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STATUTORY INSTRUMENTS

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**1993 No. 607**

**CIVIL AVIATION**

**The Air Navigation (Fourth Amendment) Order 1993**

*Made* - - - - *10th March 1993*  
*Laid before Parliament* *22nd March 1993*  
*Coming into force* - - *1st April 1993*

At the Court at Buckingham Palace, the 10th day of March 1993

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than subsection (3) (r)), 61 and 102 of the Civil Aviation Act 1982<sup>(1)</sup> and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

1. This Order may be cited as the Air Navigation (Fourth Amendment) Order 1993 and shall come into force on 1st April 1993.

**Amendment of the Air Navigation Order 1989**

2. The Air Navigation Order 1989<sup>(2)</sup> shall be amended as follows:

- (1) At the beginning of article 6(1) there shall be inserted "Subject to article 6A of this Order,".
- (2) After article 6 there shall be inserted:

**"Issue of police air operator's certificate**

**6A.—**(1) A flight by an aircraft registered in the United Kingdom in the service of a chief officer of police for any area of the United Kingdom (in this Order called "a police authority") shall, for the purposes of this Order, be deemed to be a flight for the purpose of public transport and if any passenger is carried the flight shall be deemed to be for the purpose of public transport of passengers, and save as otherwise expressly provided, the provisions of this Order and of any regulations made thereunder shall be complied with in relation to any such flight

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(1) 1982 c. 16; section 60 was amended by section 47 of the Aviation and Maritime Security Act 1990 (c. 31).

(2) S.I.1989/2004, to which there are amendments not relevant to this Order.

as if that flight was for the purpose of public transport or public transport of passengers as the case may be.

(2) An aircraft registered in the United Kingdom shall not fly on any flight in the service of a police authority otherwise than under and in accordance with either the terms of an air operator's certificate granted to the operator of the aircraft under article 6(2) of this Order or the terms of a police air operator's certificate granted to the operator of the aircraft under paragraph (3) of this article, certifying that the holder of the certificate is competent to secure that aircraft operated by him on flights for the purpose of police operations are operated as safely as is appropriate having regard to the particular purposes of the flight.

(3) The Authority shall grant to any person applying therefor a police air operator's certificate (in this Order called "a police air operator's certificate") if it is satisfied that that person is competent having regard in particular to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the operation of aircraft of the types specified in the certificate shall be as safe as is appropriate when flying on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Authority thinks fit and shall, subject to the provisions of article 66 of this Order, remain in force for the period specified in the certificate."

(3) After article 15(3)(b) there shall be added:

"and

(c) unless in the case of an aircraft to which article 26A of this Order applies, the police operations manual required thereby contains the particulars specified at sub-paragraph (xvii) of Part A of Schedule 10 to this Order."

(4) After the proviso to article 19(3)(b) there shall be added:

"Provided further that an aeroplane described in sub-paragraphs (iii), (iv) or (v) which is flying under and in accordance with the terms of a police air operator's certificate shall not be required to carry two pilots."

(5) After article 26(1) there shall be added:

"Provided that this article shall not apply to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate."

(6) After article 26 there shall be inserted:

**"Police operations manual**

**26A.—**(1) This article shall apply to aircraft flying, or intended by the operator of the aircraft to fly, under and in accordance with the terms of a police air operator's certificate.

(2) An aircraft to which this article applies shall not fly except under and in accordance with the terms of Part I and Part II of a police operations manual, Part I of which shall have been approved in respect of the aircraft by the Authority.

(a) (3) The operator of every aircraft to which this article applies shall:

(i) make available to each member of its operating staff a police operations manual;

(ii) ensure that each copy of the police operations manual is kept up to date;

(iii) ensure that on each flight every member of the crew has access to every part of the police operations manual which is relevant to his duties on the flight.

(b) Each police operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(4) The Authority may approve Part I of the police operations manual for the purposes of this article either absolutely or subject to such conditions as it thinks fit.

(a) (5) An aircraft to which this article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Authority a copy of Part II of the police operations manual for the time being in effect in respect of the aircraft.

(b) Any amendments or additions to Part II of the police operations manual shall be furnished to the Authority by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously relate, that aircraft shall not fly in the service of a police authority under and in accordance with the terms of a police air operator's certificate until the amendment or addition has been furnished to the Authority.

