) For Schedule 4 there shall be substituted the following new Schedule—

"SCHEDULE 4 Articles 11(4) and 13(2)

AIRCRAFT EQUIPMENT

1. Every aircraft of a description specified in the first column of the Table set forth in paragraph 4 of this Schedule and which is registered in the Territory shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression "adequate equipment" shall mean the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

2. The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

3. The following items of equipment shall not be required to be of a type approved by the Governor:

(a) The equipment referred to in Scale A(ii).

(b) First aid equipment and handbook, referred to in Scale A.

(c) Time-pieces, referred to in Scale F.

(d) Torches, referred to in Scales G, H, K and Z.

(e) Whistles, referred to in Scale H.

(f) Sea anchors, referred to in Scales J and K.

(g) Rocket signals, referred to in Scale J.

(h) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale J.

(i) Paddles, referred to in Scale K.

(j) Food and water, referred to in Scales K, U and V.

(k) First aid equipment, referred to in Scales K, U and V.

(l) Stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V.

(m) Megaphones, referred to in Scale Y1 and Y2.

4.

Table

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(1) Gliders	(a) flying for purposes other than public transport or	A (ii)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	aerial work; and when flying by night	
	(b) flying for the purpose of public transport or aerial work; and	A, B (i) and (ii), D and F(i)
	(i) when flying by night	C and G
	(ii) when carrying out aerobatic manoeuvres	B(iii)
(2) Aeroplanes	(a) flying for purposes other than public transport; and	A(i) and (ii) and
	(i) when flying by night	C and D
	(ii) when flying under Instrument Flight Rules	D
	(aa) outside controlled airspace notified for the purposes of this sub-paragraph	
	(bb) within controlled airspace notified for the purposes of this sub-paragraph	E with E (iv) duplicated and F
	(iii) when carrying out aerobatic manoeuvres	B (ii)
	(b) flying for the purpose of public transport; and	A, B (i) and (ii), D and F (i)
	(i) when flying under Instrument Flight Rules except flights outside controlled airspace notified for the purposes of this sub-paragraph by aeroplanes having a maximum total weight authorised not exceeding 1,150 kg.	E with E (iv) duplicated and F
	(ii) when flying by night; and in the case of aeroplanes of which the	C and G E with E (iv) duplicated and F

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	maximum total weight authorised exceeds 1,150 kg.	
	(iii) when flying over water beyond gliding distance from land	H
	(iv) on all flights on which in the event of any emergency occurring during the takeoff or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aeroplane would be forced to land onto water	H
	(v) when flying over water:	H and K
	(aa) in the case of an aeroplane:	
	(aaa) classified in its certificate of airworthiness as being of performance group A, C or X; or	
	(bbb) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous	

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Governor it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the International Standard Atmosphere specified in or ascertainable by reference to the certificate of airworthiness in force in respect of that aircraft, when either more than 400 nautical miles or more than 90 minutes flying time* from the nearest aerodrome at which an emergency landing can be made	
	(bb) in the case of all other aeroplanes, when more than 30 minutes flying time* from such an aerodrome	H AND K
	(vi) on all flights which involve manoeuvres on water	H, J and K
	(vii) when flying at a height of 10,000 feet or more above mean sea level:	L1 or l2

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	(aa) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) before 1 January 1989	
	(bb) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) on or after 1 January 1989	L2
	(viii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	M
	(ix) when carrying out aerobatic manoeuvres	B(iii)
	(x) on all flights on which the aircraft carries a flight crew of more than one person	N
	(xi) on all flights for the purpose of the public transport of passengers	Q and Y1
	(aa) before 1 February 1993	
	(bb) on or after 1 February 1993	Q and Y2 (i), (ii) and (iii)
	(xii) on all flights by a pressurised aircraft	R1
	(aa) before 1 February 1993	
	(bb) on or after 1 February 1993	R2

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	(xiii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xiv) when flying over substantially uninhabited land or other areas where, in the event of any emergency landing, polar conditions are likely to be met	V
	(xv) when flying at an altitude of more than 49,000 feet	W
(3) Turbine-jet aeroplanes having a maximum total weight authorised exceeding 5,700 kg. or pressurised aircraft having a maximum total weight authorised exceeding 11,400 kg.	when flying for the purpose of public transport	O
(4) Turbine-engined aeroplanes having a maximum total weight authorised exceeding 5,700 kg. and piston-engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg.	when flying on any flight	P
(a) which are operated by an air transport undertaking under a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or		
(b) in respect of which application has been made and not withdrawn or refused for such	when flying on any flight	P

