

2002 No. 264

CIVIL AVIATION

The Air Navigation (Amendment) Order 2002

Made - - - - - *12th February 2002*

Laid before Parliament *22nd February 2002*

Coming into force - - *1st April 2002*

At the Court at Buckingham Palace the 12th day of February 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 (other than sub-section (3)(r)), 61 and 102 of, and Schedule 13 to, the Civil Aviation Act 1982(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2002 and shall come into force on 1st April 2002.

Amendment of the Air Navigation Order 2000

2. The Air Navigation Order 2000(b) shall be amended as follows.

Changing references to cabin attendants to cabin crew

3.—(1) In article 20(7)(b) for “cabin attendants” there shall be substituted “cabin crew”.

(2) In article 20(7)(c)(i) for “one cabin attendant” there shall be substituted “one member of the cabin crew”.

(3) In article 20(7)(c)(ii) for “cabin attendants” there shall be substituted “members of the cabin crew”.

(4) In article 20(8) for “cabin attendants” on the first occasion on which it occurs there shall be substituted “cabin crew” and on the second occasion on which it occurs there shall be substituted “members of the cabin crew”.

(5) In article 45(2)(a)(ii), 45(2)(e)(ii) and 45(2)(f)(i)(bb) for “cabin attendants” there shall be substituted “cabin crew”.

(a) 1982 c. 16; section 60 has been amended by the Airports Act 1986 (c. 31) Schedule 6 Part II, and by the Aviation and Maritime Security Act 1990 (c. 31), section 47 and Schedule 4.

(b) S.I. 2000/1562, amended by S.I. 2001/397.

(6) In article 129(1) in the definition of “Cabin attendant” for ““Cabin attendant’ in relation to an aircraft means a person” there shall be substituted ““Cabin crew’ in relation to an aircraft means those persons”.

(7) In article 129(1) in the definition of “Crew” for “cabin attendant” there shall be inserted “member of the cabin crew”.

(8) In Schedule 4, paragraph 5, Scale B in paragraph (1)(e) for “cabin attendants” there shall be substituted “cabin crew”.

(9) In Schedule 4, paragraph 5, Scale G paragraph (iii)(b)(bb)(bbb) for “cabin attendants” there shall be substituted “members of the cabin crew”.

(10) In Schedule 4, paragraph 5, Scale L2, Part I, sub-paragraphs (ii)(b) and (iii)(b) in the column headed “Supply for” for “Cabin attendants” on both occasions it occurs there shall be substituted “Members of the cabin crew”.

(11) In Schedule 4, paragraph 5, Scale L2, Part II, sub-paragraphs (ii)(b), (ii)(c) and (iii)(b) in the column headed “Supply for” for “Cabin attendants” on the three occasions it occurs there shall be substituted “Members of the cabin crew”.

(12) In Schedule 4, paragraph 5, Scale R paragraph (i)(a) for “cabin attendant” there shall be substituted “member of the cabin crew”.

(13) In Schedule 4, paragraph 5, Scale R paragraph (ii)(a) for “cabin attendants” there shall be substituted “members of the cabin crew”.

(14) In Schedule 4, paragraph 5, Scale Y, paragraph (iv)(b) for “cabin attendants” there shall be substituted “cabin crew”.

Single Engined Aircraft

4.—(1) In the heading to article 37 for “single engined aeroplanes” there shall be substituted “aeroplanes with one power-unit which are”,

(2) In article 37 for “and is powered by one engine” there shall be substituted “and is powered by one power-unit”.

(3) In article 37 for “the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome” there shall be substituted “the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome”.

Non-Public transport aircraft aerodrome operating minima

5.—(1) After article 40(1) there shall be inserted:

“(1A) An aircraft to which this article applies shall not:

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take-off when the relevant runway visual range is less than 150 metres, otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(1B) In the case of an aircraft registered in the United Kingdom, the approval referred to in paragraph (1A) shall:

- (a) be issued by the CAA;
- (b) be in writing; and
- (c) contain such conditions as the CAA thinks fit.”

(2) At the commencement of article 40(2) and (3) there shall be inserted “Without prejudice to the provisions of paragraph (1A)”.

(3) After article 40(3) there shall be inserted:

“(3A) 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.”

(4) After article 40(4) there shall be inserted:

“(4A) In this article “Category II, Category IIIA and Category IIIB approach and landing have the same meaning as in article 39(8).”

Break in markings

6.—(1)(a) In article 62(1) for “aircraft” there shall be substituted “aeroplane and helicopter”.

(b) In article 62(2)(a) on both occasions on which it occurs, 62(2)(b)(i) on both occasions on which it occurs, 62(2)(b)(ii) and (iii), 62(4)(b), 62(8)(a) on both occasions on which it occurs and 62(8)(b)(i) on both occasions on which it occurs for “aircraft” there shall be substituted “aeroplane or helicopter”.

(2) For article 62(3) there shall be substituted:

“(3) Every exit from the aeroplane or helicopter shall be marked with the words “exit” or “emergency exit” in capital letters, which shall be red in colour and if necessary shall be outlined in white to contrast with the background.”.

