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## STATUTORY INSTRUMENTS

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# 2005 No. 1970

## The Air Navigation Order 2005

### PART 5

#### Operation of Aircraft

##### Operations manual

**38.**—(1) This article—

(a) shall, subject to sub-paragraph (b), apply to public transport aircraft registered in the United Kingdom except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

(i) flights solely for training persons to perform duties in an aircraft; or

(ii) flights intended to begin and end at the same aerodrome; and

(b) 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.

(2) The operator of every aircraft to which this article applies shall—

(a) make available to each member of his operating staff an operations manual;

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

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

(3) An operations manual—

(a) shall, subject to sub-paragraph (b), contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Schedule 9; but

(b) shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(4) An aircraft to which this article applies shall not fly unless, at least 30 days prior to such flight, the operator of the aircraft has furnished to the CAA a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.

(5) Subject to paragraph (6), any amendments or additions to the operations manual shall be furnished to the CAA by the operator before or immediately after they come into effect.

(6) Where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the CAA.

(7) Without prejudice to paragraphs (4) and (5), the operator shall make such amendments or additions to the operations manual as the CAA 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.

(8) If in the course of a flight on which the equipment specified in Scale O in paragraph 6 of Schedule 4 is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

### **Police operations manual**

**39.**—(1) This article shall 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.

(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 CAA.

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

- (a) make available to each member of its operating staff a police operations manual;
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(4) 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.

(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 CAA a copy of Part II of the police operations manual for the time being in effect in respect of the aircraft.

(6) Subject to paragraph (7), any amendments or additions to Part II of the police operations manual shall be furnished to the CAA by the operator before or immediately after they come into effect.

(7) 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 operator's certificate until the amendment or addition has been furnished to the CAA.

(8) Without prejudice to paragraph (5), the operator shall make such amendments or additions to the police operations manual as the CAA 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.

### **Training manual**

**40.**—(1) Subject to paragraph (2), the operator of every aircraft registered in the United Kingdom and flying for the purpose of public transport shall—

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 42(3); and
- (b) ensure that each copy of that training manual is kept up to date.

(2) 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.

(3) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 42(3) to perform his duties as such including in particular information and instructions relating to the matters specified in Part B of Schedule 9.

(4) 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 CAA a copy of the whole of his training manual relating to the crew of that aircraft.

(5) Subject to paragraph (6), any amendments or additions to the training manual shall be furnished to the CAA by the operator before or immediately after they come into effect.

(6) Where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the CAA.

(7) Without prejudice to paragraphs (4) and (5), the operator shall make such amendments or additions to the training manual as the CAA 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.

### **Flight data monitoring, accident prevention and flight safety programme**

**41.**—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport shall establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the United Kingdom with a maximum total weight authorised of more than 27,000 kg flying for the purpose of public transport shall include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme shall be the prevention of accidents and incidents and each programme shall be designed and managed to meet that objective.

(4) It shall not be the purpose of an accident prevention and flight safety programme to apportion blame or liability.

### **Public transport—operator's responsibilities**

**42.**—(1) The operator of an aircraft registered in the United Kingdom shall not permit the aircraft to fly for the purpose of public transport without first—

- (a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft; and
- (c) subject to paragraph (2), satisfying himself by every reasonable means that—
  - (i) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and
  - (ii) in particular that they will be adequately manned and equipped at the time at which it is reasonably estimated such a take-off or landing will be made (including that those places will have such manning and equipment as may be prescribed) to ensure so far as practicable the safety of the aircraft and its passengers.

(2) Without prejudice to any conditions imposed under article 6, the operator of an aircraft shall not be required for the purposes of this article to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(3) The operator of an aircraft registered in the United Kingdom shall not permit any person to be a member of the crew during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

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- (a) such person has had the training, experience, practice and periodical tests specified in Part C of Schedule 9 in respect of the duties which he is to perform; and
  - (b) the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose.
- (4) The operator shall maintain, preserve, produce and furnish information respecting records relating to the matters specified in paragraph (3) in accordance with Part C of Schedule 9.
- (5) The operator of an aircraft registered in the United Kingdom shall not permit any member of the flight crew, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

### **Loading—public transport aircraft and suspended loads**

**43.—**(1) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that—

- (a) the load may safely be carried on the flight; and
- (b) any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(2) Subject to paragraph (3), the instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in article 23) and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and show the position of the centre of gravity of the aircraft at that weight.