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
a certificate, and which fly under the "A Conditions' or under a certificate of airworthiness in the Special Category:		
Provided that this paragraph shall not apply to aeroplanes falling within paragraphs (5) or (6) hereof.		
(5) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the "A Conditions' or in respect of which there is in force a certificate of airworthiness in the Special Category	when flying on any flight	S(i)
(a) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 April 1971 and which have a maximum total weight authorised exceeding 5,700 kg. but not exceeding 11,400 kg.; or		
(b) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 April 1971 and which have	when flying on any flight	S(ii)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
a maximum total weight authorised exceeding 11,400 kg. but not exceeding 27,000 kg.; or		
(c) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 April 1971 and which have a maximum total weight authorised exceeding 27,000 kg. but not exceeding 230,000 kg.; or	when flying on any flight	S(iii)
(d) which conform to a type first issued with a type certificate in the Territory on or after 1 January 1970 and which have a maximum total weight authorised exceeding 230,000 kg.;	when flying on any flight	S(iii)
Provided that this paragraph shall not apply to aeroplanes falling within paragraph (6) hereof.		
(6) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under "A Conditions' or in respect of which there is in force a certificate of	when flying on any flight	S(iv)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
airworthiness in the Special Category		
(a) for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1 June 1990 and which have a maximum total weight authorised not exceeding 5,700 kg., are powered by 2 or more turbine engines and are certified to carry more than 9 passengers; or		
(b) for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1 June 1990 and which have a maximum total weight authorised exceeding 5,700 kg. but not exceeding 27,000 kg.; or	when flying on any flight	S(v)
(c) for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1 June 1990 and which have a maximum total weight authorised exceeding 27,000 kg.	when flying on any flight	S(vi)
(7) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Aerial Work or	when flying on any flight	S(vi)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
Private Category and for which an individual certificate of airworthiness was first issued (whether in the Territory or elsewhere) on or after 1 June 1990 and which have a maximum total weight authorised exceeding 27,000 kg.		
(8) Aeroplane:	when flying on any flight	T
(a) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 April 1971 and having a maximum total weight authorised exceeding 27,000 kg. and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or		
(b) which conform to a type first issued with a type certificate in the Territory on or after 1 January 1970 and which have a maximum total weight authorised exceeding 230,000 kg. and in respect of which there is in force such a certificate of airworthiness; or	when flying on any flight	T
(c) having a maximum total weight authorised	when flying on any flight	T

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
exceeding 27,000 kg. which conform to a type first issued with a type certificate on or after 1 April 1971 (or 1 January 1970 in the case of an aeroplane having a maximum total weight authorised exceeding 230,000 kg.) in respect of which an application has been made, and not withdrawn or refused for such a certificate of airworthiness and which fly under the "A Conditions' or in respect of which there is in force a certificate of airworthiness in the Special Category.		
(9) Aeroplanes which have a maximum total weight authorised exceeding 15,000 kg. or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers.	on all flights for the purpoe of public transport	X
(10) Aeroplane:	when flying by night for the purpose of the public transport of passengers	Z (i) and (ii)
(a) which are turbo-jets and which have a maximum total weight authorised exceeding 22,700 kg.; or		
(b) having a maximum total weight authorised exceeding 5,700 kg. and which conform to a type for which a certificate of airworthiness	when flying by night for the purpose of the public transport of passengers	Z(i) and (ii)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
was first applied for (whether in the Territory or elsewhere) after 30 April 1972 but not including any aeroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or		
(c) which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers; or	when flying by night for the purpose of the public transport of pasengers	Z (i)
(d) having a maximum total weight authorised exceeding 5,700 kg. and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30 April 1972 but not including any aeroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency	when flying for the purpose of the public transport of passengers	Z (iii)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date; or		
(e) which are turbo-jets and which have a maximum total weight authorised exceeding 22,700 kg.; or	when flying for the purpose of the public transport of passenger	Z (iii)
(f) first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 January 1958 and which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers.	when flying for the purpose of the public transport of passengers	Z (iii)
(11) Aeroplanes:	when flying on any flight on or after 1 February 1993	AA
(a) powered by one or more turbine jets and first issued with a certificate of airworthiness in the Territory on or after 1 April 1989;		
(b) powered by one or more turbine jets and first issued with a certificate of airworthiness in the Territory prior to 1 April 1989;	when flying on any flight on or after 1 February 1993	AA
(c) powered by one or more turbine propeller engines and having a maximum total	when flying on any flight on or after 1 February 1993	AA

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
weight authorised exceeding 5,700 kg. and first issued with a certificate of airworthiness in the Territory on or after 1 April 1989.		
(12) Aeroplanes:	on all flights for the purpose of the public transport of passengers on or after 1 February 1993	Y2(iv)
(a) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 April 1978 and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger);		
(b) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) on or after 1 April 1968 and before 1 April 1978 and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger);	on all flights for the purpose of the public transport of passengers on or after 1 February 1993	Y2 (iv)
(c) which conform to a type first issued with a type certificate (whether in the Territory or elsewhere) before 1 April 1968 and in respect of which there is in force a certificate of airworthiness in the	on all flights for the purpose of the public transport of passengers on or after 1 February 1993	Y2(iv)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
Transport Category (Passenger).		
(13) Helicopters and Gyroplanes	(a) flying for purposes other than public transport; and	A (i) and (ii) and B(i)
	(i) when flying by day under Visual Flight Rules with visual ground reference	D
	(ii) when flying by day under Instrument Flight Rules or without visual ground reference	E with E (ii) duplicated
	(aa) outside controlled airspace notified for the purposes of this sub-paragraph	
	(bb) within controlled airspace notified for the purposes of this sub-paragraph	E with E (ii) and E (iv) duplicated and F with F (iv) for all weights
	(iii) when flying at night	C, E, G (iii) G (v)
	(aa) with visual ground reference	
	(bb) without visual ground reference	C, E with E (ii) duplicated, G (iii) G (v)
	(aaa) outside controlled airspace notified for the purposes of this sub-paragraph	
	(bbb) within controlled airspace notified for the purposes of this sub-paragraph	C, E with both E(ii) and E (iv) duplicated, F with F (iv) for all weights, G (iii) and G (v)
	(b) flying for the purpose of public transport; and	A, B (i) and (ii), F (i) and F (iv) for all weights
	(i) when flying by day under Visual Flight	D