(6) Without prejudice to the foregoing paragraphs the operator shall make such amendments or additions to the police operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(7) For the purposes of this article "operating staff" has the meaning ascribed to it in article 26(4) of this Order."

(7) After article 27(1) there shall be added:

"Provided that this article shall not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate."

(8) For article 30(5) there shall be substituted:

(a) "(5) Without prejudice to the provisions of paragraph (3) of this article a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group B (in this paragraph of this article called "a group B helicopter") shall not fly over water for the purpose of public transport so as to be more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing (in this paragraph of this article called "the specified circumstances") unless it is equipped with apparatus approved by the Authority enabling it to land safely on water (in this paragraph of this article called "the required apparatus").

(b) Without prejudice to the provisions of paragraph (3) of this article a group B helicopter equipped with the required apparatus, which is flying under and in accordance with the terms of an air operator's certificate but not under and in accordance with the terms of a police air operator's certificate, shall not fly in the specified circumstances on any flight for more than 3 minutes except with the permission in writing of the Authority and in accordance with any conditions subject to which that permission may have been granted.

(c) Without prejudice to the provisions of paragraph (3) of this article a group B helicopter equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator's certificate on which is carried any passenger who is not:

(i) a police officer;

(ii) an employee of a police authority;

- (iii) a medical attendant;
- (iv) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation; or
- (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Authority;

shall not fly in the specified circumstances on any flight for more than 20 minutes.

- (d) Without prejudice to the provisions of paragraph (3) of this article a group B helicopter equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator's certificate on which no passenger is carried other than a person who is:

- (i) a police officer;
- (ii) an employee of a police authority;
- (iii) a medical attendant;
- (iv) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation; or
- (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Authority;

shall not fly over water on any flight for more than 10 minutes so as to be more than 5 minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

- (e) Without prejudice to the provisions of paragraph (3) of this article a group B helicopter shall not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points:

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

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

between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

- (f) For the purpose of this paragraph of this article flying time shall be calculated on the assumption that a helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with regulations governing flights over water.”.

- (9) For article 30(6) there shall be substituted:

- (a) “(6) Without prejudice to the provisions of paragraph (3) of this article, a helicopter in respect of which there is in force under this Order a certificate of airworthiness designating the helicopter as being of performance group A2 (in this paragraph of this article called “a group A2 helicopter”), which is flying under and in accordance with the terms of an air operator's certificate but not under and in accordance with the terms of a police air operator's certificate, shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with apparatus approved by the Authority enabling it to land safely on water (in this paragraph of this article called “the required apparatus”);

- (b) Without prejudice to the provisions of paragraph (3) of this article, a group A2 helicopter not equipped with the required apparatus which is flying under and in accordance with the terms of a police air operator's certificate on which any passenger is carried who is not:
- (i) a police officer;
  - (ii) an employee of a police authority;
  - (iii) a medical attendant;
  - (iv) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation; or
  - (v) such other person being carried for purposes connected with police operations as may be permitted in writing by the Authority;

shall not fly over any water on any flight for more than 15 minutes.”.

- (10) For article 31(1) there shall be substituted:

“(1) This article shall apply to public transport aircraft registered in the United Kingdom.

- (a) (1A) The operator of every aircraft to which this article applies shall establish and include in the operations manual or the police operations manual relating to the aircraft the particulars (in this sub-paragraph of this article called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that in relation to any flight wherein:

- (i) neither an operations manual nor a police operations manual is required pursuant to article 26(2)(a) or 26A respectively of this Order, or
- (ii) it is not practicable to include the said particulars in the operations manual or the police operations manual,

the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the said particulars calculated in accordance with the required data and instructions (as defined in sub-paragraph (b)(i) below) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of three months.

- (b) (i) The operator of every aircraft to which this article applies for which an operations manual or a police operations manual is required pursuant to article 26(2)(a) or 26A respectively of this Order, shall include in that manual such data and instructions (in this article called “the required data and instructions”) as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.
- (ii) The operator of every such aircraft to which this article applies for which neither an operations manual nor a police operations manual is required pursuant to article 26(2)(a) or 26A respectively of this Order shall, prior to the commencement of the flight, cause to be furnished in writing to the commander of the aircraft the required data and instructions; and the operator shall cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.”.