(3) Paragraph (2) shall not apply in relation to a flight if—

- (a) the aircraft's maximum total weight authorised does not exceed 1,150 kg;
- (b) the aircraft's maximum total weight authorised does not exceed 2,730 kg and the flight is intended not to exceed 60 minutes in duration and is either—
  - (i) a flight solely for training persons to perform duties in an aircraft; or
  - (ii) a flight intended to begin and end at the same aerodrome; or
- (c) the aircraft is a helicopter the maximum total weight authorised of which does not exceed 3,000 kg, and the total seating capacity of which does not exceed 5 persons.

(4) The operator of an aircraft registered in the United Kingdom shall not cause or permit it to be loaded for a flight for the purpose of public transport in contravention of the instructions referred to in paragraph (1).

(5) Subject to paragraphs (6) and (7), the person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements, and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon.

(6) The requirements of paragraph (5) shall not apply if—

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight; and
- (b) the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating—
  - (i) the date of the endorsement;

- (ii) the place of departure upon the next intended flight; and
- (iii) the next intended place of destination.

(7) The requirements of paragraph (5) shall not apply if paragraph (2) does not apply in relation to the flight.

(8) Subject to paragraph (9), one copy of the load sheet shall be carried in the aircraft when article 86 so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this article shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

(9) In the case of an aeroplane of which the maximum total weight authorised does not exceed 2,730 kg, or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a container approved by the CAA for that purpose.

(10) The operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) such baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, such baggage (other than baggage carried in accordance with a permission issued under article 54(6)(b)) shall not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

#### **Public transport—aeroplanes—operating conditions and performance requirements**

**44.—**(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom and flying for the purpose of public transport shall comply with subpart F of Section 1 of JAR-OPS 1.

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) shall be based on the information as to its performance approved by the state of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment shall be based on additional data acceptable to the CAA.

(4) An aeroplane need not comply with paragraph (1) if it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(5) The CAA may grant in respect of any aeroplane a permission authorising it to comply with the applicable provisions of Schedule 2 to the Air Navigation (General) Regulations 2005<sup>M1</sup>.

(6) The applicable provisions for an aeroplane in respect of which such a permission has been granted shall be those provisions of the said Schedule applicable to an aeroplane of the performance group specified in the permission.

(7) An aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aeroplane—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane; to reach a place at which it can safely land at a height sufficient to enable it to do so.

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(8) Without prejudice to paragraph (7), an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) in respect of which either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than 2 power units.

(9) For the purposes of paragraph (8), flying time shall be calculated at normal cruising speed with one power unit inoperative.

#### Marginal Citations

M1 S.I. 2005/1980.

### Public transport—helicopters—operating conditions and performance requirements

**45.—**(1) A helicopter registered in the United Kingdom shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in a helicopter unless such requirements as may be prescribed in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

(2) The assessment of the ability of a helicopter to comply with paragraph (1) shall be based on the information as to its performance approved by the state of design and contained in the flight manual for the helicopter.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment shall be based on additional data acceptable to the CAA.

(4) A helicopter registered in the United Kingdom when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the helicopter—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter;

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(5) Without prejudice to paragraph (4), a helicopter carrying out Performance Class 3 operations—

- (a) shall not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus;
- (b) which is equipped with the required apparatus and which is flying under and in accordance with the terms of an air operator's certificate granted by the CAA under article 6(2), shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA;
- (c) which is equipped with the required apparatus and which is flying under and in accordance with the terms of a police air operator's certificate—
  - (i) on which is carried any passenger who is not a permitted passenger, shall not fly in the specified circumstances on any flight for more than 20 minutes;
  - (ii) on which no passenger is carried other than a permitted passenger, 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;

(d) 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—

- (i) Hammersmith Bridge (512918N) (0001351W); and
- (ii) Greenwich Reach (512906N) (0000043W)

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

(6) For the purposes of paragraph (5) flying time shall be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

(7) Without prejudice to paragraph (4), a helicopter carrying out Performance Class 1 or Performance Class 2 operations—

- (a) which is flying under and in accordance with the terms of an air operator's certificate granted by the CAA under article 6(2), shall not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;
- (b) which is not equipped with the required apparatus and 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 a permitted passenger, shall not fly over any water on any flight for more than 15 minutes.