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	Rules with visual ground reference	
	(ii) when flying by day under Instrument Flight Rules or without visual ground reference	E with both E(ii) and E (iv) duplicated, F (ii), F (iii) and F (v)
	(iii) when flying by night with visual ground reference	C, E and G
	(aa) in the case of a helicopter or gyroplane having a maximum total weight authorised not exceeding 2,000 kg.	
	(bb) in the case of a helicopter or gyroplane having a maximum total weight authorised exceeding 2,000 kg.	C, E with E (ii) duplicated and either E (iv) duplicated or a radio altimeter, F (ii), F (iii), F(v) and G
	(iv) when flying by night without visual ground reference	C, E with both E (ii) and E (iv) duplicated, F (ii), F (iii), F (v) and G
	(v) when flying over water	E and H
	(aa) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group A2 or B when beyond auto-rotational gliding distance from land suitable for an emergency landing	

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	(bb) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the helicopter or gyroplane would be forced to land onto water	H
	(cc) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group A2 when beyond 10 minutes flying time* from land	E, H, K and T
	(dd) for more than a total of 3 minutes in any flight	EE
	(ee) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 which is intended to fly beyond 10 minutes flying time* from land or which actually flies beyond 10 minutes flying time* from land, on a flight in support of or in connection with the offshore exploitation, or exploration of mineral resources (including gas) when the weather report or forecasts available to	I

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	the commander of the aircraft indicate that the sea temperature will be less than plus 10°C during the flight or when any part of the flight is at night	
	(vi) on all flights which involve manoeuvres on water	H, J and K
	(vii) when flying at a height of 10,000 feet or more above mean sea level:	L1 and L2
	(aa) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) before 1 January 1989	
	(bb) having a certificate of airworthiness first issued (whether in the Territory or elsewhere) on or after 1 January 1989	L2
	(viii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	M
	(ix) on all flights on which the aircraft carries a flight crew of more than one person	N
	(x) on all flights for the purpose of the public transport of passengers	Y1
	(aa) before 1 February 1993	

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
	(bb) on or after 1 February 1993	Y2(i), (ii) and (iii)
	(xi) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xii) when flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met	V
(14) Helicopter and Gyroplanes: (a) having a maximum total weight authorised exceeding 5,700 kg. and which conform to a type for which a certificate of airworthiness was first applied for (whether in the Territory or elsewhere) after 30 April 1972 but not including any helicopter or gyroplane which in the opinion of the Governor is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date; or	when flying by night for the purpose of the public transport of passengers	Z (i) and (ii)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(b) which, in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers; or	when flying by night for the purpose of the public transport of passengers	Z (i)
(c) which have a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and which have either a maximum total weight authorised exceeding 2,730 kg. or	when flying on any flight before 1 February 1993	S(vii)
(d) which have a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and helicopters and gyroplanes in respect of which application has been made and not withdrawn or refused for such a certificate of airworthiness and which fly under the "A Conditions' or which have a certificate of airworthiness in the Special Category and	when flying on any flight on or after 1 February 1993	SS(i) or (iii)
(i) which have a maximum total weight authorised exceeding 2,730 kg. but not exceeding 7,000 kg.		

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 9 passengers, or both		
(ii) which have a maximum total weight authorised exceeding 7,000 kg.	when flying on any flight on or after 1 February 1993	SS(ii) or (iii)

* For the purpose of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water.

5. The scales of equipment indicated in the foregoing Table shall be a follows:

Scale A

(i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.

(ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment re quired under this Order, for the intended flight of the aircraft including any diversion which may reasonably be expected.

(iii) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following:

Roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;

Haemostatic bandages or tourniquets, scissors;

Antiseptic, analgesic and stimulant drugs;

Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700 kg.;

A handbook on first aid.

(iv) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarka tion of passengers, whether normally or in an emergency:

(a) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxying; or

(b) would be more than 1.82 metres from the ground if the undercarriage or any part thereof should collapse, break or fail to function;

apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

Scale AA

An altitude alerting system capable of alerting the pilot upon approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude, and when deviating above or below that preselected altitude, by a visual and an aural signal:

Provided that if the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place at which it is reasonably practicable for the system to be repaired or replaced.

Scale B

(i) (a) If the maximum total weight authorised of the aircraft is 2,730 kg. or less, for every pilot's seat and for any seat situated alongside a pilot's seat, a safety belt with one diagonal shoulder strap or a safety harness:

Provided that the Governor may permit a safety belt without a diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.

(b) If the maximum total weight authorised of the aircraft exceeds 2,730 kg. a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, in place of the safety belt with one diagonal shoulder strap referred to under sub-paragraph (a):

Provided that the Governor may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety harness.

(c) For every seat in use (not being a seat referred to in subparagraphs (a), (b), (e) and (f)) a safety belt with or without one diagonal shoulder strap or a safety harness.