(3) For article 62(4)(a) there shall be substituted:

“(a) Every exit from the aeroplane or helicopter shall be marked with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be red in colour and located on a background which provides adequate contrast.”.

(4) For article 62(5) there shall be substituted:

“(5)(a) An operator of an aeroplane or helicopter shall ensure that if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on aeroplanes and helicopters, such areas shall be marked upon the exterior surface of the fuselage with markings to show the areas (in this paragraph referred to as “break-in areas”) which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aeroplane or helicopter.

(b) The colour of the break-in markings shall be red or yellow, and if necessary they shall be outlined in white to contrast with the background. If the corner markings are more than 2 metres apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 metres between adjacent marks.”.

(5) Article 62(6) and 62(7)(b) and (c) shall be omitted.

Rockets

7.—(1) After article 87 there shall be inserted:

“Regulation of rockets

87A—(1)(a) Subject to sub-paragraph (b), this article shall apply to:

(i) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and.

(ii) large rockets.

(b) This article shall not apply to

(i) an activity to which the Outer Space Act 1986(a) applies; or

(ii) a military rocket.

(2) No person shall launch a small rocket to which this article applies unless the condition in paragraph (3), and any of the conditions in paragraph (4) which are applicable, are satisfied.

(3) The condition first mentioned in paragraph (2) is that he has reasonably satisfied himself that:

(a) the flight can be safely made; and

(b) the airspace within which the flight will take place is, and will throughout the flight, remain clear of any obstructions including any aircraft in flight.

(4) The conditions mentioned secondly in paragraph (2) are that:

(a) for a flight within controlled airspace, he has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace;

(a) 1986 c. 38

- (b) for a flight within an aerodrome traffic zone at any of the times specified in Column 2 of the Table in rule 39(1) of the Rules of the Air Regulations 1996(a), he has obtained the permission of the air traffic control unit at the aerodrome or, where there is no air traffic control unit, he has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely or, where there is no air traffic control unit nor aerodrome flight information service unit, he has obtained information from the air/ground radio station at that aerodrome to enable the flight to be conducted safely;
- (c) a flight for aerial work purposes is carried out under and in accordance with a permission granted by the CAA.

(5) No person shall launch a large rocket unless he does so under and in accordance with a permission granted by the CAA.

(6) For the purposes of this article a permission granted by the CAA shall be in writing and may be granted subject to such conditions as the CAA thinks fit.”.

(2) In article 129(1) after the definition of “To land” there shall be inserted:

“‘Large rocket’ means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;”.

(3) In article 129(1) after the definition of “Military aircraft” there shall be inserted:

“‘Military rocket’ means:

- (a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any rocket in respect of which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;”.

(4) In article 129(1) after the definition of “Replacement” there shall be inserted:

“‘Rocket’ means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances. It includes any part of the device intended to become separated during operation;”.

(5) In article 129(1) after the definition of “Small balloon” there shall be inserted;

“‘Small rocket’ means a rocket of which the total impulse of the motor or combination of motors does not exceed 10,240 Newton-seconds;”.

Lighting of En Route Obstacles

8. After article 109 there shall be inserted:

“Lighting of en-route obstacles

109A—(1) This article shall apply to any en-route obstacle which for the purposes of this article means any building, structure or erection which is 150 metres or more above ground level other than any such building, structure or erection which is in the vicinity of a licensed aerodrome.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) Subject to paragraph (4), the person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this article shall be displayed.

(4) In the event of the failure of any light which is required by this article to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(a) S.I. 1996/1393, amended by S.I. 1999/1323.

(6) In this article, “medium intensity steady red light” means a light which complies with the characteristics described for a medium intensity type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Third edition November 1999) to the Chicago Convention.

(7) In any particular case the CAA may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(8)(a) This article shall not apply to any en-route obstacle in respect of which a permission has been granted by the CAA to the person in charge provided any conditions specified in such a permission are complied with.

(b) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally and subject to such conditions as the CAA thinks fit.”.

Drafting changes

9.—(1) In article 111(1) for “the Commissioners for Customs and Excise” there shall be substituted “the Commissioners of Customs and Excise”.

(2)(a) In Schedule 8 Part A Section 2 under the heading “Commercial Pilot Licence (Helicopter), after the section headed “Curtailed of privileges of licence holders aged 60 years or more” sub-paragraph (b)(i) shall be renumbered “(4)”; sub-paragraph (b)(ii) shall be renumbered “(5)”; sub-paragraph (aa) shall be renumbered “(a)”; and sub-paragraph (bb) shall be renumbered “(b)”.

(b) At the commencement of each of the renumbered paragraphs (4) and (5) for the words “He shall not” there shall be substituted “The holder shall not”.

(c) The renumbered paragraphs (4) and (5) shall immediately precede the section headed “Curtailed of privileges of licence holders aged 60 years or more”.