(8) Notwithstanding paragraph (1), a helicopter specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out—

- (a) Performance Class 2 operations if—
  - (i) the maximum total weight authorised of the helicopter is less than 5,700 kg; and
  - (ii) the total number of passengers carried on the helicopter does not exceed 15; or
- (b) Performance Class 3 operations if—
  - (i) the maximum total weight authorised of the helicopter is less than 3,175 kg; and
  - (ii) the total number of passengers carried does not exceed 9.

(9) For the purposes of this article—

- (a) “permitted passenger” means—
  - (i) a police officer;
  - (ii) an employee of a police authority in the course of his duty;
  - (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;
  - (v) a CAA Flight Operations Inspector;
  - (vi) a Home Office police aviation adviser;
  - (vii) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004 <sup>M2</sup>;
  - (viii) an officer of revenue and customs;
  - (ix) an employee of the Ministry of Defence in the course of his duty; or
  - (x) such other person being carried for purposes connected with police operations as may be permitted in writing by the CAA;

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- (b) “required apparatus” means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and
- (c) “specified circumstances” means circumstances in which a helicopter is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

#### Marginal Citations

M2 2004 c. 21.

### **Public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom**

46. An aeroplane which is registered elsewhere than in the United Kingdom and is powered by one power unit only shall not fly for the purpose of public transport at night or when 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 are less than 1,000 feet and 1 nautical mile respectively.

### **Public transport aircraft registered in the United Kingdom—aerodrome operating minima**

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

(2) Subject to paragraph (3), 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-article called “the said particulars”) of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required by this Order; or
- (b) 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 provided in accordance with paragraph (4) or (5) and the operator shall cause a copy of the said particulars to be retained outside the aircraft for at least three months after the flight.

(4) The operator of every aircraft to which this article applies for which an operations manual or a police operations manual is required by 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.

(5) The operator of every aircraft to which this article applies for which neither an operations manual nor a police operations manual is required by 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 at least three months after the flight.

(6) The specified aerodrome operating minima shall not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.



(7) 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.

(8) 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 paragraph (9) or (10), 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.

(9) An aircraft to which article 38 applies, when making a descent to an aerodrome, shall not descend from a height of 1,000 feet or more above the aerodrome to a height 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.

(10) 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.

(11) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air Regulations 1996 <sup>M3</sup> 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.

(12) 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 in accordance with paragraph (3).

**Marginal Citations**

**M3** [S.I. 1996/1393](#).

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## **Public transport aircraft registered elsewhere than in the United Kingdom—aerodrome operating minima**

**48.**—(1) This article shall apply to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies shall not fly in or over the United Kingdom unless the operator has made available to the flight crew, aerodrome operating minima which comply with paragraph (3) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) shall be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered;

whichever are the more restrictive.

(4) 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.

(5) An aircraft to which this article applies shall not take off from or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, 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 at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to paragraphs (4) and (5), 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) In this article—

- (a) “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2);
- (b) “a Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
  - (i) a decision height below 200 feet but not less than 100 feet; and
  - (ii) a runway visual range of not less than 300 metres;
- (c) “a Category IIIA approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
  - (i) a decision height lower than 100 feet; and
  - (ii) a runway visual range of not less than 200 metres; and

- (d) “a Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
- (i) a decision height lower than 50 feet or no decision height; and
  - (ii) a runway visual range of less than 200 metres but not less than 75 metres.