(d) In addition and to be attached to or secured by the equipment required in sub-paragraph (c) above, a child restraint device for every child under the age of 2 years on board.

(e) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin attendants who are required to be carried under this Order, a safety harness.

(f) On all flights in aeroplanes the maximum total weight authorised of which does not exceed 5,700 kg. which in accordance with the certificate of airworthiness in force thereof is not capable of seating more than 9 passengers (otherwise than in seats referred to under sub-paragraphs (a) and (b)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger:

Provided that the provisions of this sub-paragraph shall not apply to aeroplanes in respect of which a certificate of airworthiness was first issued (whether in the Territory or elsewhere) before 1 February 1989.

(ii) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

(iii) A safety harness for every seat in use:

Provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Governor may permit a safety belt with one diagonal shoulder strap to be fitted if he 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.

Scale C

(i) Equipment for displaying the lights required by the Rules of the Air;

(ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight;

(iii) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air as indicating a request for permission to land.

Scale D

(i) (a) In the case of a helicopter or gyroplane, a slip indicator;

(b) In the case of any other flying machine either:

(aa) a turn indicator and a slip indicator; or

(bb) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator;

(ii) A sensitive pressure altimeter adjustable for any sea level barome tric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

(i) (a) In the case of a helicopter or gyroplane, a slip indicator;

(b) In the case of any other flying machine, a turn indicator and a slip indicator;

(ii) A gyroscopic bank and pitch indicator;

(iii) A gyroscopic direction indicator;

(iv) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight:

Provided that any aircraft may, at the option of the operator, be equipped with an additional gyroscopic bank and pitch indicator in lieu of the turn indicator referred to in (i) of this Scale.

Scale EE

A radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.

Scale F

(i) A timepiece indicating the time in hours, minutes and seconds;

(ii) A means of indicating whether the power supply to the gyroscopic instrument is adequate;

(iii) A rate of climb and descent indicator;

(iv) If the maximum total weight authorised of the aircraft exceeds 5,700 kg., a means of indicating outside air temperature;

(v) If the maximum total weight authorised of the aircraft exceeds 5,700 kg. two air speed indicators.

Scale G

(i) In the case of an aircraft other than a helicopter or gyroplane landing lights consisting of 2 single filament lamps, or one dual filament lamp with separately energised filaments;

(ii) An electrical lighting system to provide illumination in every passenger compartment;

(iii) (a) One electric torch for each member of the crew of the aircraft; or

(b) (aa) one electric torch for each member of the flight crew of the aircraft; and

(bb) at least one electric torch affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches shall:

(aaa) be readily accessible for use by the crew of the aircraft at all times; and

(bbb) number in total not less than the minimum number of cabin attendants required to be carried with a full passenger complement;

(iv) In the case of an aircraft other than a helicopter or gyroplane of which the maximum total weight authorised exceeds 5,700 kg., means of observing the existence and build up of ice on the aircraft;

(v) (a) In the case of a helicopter or gyroplane in respect of which there is in force a certificate of airworthiness designating the helicopter or gyroplane as being of performance group A, either:

(aa) 2 landing lights both of which are adjustable so as to illuminate the ground in front of and below the helicop ter or gyroplane and one of which is adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or

(bb) one landing light or, if the maximum total weight authorised of the helicopter or gyroplane exceeds 5,700 kg., one dual filament landing light with separately energised filaments, or 2 single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and 2 parachute flares;

(b) In the case of a helicopter or gyroplane in respect of which there is in force a certificate of airworthiness designating the helicopter or gyroplane as being of performance group B, either:

(aa) one landing light and 2 parachute flares; or

(bb) if the maximum total weight authorised of the helicopter or gyroplane exceeds 5,700 kg., either one dual filament landing light with separately energised filaments or 2 single filament landing lights, and 2 parachute flares.

Scale H

For each person on board, a lifejacket equipped with a whistle and waterproof torch:

Provided that lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

A survival suit for each member of the crew.

Scale J

(i) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine;

(ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air and complying with Part III of Schedule 15 to the Merchant Shipping (Life-Saving Appliances) Regulations 1980(**11**);

(iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropri ate to its size, weight and handling characteristics.

Scale K

(**11**) S.I. 1980/588 as amended by S.I. 1990/2154.

(i) (a) In the case of a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, liferafts sufficient to accommodate all persons on board;

(b) In the case of a helicopter or gyroplane carrying 20 or more persons, a minimum of 2 liferafts sufficient together to accommodate all persons on board.

Each liferaft shall contain the following equipment:

(a) means for maintaining buoyancy;

(b) a sea anchor;

(c) life-lines, and means of attaching one liferaft to another;

(d) paddles or other means of propulsion;

(e) means of protecting the occupants from the elements;

(f) a waterproof torch;

(g) marine type pyrotechnical distress signals;

(h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);

(i) for each 4 or proportion of 4 persons the liferaft is designed to carry:

100 grammes of glucose toffee tablets;

½ litre of fresh water in durable containers:

Provided that in any case in which it is not reasonably practicable to carry the quantity of water above specified as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in subparagraph (h) to provide ½ litre of water for each 4 or proportion of 4 persons the liferaft is designed to carry.