Definition of Microlight

10. In article 129(1) for the definition of “Microlight aeroplane” there shall be substituted:

“‘Microlight aeroplane’ means an aeroplane designed to carry not more than two persons which has:

(a) a maximum total weight authorised not exceeding:

(i) 300 kg for a single seat landplane, (or 390 kg for a single seat landplane in respect of which a United Kingdom permit to fly or certificate of airworthiness was in force prior to 1st January 2003),

(ii) 450 kg for a two seat landplane,

(iii) 330 kg for a single seat amphibian or floatplane, or

(iv) 495 kg for a two seat amphibian or floatplane; and

(b) either a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre or a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;”.

A Conditions

11.—(1) In Schedule 3, Part A under the heading “A Conditions” in paragraph (2)(a)(i) after “shall mean a modification which has previously been approved by the CAA” there shall be inserted “or by an organisation approved for that purpose by the CAA”.

(2) In Schedule 3, Part A under the heading “A Conditions” for paragraph (3) there shall be substituted:

“(3) The aircraft, including any modifications, shall be of a design which previously has been approved by the CAA, or by an organisation approved for that purpose by the CAA, as being compliant with a standard accepted by the CAA as appropriate for the issue of a United Kingdom certificate of airworthiness.”.

Provision of approach radar control service beyond 40 nautical miles

12. In Schedule 9 paragraph 2(3) the words “for any aircraft which is flying not more than 40 nautical miles from the aerodrome traffic zone of the aerodrome in respect of which the service is being provided” shall be omitted.

Accident prevention and flight safety programme

13. In Schedule 10 Part A after sub-paragraph (a)(xviii) there shall be inserted:

“(xix) the establishment and maintenance of an accident prevention and flight safety programme.”.

A K Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation Order 2000 (“the ANO”). In addition to minor and drafting amendments the following changes are made:

Changing references to cabin attendants to cabin crew

(1) The internationally used term “cabin crew” is adopted in place of “cabin attendants” (article 3).

Single Engined Aircraft

(2) A single engined aeroplane flying for the purpose of public transport may not fly unless minimum weather requirements prescribed for the aerodrome of departure, the aerodrome of intended landing and any alternate aerodrome are all satisfied or are forecast to be satisfied at the relevant time. These requirements apply to non-United Kingdom registered aeroplanes. Equivalent amendments are being made to the requirements for United Kingdom registered aeroplanes which are contained in the Air Navigation (General) Regulations 1993 (article 4).

Non-Public transport aircraft aerodrome operating minima

(3) A non-public transport aircraft may not land or take off in low visibility unless approved to do so by its State of registry. If it appears that it will encounter low visibility at its intended destination the commander of the aircraft must, before taking off, select an alternate aerodrome (article 5).

Break in markings

(4) Exit and break-in marking requirements apply to public transport aeroplanes and helicopters registered in the United Kingdom (article 6(1))

Every exit from such an aeroplane or helicopter must be appropriately marked in red letters with instructions for opening which shall be in red (article 6(2) and (3))

If areas of the fuselage of an aeroplane or helicopter suitable for break-in by rescue crews in emergency are marked, such areas must be marked in accordance with specified requirements (article 6(4)).

Rockets

(5) Definitions of military rocket, small rocket and large rocket are introduced. A person shall not launch a small rocket unless he has reasonably satisfied himself that the flight can safely be made, that the rocket will remain clear of aircraft in flight and that the permission of any appropriate air traffic control unit has been obtained or he has obtained from any appropriate flight information service unit or air/ground radio unit information so as to enable the flight to be conducted with safety. Before a small rocket is flown for the purposes of aerial work the permission of the CAA must be obtained. Before a large rocket is flown for any purpose the permission of the CAA must be obtained (article 7).

Lighting of En Route Obstacles

(6) The person in charge of an obstacle which is 150 metres or more above ground level and which is not in the vicinity of a licensed aerodrome must ensure that it is fitted with lights which are displayed at night (article 8).

Definition of Microlight

(7) The definition of a microlight aeroplane is revised. It includes single seat land planes weighing not more than 300 kg and two seat land planes weighing not more than 450 kg which meet specified wing loading or stalling speed requirements. An aeroplane which meets the previous definition of microlight but not the revised one shall continue to be classified as a microlight aeroplane provided it is registered in the United Kingdom and issued with a permit to fly or a certificate of airworthiness prior to 1st January 2003 (article 10).

A Conditions

(8) An aircraft may fly in accordance with A Conditions if it is of a design which has previously been approved by the CAA or by an organisation approved for that purpose by the CAA as being compliant with a standard accepted by the CAA for the issue of a United Kingdom certificate of airworthiness (article 11).

Provision of approach radar control service beyond 40 nautical miles

(9) The holder of an approach radar control rating at an aerodrome may provide an approach control service to aircraft flying more than 40 nautical miles away (article 12).

Accident prevention and flight safety programme

(10) A public transport operator must include in his operations manual information and instructions concerning its accident prevention and flight safety programme (article 13).

Regulatory impact assessments have been prepared in connection with this Order. They have been placed in the libraries of each of the Houses of Parliament. Copies of the same can be obtained from the Secretary and Legal Adviser, Civil Aviation Authority, CAA House, 45–59 Kingsway, London WC2B 6TE.

£2.00

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0114 2/2002 120114 19585

ISBN 0-11-039333-3



9 780110 393339