- (11) After article 34 there shall be added:  
“Provided that this article shall not apply to any member of the crew of such an aircraft flying under and in accordance with the terms of a police air operator’s certificate.”.
- (12) After article 36 there shall be added:  
“Provided that this article shall not apply to the commander of such an aircraft in relation to a flight under and in accordance with the terms of a police air operator’s certificate.”.
- (13) At the end of article 37(1) there shall be inserted:  
“other than flights under and in accordance with the terms of a police air operator’s certificate.”.
- (14) In article 43(2) after “Except under and in accordance with the terms of” there shall be inserted “either a police air operator’s certificate or”.
- (15) In article 44(1) after “except under and in accordance with the terms of” there shall be inserted “either a police air operator’s certificate or”.
- (16) In article 44(3) after “Notwithstanding the grant of” there shall be inserted “a police air operator’s certificate or”.
- (17) For article 44(4) there shall be substituted:  
“(4) An aircraft shall not be used for the purpose of dropping persons unless:  
(a) the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the Authority under this article;  
or  
(b) the aircraft is operated under and in accordance with the terms of a police air operator’s certificate.”.
- (18) After article 46(1) there shall be added:  
“Provided that in the case of an aircraft which is flying under and in accordance with the terms of a police air operator’s certificate the commander of the aircraft shall be informed of the matters referred to in sub-paragraph (1)(e) of this article but need not be so informed in writing.”.
- (19) After article 46(2) there shall be added:  
“Provided that this paragraph of this article shall not apply to an aircraft which is flying under and in accordance with the terms of a police air operator’s certificate.”.
- (20) After article 46(3) there shall be added:  
“Provided that this paragraph of this article shall not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator’s certificate.”.
- (21) After article 76(2) there shall be added:  
“Provided that nothing in paragraph (1) of this article shall apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator’s certificate.”.
- (22) After article 76(3) there shall be added:  
“Provided that nothing in this paragraph shall apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator’s certificate.”.
- (23) In article 106(1) after the definition of “Maximum total weight authorised” there shall be inserted:  
““Medical attendant” means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;”.

(24) In Schedule 4 paragraph 4 sub-paragraph (13)(b)(v)(ee) in the column headed “Circumstances of Flight” for “on a flight in support of or in connection with the offshore exploitation, or exploration of mineral resources (including gas) when the weather report” there shall be substituted “on a flight which is either in support of or in connection with the offshore exploitation, or exploration of mineral resources (including gas) or is on a flight under and in accordance with the terms of a police air operator’s certificate, when in either case the weather reports”.

(25) After Schedule 4 paragraph 5 Scale EE there shall be added:

“Provided that a helicopter flying under and in accordance with the terms of a police air operator’s certificate may instead be equipped with a radio altimeter with an audio warning and a visual warning each capable of operating at a height selectable by the pilot.”.

*N. H. Nicholls*  
Clerk of the Privy Council

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

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## EXPLANATORY NOTE

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

This Order further amends the Air Navigation Order 1989.

The principal changes are:

(1) Flights in the service of a police authority may be conducted under a police air operator's certificate (PAOC) granted to the operator and in accordance with a police operations manual (article 2(1), (2), (5), (6) and (10)).

(2) Aircraft flying in accordance with a PAOC are excepted from a number of provisions of the Order.

The principal exceptions are:

- (a) such aircraft are excepted from the requirement for twin engined aircraft of 5700 kg or less to carry two pilots (article 2(4));
- (b) group B and group A2 helicopters flying in accordance with a PAOC may fly over water (provided only specified categories of passenger are carried) for an extended period (article 2(8) and (9));
- (c) the commander of an aircraft flying in accordance with a PAOC need not demonstrate use of life jackets, ensure passengers and cabin baggage are properly secured or demonstrate emergency use of oxygen (article 2(13));
- (d) persons, articles and animals may be dropped from aircraft in accordance with a PAOC (article 2(14), (15), (16) and (17));
- (e) weapons and munitions of war may be carried in the passenger compartment of an aircraft flying in accordance with a PAOC provided the commander has been informed (article 2(18), (19) and (20));
- (f) an aircraft flying in accordance with a PAOC need not use a licensed aerodrome (article 2(21) and (22));
- (g) where required to be carried by an aircraft flying in accordance with a PAOC, a radio altimeter may have an audio warning capable of operating at a height selectable by the pilot (article 2(25)).