(j) first aid equipment;

Items (f) to (j) inclusive shall be contained in a pack.

(ii) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2.

TABLE

Column 1	*Column 2*
No more than 8 liferafts.	2 survival beacon radio apparatus.
For every additional 4 or proportion of 4 liferafts.	1 additional survival beacon radio apparatu.

(iii) In the case of a helicopter or gyroplane, an emergency beacon which is automatically deployed and activated in the event of a crash.

Scale L1

Part I

(i) In every flying machine which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight in the flight crew compartment and in the compartments in which the passengers are carried:

(a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II of this Scale, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and

(b) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of 2 passengers;

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(ii) In any other flying machine:

(a) a supply of oxygen sufficient for continuous use by all the crew other than the flight crew, and if passengers are carried, by 10 per cent of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 and the flight crew shall be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and

(b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130;

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(iii) The quantity of oxygen required for the purpose of complying with paragraphs (i) and (ii) of this Part of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Item (vi) of Part A of Schedule 10 to this Order.

Part II

Column 1 *Vertical displacement of the flying machine in relation to flight levels*	*Column 2* *Capability of flying machine to descend (where relevant)*	*Column 3* *Period of supply of oxygen*	*Column 4* *Persons for whom oxygen is to be provided*
Above flight level 100	—	30 minutes or the period specified at A hereunder whichever is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 300	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder	30 minutes or the period specified at A hereunder whichever is the greater	10 per cent of number of passengers
	Flying machine is flying above flight	10 minutes or the period specified at B	All passengers

Column 1 *Vertical displacement of the flying machine in relation to flight levels*	*Column 2* *Capability of flying machine to descend (where relevant)*	*Column 3* *Period of supply of oxygen*	*Column 4* *Persons for whom oxygen is to be provided*
	level 150 and is not so capable	hereunder whichever is the greater	
		and in addition 30 minutes or the period specified at C here under whichever is the greater	10 per cent of number of passengers
Above flight level 300 but not above flight level 350	Flying machine is capable of descending and continuing to destination as specified at Y hereunder	30 minutes or the period specified at A hereunder whichever is the greater	15 per cent of number of passenger
	Flying machine is not so capable	10 minutes or the period specified at B hereunder whichever is the greater	All passengers
		and in addition 30 minutes or the period specified at C hereunder whichever is the greater	15 per cent of number of passengers
Above flight level 350	—	10 minutes or the period specified in B hereunder whichever is the greater	All passengers
		and in addition 30 minutes or the period specified at C hereunder whichever is the greater	15 per cent of number of passengers

A The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

B The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

C The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

X The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Y The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4

minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

A supply of oxygen and the associated equipment to meet the requirements set out in Parts I and II of this scale. The duration for the purposes of this scale shall be:

(i) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of:

(a) in the case of pressurised aircraft, the possibility of depressuri sation when flying above flight level 100;

(b) the possibility of failure of one or more of the aircraft engines;

(c) restrictions due to required minimum safe altitude;

(d) fuel requirement; and

(e) the performance of the aircraft; or

(ii) the period or periods during which the aircraft is actually flown in the circumstances specified in the said Parts;

whichever is the greater.

Part I

Unpressurised aircraft

(i) When flying at or below flight level 100:

Nil.

(ii) When flying above flight level 100 but not exceeding flight level 120:

Supply for	*Duration*
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100
(b) Cabin attendants and 10 per cent of passengers	For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding flight level 120, the duration shall be the period by which 30 minutes is exceeded

(iii) When flying above flight level 120:

Supply for	*Duration*
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Cabin attendants and all passengers	Any period during which the aircraft flies above flight level 120

Part II

Pressurised aircraft

(i) When flying at or below flight level 100:

Nil.

(ii) When flying above flight level 100 but not exceeding flight level 250:

Supply for		*Duration*	
(a)	Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater	
(b)	Cabin attendants and 10 per cent of passengers	(aa)	When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
		(bb)	When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 feet, but does not exceed 12,000 feet
(c)	Cabin attendants and passengers	(aa)	When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, no requirement other than that at (ii)(b)(aa) of this part of this scale
		(bb)	When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 12,000 feet or 10 minutes, whichever is the greater

A The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

(iii) When flying above flight level 250:

Supply for		*Duration*
(a)	Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater
(b)	Cabin Attendants	Whenever the cabin pressure altitude exceeds 10,000 feet, and a portable supply for 15 minutes
(c)	10 per cent of passengers	Whenever the cabin pressure altitude exceeds 10,000 feet but does not exceed 12,000 feet

Supply for		*Duration*
(d)	30 per cent of passengers	Whenever the cabin pressure altitude exceeds 12,000 feet but does not exceed 15,000 feet
(e)	All passengers	If the cabin pressure altitude exceeds 15,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 15,000 feet or 10 minutes, whichever is the greater
(f)	2 per cent of passengers or 2 passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2 per cent or 2 passengers whichever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8,000 feet

Scale M

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale N

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type for use by the pilot and flight engineer (if any).

