
STATUTORY INSTRUMENTS

1995 No. 1038

The Air Navigation Order 1995

PART V

OPERATION OF AIRCRAFT

Aircraft registered in the United Kingdom—aerodrome operating minima

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

(a) (2) (a) Subject to sub-paragraph (b), 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 called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.

(b) In relation to any flight wherein:

(i) neither an operations manual nor a police operations manual is required pursuant to article 27(2)(a) or 28(3)(a) 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 (c)(i)) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of three months.

(c) (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 27(2)(a) or 28(3)(a) respectively of this Order, shall include in that operations 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 27(2)(a) or 28(3)(a) 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.

(3) The aerodrome operating minima specified shall not, in respect of any aerodrome, be such as would permit a landing or take-off at that aerodrome by the aircraft in question at a time when the aerodrome operating minima declared in respect of that aerodrome for such aircraft by the competent

authority would not permit a take-off or landing (as the case may be), unless that authority otherwise permits in writing.

(4) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft shall take into account the following matters:

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;
- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids;

and shall establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

(5) An aircraft to which this article applies shall not commence a flight at a time when:

- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the commander of the aircraft it would not be able without contravening paragraphs (6) or (7), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(6) An aircraft to which article 27 of this Order applies, when making a descent to an aerodrome, shall not descend from a height of 1000 ft or more above the aerodrome to a height less than 1000 ft above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) An aircraft to which this article applies, when making a descent to an aerodrome, shall not:

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

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

(8) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(9) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to sub-paragraphs (2)(b) or (2)(c)(ii).