#### **Non-public transport aircraft— aerodrome operating minima**

**49.**—(1) This article shall apply to any aircraft which is not a public transport aircraft.

(2) 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.

(3) In the case of an aircraft registered in the United Kingdom, the approval referred to in paragraph (2) shall be issued by the CAA.

(4) Without prejudice to 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 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.

(5) Without prejudice to paragraph (2), an aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not—

- (a) continue an approach to landing on such a runway 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.

(6) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air Regulations 1996 <sup>M4</sup> 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.

(7) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

(8) In this article Category II, Category IIIA and Category IIIB approach and landing have the same meaning as in article 48(8).

#### **Marginal Citations**

**M4** [S.I. 1996/1393](#).

#### **Pilots to remain at controls**

**50.**—(1) The commander of a flying machine or glider registered in the United Kingdom shall cause one pilot to remain at the controls at all times while it is in flight.

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(2) If the flying machine or glider is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.

(3) If the flying machine or glider carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers, the commander shall remain at the controls during take-off and landing.

(4) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 19 and Schedule 4 to be provided.

### **Wearing of survival suits by crew**

**51.**—(1) Subject to paragraph (2), each member of the crew of an aircraft registered in the United Kingdom shall wear a survival suit if such a suit is required by article 19 and Schedule 4 to be carried.

(2) 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.

### **Pre-flight action by commander of aircraft**

**52.** The commander of an aircraft registered in the United Kingdom shall take all reasonable steps to satisfy himself before the aircraft takes off—

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) either that—
  - (i) the equipment required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
  - (ii) the flight may commence under and in accordance with the terms of a permission granted to the operator under article 21;
- (c) that the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 14(1) to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination;
- (h) that any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft; and

- (i) in the case of a balloon, that the balloon will be able to land clear of any congested area.

### **Passenger briefing by commander**

**53.**—(1) Subject to paragraph (2), the commander of an aircraft registered in the United Kingdom shall take all reasonable steps to ensure—

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(2) This article shall not apply to the commander of an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate.

### **Public transport of passengers—additional duties of commander**

**54.**—(1) This article applies to flights for the purpose of the public transport of passengers by aircraft registered in the United Kingdom other than flights under and in accordance with the terms of a police air operator's certificate.

(2) In the case of an aircraft which is not a seaplane, on a flight to which this article applies on which it is intended to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water) from the nearest land, the commander shall, subject to paragraph (9), take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(3) In the case of an aircraft which is not a seaplane but is required by article 25(13) to carry cabin crew, the commander shall, subject to paragraph (9), take all reasonable steps to ensure that, before the aircraft takes off on a flight to which this article applies on which—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) 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 aircraft would be forced to land onto water;

all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) In the case of an aircraft which is a seaplane, the commander shall take all reasonable steps to ensure that before the aircraft takes off on a flight to which this article applies all passengers are given a demonstration of the method of use of the the lifejackets required by or under this Order for the use of passengers.

(5) Before the aircraft takes off on a flight to which this article applies, and before it lands, the commander shall take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 25(13) and (14) are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers.

(6) From the moment when, after the embarkation of its passengers for the purpose of taking off on a flight to which this article applies, it first moves until after it has taken off, and before it

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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 the commander shall take all reasonable steps to ensure that—

- (a) all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device; and
- (b) 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 CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(7) In the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, the commander shall take all reasonable steps to ensure that on a flight to which this article applies—

- (a) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 19 and Schedule 4 is demonstrated to all passengers;
- (b) when flying above flight level 120 all passengers and cabin crew are recommended to use oxygen; and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(8) In the case of aircraft in respect of which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) prior to 1st January 1989, except in the case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, the commander shall take all reasonable steps to ensure that on a flight to which this article applies—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 19 and Schedule 4 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers and cabin crew are recommended to use oxygen; and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft;

provided that he may comply instead with paragraph (7).

(9) Where the only requirement to give a demonstration required by paragraph (2) or (3) arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

### **Operation of radio in aircraft**

**55.—(1)** A radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to paragraph (3), whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

(3) The radio watch—

- (a) may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits;
- (b) may be kept by a device installed in the aircraft if—
  - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
  - (ii) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.