Scale O

A radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions:

Provided that a flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter:

(a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or

(b) when the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

A flight data recorder which is capable of recording, by reference to a time-scale, the following data:

(a) indicated airspeed;

(b) indicated altitude;

(c) vertical acceleration;

(d) magnetic heading;

(e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

(f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

(g) flap position;

(h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded:

Provided that any aeroplane having a maximum total weight author ised not exceeding 11,400 kg. may be provided with:

(i) a flight data recorder capable of recording the data described in sub-paragraphs (a) to (h) of this Scale; or

(ii) a 4-channel cockpit voice recorder.

In addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 11,400 kg., a 4-channel cockpit voice recorder.

The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane:

Provided that an aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unservicea ble and the aircraft flies in accordance with arrangements approved by the Governor.

Scale Q

If the total weight authorised of the aeroplane exceeds 5,700 kg. and it was first registered, whether in the Territory or elsewhere, on or after 1 June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale R1

(i) Equipment sufficient to protect the eyes, nose and mouth of the pilot in command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes;

(ii) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and

(iii) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

(iv) *Scale R2*

(i) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5,700 kg., the equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of Article 18 of this Order for a period of not less than 15 minutes and, in addition, where the minimum flight crew required as aforesaid is more than one and a cabin attendant is not required to be carried by virtue of Article 18 of this Order; portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.

(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5,700 kg., the equipment specified in (i)(a) of this Scale:

Provided that in the case of such aeroplanes restricted by virtue of the operator’s operations manual to flight at or below flight level 250 and

capable of descending as specified at A hereunder such equipment shall be sufficient to protect the eyes only.

(ii) (a) In respect of aeroplanes having a maximum total weight authorised exceeding 5,700 kg., portable equipment to protect the eyes, nose and mouth of all cabin attendants required to be carried by virtue of Article 18 of this Order for a period of not less than 15 minutes.

(b) In respect of aeroplanes having a maximum total weight authorised not exceeding 5,700 kg., the equipment specified in (ii)(a) of this Scale:

Provided that this requirement shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at A hereunder.

A The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

(v) *Scale S*

A flight recording system comprising:

(i) either a 4-channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude and the basic lift, thrust and drag forces acting upon it;

(ii) a 4-channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane the information specified in paragraph (i) of this Scale together with use of VHF transmitters;

(iii) a 4-channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude, the basic lift, thrust and drag forces acting upon it, the selection of high lift devices (if any) and airbrakes (if any), the position of primary flying control and pitch trim surfaces, outside air temperature, instrument landing devia tions, use of automatic flight control systems, use of VHF transmitters, radio altitude (if any), the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply;

(iv) either a cockpit voice recorder and a flight data recorder or a combined cockpit voice recorder/flight data recorder capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;

(v) a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;

(vi) a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, attitude, engine power, outside air temperature, instrument landing system deviations, marker beacon passage, radio altitude, configuration of the landing gear and lift and drag devices, position of primary flying controls, pitch trim position, use of automatic flight control systems, use of VHF transmitters, ground speed/drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability, cockpit warnings relating to ground proximity and the master warning system;

(vii) in respect of helicopters having a maximum total weight authorised exceeding 2,730 kg. or a seating capacity exceeding 9 passengers, a 4-channel cockpit voice recorder which has at tached to it an under-water sonar location device.

The cockpit voice recorder or flight data recorder or combined cockpit voice recorder/ flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident:

Provided that an aircraft 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 Governor.

(vi) *Scale SS*

(i) A 4-channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane:

(a) flight path;

(b) speed;

(c) attitude;

(d) engine power;

(e) main rotor speed;

(f) outside air temperature;

(g) position of pilot's primary flight controls;

(h) use of VHF transmitters;

(j) use of automatic flight controls (if any);

(k) use of stability augmentation system (if any);

(l) cockpit warnings relating to the master warning system; and

(m) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.

(ii) A 4-channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the information specified in paragraph (i) of this Scale together with the following matters accurately in respect of the helicopter or gyroplane:

(n) landing gear configuration;

(p) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;

(q) radio altitude;

(r) instrument landing system deviations;

(s) marker beacon passage;

(t) ground speed/drift angle or latitude/longitude if the naviga tional equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and

(u) main gear box oil temperature and pressure.

(iii) (a) A combined cockpit voice recorder/flight data recorder which meets the following requirements:

(aa) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (i) of this Scale the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;

(bb) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (ii) of this Scale, the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;

(cc) the cockpit voice recorder shall be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels.

(b) In any case when a combined cockpit voice recorder/flight data recorder specified at paragraph (iii)(a) of this Scale is required to be carried by or under this Order, the flight data recorder shall be capable of retaining as protected data the data recorded during at least the last 5 hours of its operation or the maximum duration of the flight, whichever is the greater. It shall also be capable of retaining additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of 8 hours:

Provided that the flight data recorder need not be capable of retaining the said additional data if additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the Governor may permit pursuant to Article 40 of this Order and the additional data is retained in accordance with arrangements approved by the Governor.

With the exception of flight data which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder and flight data recorder, as the case may be, shall be so constructed and installed that the record (herein referred to as "protected data") would be likely to be preserved in the event of an accident and each cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane shall have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter:

Provided that a helicopter or gyroplane 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 Governor.

(vii) *Scale T*

An underwater sonar location device except in respect of those helicopters or gyroplanes which have a device attached to a cockpit voice recorder in accordance with Scale S or are required to carry equipment in accordance with Scale SS.

