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## EXPLANATORY NOTE

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

This Order consolidates the Air Navigation Order 1989, as amended. In addition to some minor drafting amendments the following changes are made:

1. The requirement for an aircraft to be maintained in accordance with the Order and to have a certificate of release to service issued in accordance with those requirements does not apply to an aircraft which is required to be maintained in accordance with JAR 145. JAR 145 is a joint aviation requirement annexed to Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation. JAR 145 applies to aircraft flying for the purpose of commercial transport (articles 10, 11, 12 and 13).

2. It is an offence for the holder of an aircraft maintenance engineer's licence to exercise the privileges of that licence when physically or mentally unfit or under the influence of drink or a drug (article 13(7) and (8)).

3. The Civil Aviation Authority must issue a certificate of validation for any licence issued by the competent authority of a Member State of the European Community based on requirements equivalent to those for the equivalent licence granted by the Authority (article 23).

4. The operator of an aircraft flying for the purpose of public transport must satisfy himself as to the suitability of any site at which it is intended to take off or land. He need not generally satisfy himself about the adequacy of emergency services which are not required to be based at the site but such a requirement may be imposed by way of a condition of the air operator's certificate (article 30(1)(c)).

5. A person may be carried outside a hovering helicopter flying under a police air operator's certificate whilst disembarking in accordance with a procedure contained in the police operations manual for the helicopter (article 53).

6. The operator of an aircraft with a certificate of airworthiness in the transport or aerial work category must produce the technical log of that aircraft if required to do so by an authorised person (article 68(2) and Schedule 11).

7. The Order provides for the enforcement of JAR 145 as it has effect under Council Regulation (EEC) No 3922/91 as follows:

- (a) there are new offences relating to documents and records issued, required or having effect under JAR 145 (article 73);
- (b) the power conferred on the Civil Aviation Authority and others to prevent aircraft flying may be exercised in circumstances where the flight would be in contravention of JAR 145 (article 107); and
- (c) the penalties provision has been extended to refer to the provisions of JAR 145 (article 111).

8. The restrictions applicable to flight by balloons, kites, airships, gliders and parascending parachutes have been revised. New definitions are introduced for controllable and uncontrollable balloons and for free controlled flight, tethered flight, captive flight and released flight. Restrictions are placed on the simultaneous release of large numbers of small balloons from a single site (articles 76 and 118(1) and (2)).

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

**9.** The provisions concerning the licensing of persons providing air traffic services entitle the Civil Aviation Authority to require applicants for licences to undertake courses of training and to approve such courses. A certificate of competence is required to be included in an air traffic controller's licence and renewed annually. A new rating is introduced for the exercise of licence privileges at an air traffic control centre. A new rating is introduced for the task of providing radar services to en route aircraft more than 40 miles from an aerodrome. Only specifically approved licence holders are entitled to supervise student air traffic controllers or air traffic controllers who do not hold an appropriate rating. Definitions are introduced for an aerodrome control service, an approach control service, an area control service and an air traffic control centre. An area control centre rating and an area radar rating are introduced. The area radar control (aerodrome) rating and the precision approach radar control rating are deleted. To provide radar services to en route aircraft more than 40 miles from the aerodrome at which the controller is based, a controller will require an area radar rating. The functions of the area radar control rating, the approach control rating and the approach radar control rating may be exercised at the same time (Part IX, article 118 and Schedule 9).

**10.** An air traffic controller's licence shall not be granted to a person under the age of 20 years (article 81(1)).

**11.** The penalties provision refers to standard level fines rather than fixed nominal maximum penalties.

**12.** The meaning of "police officer" and "chief officer of police for any area of the United Kingdom" is defined (article 118 (1)).

**13.** Valuable consideration passing wholly within a group of companies is disregarded for the purpose of considering whether a flight is for the purpose of public transport (article 119(5)).

**14.** The Civil Aviation Authority is the authority for carrying out functions under JAR 145 in the United Kingdom (article 123).

**15.** The purposes for which an aircraft may fly in accordance with A or B Conditions are extended and clarified (Schedule 2).