(4) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(5) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

(6) In any flying machine registered in the United Kingdom which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

### **Minimum navigation performance**

**56.**—(1) An aircraft registered in the United Kingdom shall not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the CAA.

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### **Height keeping performance—aircraft registered in the United Kingdom**

**57.**—(1) Unless otherwise authorised by the appropriate air traffic control unit, an aircraft registered in the United Kingdom shall not fly in reduced vertical separation minimum airspace notified for the purpose of this article, unless it is equipped with height keeping systems which enable the aircraft to maintain the prescribed height keeping performance capability.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the CAA.

### **Height keeping performance—aircraft registered elsewhere than in the United Kingdom**

**58.** Unless otherwise authorised by the appropriate air traffic control unit an aircraft registered elsewhere than in the United Kingdom shall not fly in United Kingdom reduced vertical separation minimum airspace unless—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any specified areas; and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

### **Area navigation and required navigation performance capabilities—aircraft registered in the United Kingdom**

**59.**—(1) Subject to paragraph (3) an aircraft registered in the United Kingdom shall not fly in designated required navigation performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability specified in respect of that airspace.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the CAA.

(3) An aircraft need not comply with the requirements of paragraph (1) and (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.



### **Area navigation and required navigation performance capabilities—aircraft registered elsewhere than in the United Kingdom**

**60.**—(1) An aircraft registered elsewhere than in the United Kingdom shall not fly in designated required navigation performance airspace in the United Kingdom unless it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace.

(2) Subject to paragraph (3), the said navigation equipment shall be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified in respect of the airspace in which the aircraft is flying, and shall be so operated.

(3) An aircraft need not comply with the requirements of paragraph (2) where the flight has been authorised by the appropriate United Kingdom air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

### **Use of airborne collision avoidance system**

**61.** On any flight on which an airborne collision avoidance system is required by article 20 and Schedule 5 to be carried in an aeroplane, the system shall be operated—

- (a) in the case of an aircraft to which article 38 applies, in accordance with procedures contained in the operations manual for the aircraft;
- (b) in the case of an aircraft registered in the United Kingdom to which article 38 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment; or
- (c) in the case of an aircraft which is registered elsewhere than in the United Kingdom, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

### **Use of flight recording systems and preservation of records**

**62.**—(1) On any flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 5(4), (5), (6) or (7) of Schedule 4 to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to article 91, preserve—

- (a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the CAA may in a particular case direct.

(3) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 5(16) of Schedule 4 to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(4) The operator of the helicopter shall at all times, subject to article 91, preserve—

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- (a) the last 8 hours of recording made by any flight data recorder specified in paragraph (1) or (2) of Scale SS of paragraph 6 of Schedule 4 and required by or under this Order to be carried in the helicopter;
  - (b) in the case of a combined cockpit voice recorder/flight data recorder specified in paragraph (3) of the said Scale SS and required by or under this Order to be carried in a helicopter either—
    - (i) the last 8 hours of recording; or
    - (ii) the last 5 hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either—
      - (aa) the period immediately preceding the last five hours of recording or the duration of the last flight, whichever is the greater; or
      - (bb) such period or periods as the CAA may permit in any particular case or class of cases or generally.
- (5) The additional recording retained under sub-paragraphs (b)(ii)(aa) and (bb) of paragraph (4) shall, together with the recording required to be retained under sub-paragraph (b)(ii) of paragraph (4), total a period of 8 hours and shall be retained in accordance with arrangements approved by the CAA.

### **Towing of gliders**

**63.**—(1) An aircraft in flight shall not tow a glider unless the flight manual for the towing aircraft includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

### **Operation of self-sustaining gliders**

**64.** A self-sustaining glider shall not take off under its own power.

### **Towing, picking up and raising of persons and articles**

**65.**—(1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under

the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this article shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the B Conditions; or
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 63.

### **Dropping of articles and animals**

**66.**—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial application certificate granted under article 68, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances—

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the CAA; or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the CAA.