(viii) *Scale U*

(a) 1 survival beacon radio apparatus;

(b) marine type pyrotechnical distress signals;

(c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;

(d) for each 4 or proportion of 4 persons on board, a litre of fresh water in durable containers;

(e) first aid equipment.

(ix) *Scale V*

(a) 1 survival beacon radio apparatus;

(b) marine type pyrotechnical distress signals;

(c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;

(d) for each 4 or proportion of 4 persons on board, a litre of fresh water in durable containers;

(e) first aid equipment;

(f) for every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel;

(g) 1 cooking utensil, in which snow or ice can be melted;

(h) 2 snow shovels;

(i) 2 ice saws;

(j) single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board;

(k) 1 Arctic suit for each member of the crew of the aircraft.

(x) *Scale W*

Cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

Provided that an aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unservicea ble and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation condi tions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

(xi) *Scale X*

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water:

Provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

(xii) *Scale Y1*

(i) If the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

(ii) If the aircraft has a total seating capacity exceeding 149 passengers, 2 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compart ment and readily available for use by a member of the crew.

(xiii) *Scale Y2*

(i) If the aircraft may in accordance with its certificate of airworthi ness carry more than 19 and less than 100 passengers, one portable battery-powered megaphone capable of conveying in structions to all persons in the passenger compartment and readily available for use by a member of the crew.

(ii) If the aircraft may in accordance with its certificate of airworthi ness carry more than 99 and less than 200 passengers, 2 portable battery-powered megaphones together capable of conveying in structions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(iii) If the aircraft may in accordance with its certificate of airworthi ness carry more than 199 passengers, 3 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(iv) If the aircraft may in accordance with its certificate of airworthi ness carry more than 19 passengers:

(a) a public address system; and

(b) an interphone system of communication between members of the flight crew and the cabin attendants.

(xiv) *Scale Z*

(i) An emergency lighting system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G.

(ii) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.

(iii) An emergency floor path lighting system in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (ii) of Scale G:

Provided that if the equipment specified in this sub-paragraph (iii) becomes unserviceable the aircraft may fly or continue to fly in accordance with arrangements approved by the Governor.".

(21) In Schedule 5 in paragraph 2 for the parts of the Table numbered (1) and (2) there shall be substituted the following—

"**2.**

TABLE

Aircraft and Circumstances of Flight	Scale of Equipment Required						
A	B	C	D	E	F	G	H
(1) All aircraft within the Territory:	A*				E*	F*	
(a) when flying under Instrument Flight Rules within controlled airspace notified for the purposes of this paragraph							
(b) when flying in controlled airspace notified for the purposes of this sub-paragraph	A*						
(c) when making an approach to landing at an aerodrome notified							G*

Aircraft and Circumstances of Flight	Scale of Equipment Required						
A	B	C	D	E	F	G	H
	for the purpose of this sub-paragraph						
(2) All aircraft (other than gliders) within the Territory:		A*			E*	F*	
(a) when flying at or above level 245							
(b) when flying in controlled airspace notified for the purposes of this sub-paragraph		A*			E*		
(c) when flying on or after 1st February 1993 at or above					E*”		

Aircraft and Circumstances of Flight	Scale of Equipment Required						
A	B	C	D	E	F	G	H
	level 100						

(22) In Schedule 8 in PART A—LICENCES *Minimum Age, Period of Validity, Privileges —*

(a) in paragraph 1. *Aeroplane Pilots under the heading Private Pilot's Licence (Aeroplanes)* for proviso (c) there shall be substituted the following—

"(c) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as a pilot in command of such an aeroplane—

(i) on a flight outside controlled airspace notified for the purposes of this Schedule—

(aa) when the flight visibility is less than 3 kilometres; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in conditions such that it cannot remain at least 1,800 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 10 kilometres or at or below 3,000 feet above mean sea level in a flight visibility of less than 5 kilometres;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 10 kilometres except on a route or in an aerodrome traffic zone notified for the purposes of this subparagraph; .

(iii) out of sight of the surface; and".

(b) in paragraph 1. *Aeroplane Pilots under the heading Private Pilot's Licence (Aeroplanes)* after proviso (d) there shall be added the following new proviso—

"(e) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as a pilot in command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule—

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instru ment Flight Rules.".

(c) in paragraph 1. *Aeroplane Pilots under the heading Basic Commercial Pilot's Licence (Aeroplanes)* for proviso (g) there shall be substituted the following—

"(g) he shall not, unless his licence includes an instrument rating (aeroplanes) or an instrument meteorological conditions rating (aeroplanes), fly as a pilot in command of such an aeroplane—

(i) on a flight outside controlled airspace notified for the purposes of this Schedule;

(aa) when the flight visibility is less than 3 kilometres; or

(bb) when any passenger is carried and the aeroplane is flying either above 3,000 feet above mean sea level in condi tions such that

it cannot remain at least 1,800 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 10 kilometres or at or below 3,000 feet above mean sea level in a flight visibility of less than 5 kilometres;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 10 kilometres except on a route or in an aerodrome traffic zone notified for the purposes of this subparagraph;

(iii) out of sight of the surface.".

(d) in paragraph 1. *Aeroplane Pilots under the heading Basic Commercial Pilot's Licence (Aeroplanes)*after proviso (g) there shall be added the following new proviso—

"(h) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot in command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule—

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instru ment Flight Rules.".

(e) in paragraph 1. *Aeroplane Pilots under the heading Commercial Pilot's Licence (Aeroplanes)*for privilege (1) there shall be substituted the following—

"(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot in command of an aeroplane—

(i) on a special VFR flight notwithstanding that the flight visibility is less than 3 kilometres;

(ii) when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than 1,800 metres.".

(f) in paragraph 1. *Aeroplane Pilots under the heading Commercial Pilot's Licence (Aeroplanes)*in paragraph (2) after proviso (e) there shall be added the following new proviso—

"(f) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot in command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule—

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instru ment Flight Rules.".

(g) in paragraph 2. *Helicopter and Gyroplane Pilots under the heading Private Pilot's Licence (Helicopters and Gyroplanes)*after proviso (d) there shall be added the following new proviso—

"(e) he shall not, unless his licence includes an instrument rating (helicopters), fly as pilot in command or co-pilot of such a helicopter flying in airspace notified for the purposes of this Schedule—

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instru ment Flight Rules.".

(h) in paragraph 2. *Helicopter and Gyroplane Pilots under the heading Commercial Pilot's Licence (Helicopters and Gyroplanes)*for proviso (a) there shall be substituted the following—

"(a) he shall not, unless his licence includes an instrument rating (helicopters), fly such a helicopter on any scheduled journey or on any flight for the purpose of public transport in conditions such that the helicopter cannot comply with the specified minimum weather provisions;".

(i) in paragraph 2. *Helicopter and Gyroplane Pilots under the heading Commercial Pilot's Licence (Helicopters and Gyroplanes)*after proviso (e) there shall be added the following new proviso—

"(f) he shall not, unless his licence includes an instrument rating (helicopters), fly as pilot in command or co-pilot of such a helicopter flying in airspace notified for the purposes of this Schedule—

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instru ment Flight Rules.".

(23) In Schedule 8 in PART B—RATINGS in paragraph 1. for the rating *Instrument Meteorological Conditions Rating (Aeroplanes)*there shall be substituted the following—

*"Instrument Meteorological Conditions Rating (Aeroplanes)*shall entitle the holder of a private pilot's licence (aeroplanes) or a basic commercial pilot's licence (aeroplanes) to fly as pilot in command of an aeroplane without being subject to the restrictions contained respectively in proviso (c) or 2(g) to the privileges of such licences set out in Part A of this Schedule provided that he shall not fly—

(a) on a special VFR flight in a control zone in a flight visibility of less than 3 kilometres;

(b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1,800 metres.".

(24) In Schedule 8 in PART B—RATINGS in paragraph 1. for the rating *Instrument Rating (Aeroplanes)*there shall be substituted the following—

*"Instrument Rating (Aeroplanes)*shall entitle the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying in airspace notified for the purposes of this Schedule either in conditions such that he cannot comply with the specified minimum weather provisions or which require compliance with the Instrument Flight Rules.".

(25) In Schedule 8 in PART B—RATINGS in paragraph 1. for the rating *Instrument Rating (Helicopters)*there shall be substituted the following—

*"Instrument Rating (Helicopters)*shall entitle the holder of the licence to act as pilot in command or co-pilot of a helicopter flying in airspace notified for the purposes of this Schedule either in conditions such that he cannot comply with the specified minimum weather provisions or which require compliance with the Instrument Flight Rules.".

(26) In Schedule 12 in PART B after provision "68 (except (3))" there shall be added the following new provision—

"**68A** Prohibition of drunkenness et cetera of controllers".

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation (Overseas Territories) Order 1989 as amended by the Air Navigation (Overseas Territories) (Amendment) Order 1991 and the Air Navigation (Overseas Territories) (Amendment) (No. 2) Order 1991. In addition to minor and drafting amendments the following changes are made—

(1) Revised requirements are introduced for the marking of nationality and registration marks for aircraft registered in the United Kingdom. (Article 2(1), Article 2(19)).

(2) A number of amendments have been made in order to reflect new airspace classifications introduced by the International Civil Aviation Organisation to replace all existing classifications. (Article 2(3), Article 2(12), Article 2(17), Article 2(20), Article 2(21), Article 2(22), Article 2(23), Article 2(24), and Article 2(25)).

(3) Regulations made by the Governor or the Secretary of State in connection with the carriage of dangerous goods may confer powers on authorised persons relating to the enforcement of those regulations. (Article 2(9)).

(4) To comply with the United Kingdom's European Community obligations with respect to Gibralter, the Secretary of State will grant permission pursuant to Article 83, to the operator of a foreign registered aircraft to take on board or discharge passengers or cargo in Gibralter, 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 (Article 2(14) and Article 2(16)).

(5) In order to reflect changes made to the law applicable to metropolitan United Kingdom the term "hire or reward" is replaced by the term "valuable consideration". (Article 2(13), Article 2(15) and Article 2(18)).

(6) In order to bring the law applicable to Overseas Territories into line with that applicable to metropolitan United Kingdom a new Schedule 4 with respect to Aircraft Equipment is introduced. (Article 2(20)).