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(4) For the purposes of this article “dropping” includes projecting and lowering.

(5) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

### **Dropping of persons and grant of parachuting permissions**

**67.**—(1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator's certificate or a parachuting permission granted by the CAA under this article.

(2) For the purposes of this article “dropping” includes projecting and lowering.

(3) Notwithstanding the grant of a police air operator's certificate or a parachuting permission, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless—

(a) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft 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 CAA under this article; or

(b) the aircraft is operated under and in accordance with the terms of a police air operator's certificate.

(5) Every applicant for and every holder of a parachuting permission shall make available to the CAA if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the CAA may require.

(6) The holder of a parachuting permission shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.

(7) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(8) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

### **Grant of aerial application certificates**

**68.**—(1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The CAA—

(a) shall grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct

and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1);

(b) may grant such a certificate subject to such conditions as it thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(3) Every applicant for and holder of an aerial application certificate shall make available to the CAA upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual.

(4) The manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The holder of an aerial application certificate shall make such amendments or additions to the manual as the CAA may require.

### **Carriage of weapons and of munitions of war**

**69.**—(1) Subject to paragraph (6), an aircraft shall not carry any munition of war unless—

(a) such munition of war is carried with the permission of the CAA; and

(b) subject to paragraph (2), the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(2) 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)(b) but he need not be so informed in writing.

(3) Subject to paragraph (5), it shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(4) Subject to paragraph (5), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless—

(a) the sporting weapon or munition of war—

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;

(ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and

(iii) in the case of a firearm, is unloaded;

(b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and

(c) without prejudice to paragraph (1), the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

(5) Paragraphs (3) and (4) 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.

(6) Nothing in this article shall apply to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is

registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(7) For the purposes of this article—

(a) “munition of war” means—

- (i) any weapon or ammunition;
- (ii) any article containing an explosive, noxious liquid or gas; or
- (iii) any other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

(b) “sporting weapon” means—

- (i) any weapon or ammunition;
- (ii) any article containing an explosive, noxious liquid or gas; or
- (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article;

which is not a munition of war.

### **Carriage of dangerous goods**

**70.**—(1) Without prejudice to any other provisions of this Order, the Secretary of State may make regulations prescribing—

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents which must be produced to the CAA 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.

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(3) The provisions of this article and of any regulations made thereunder shall be additional to and not in derogation from article 69.

### **Method of carriage of persons**

**71.**—(1) A person shall not—

- (a) subject to paragraphs (2) and (3), be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft;
- (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

- (2) A person may have temporary access to—
- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
  - (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.
- (3) This article shall not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

### Exits and break-in markings

**72.**—(1) This article shall apply to every public transport aeroplane or helicopter registered in the United Kingdom.

(2) Whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit therefrom and every internal door in the aeroplane or helicopter shall be in working order, and, subject to paragraph (3), during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

- (3) In the case of—
- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
  - (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the commander of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
  - (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (2) shall not apply.

(4) 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.

(5) 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.

(6) The markings required by paragraph (5) shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aeroplane or helicopter, on or near the exterior surface.

(7) 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 which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aeroplane or helicopter.

- (8) The markings required by paragraph (7) shall—
- (a) be red or yellow, and if necessary shall be outlined in white to contrast with the background;
  - (b) if the corner markings are more than 2 metres apart, have intermediate lines 9 centimetres x 3 centimetres inserted so that there is no more than 2 metres between adjacent marks.

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(9) The markings required by this article shall—

- (a) be painted, or affixed by other equally permanent means; and
- (b) be kept at all times clean and unobscured.

(10) Subject to compliance with paragraph (11), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article shall prevent that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(11) On any flight on which this paragraph must be complied with—

- (a) the number of passengers carried and the position of the seats which they occupy shall be in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the exit shall be fastened by locking or otherwise, the words “Exit” or “Emergency Exit” shall be covered, and the exit shall be marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

### **Endangering safety of an aircraft**

**73.** A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

### **Endangering safety of any person or property**

**74.** A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

### **Drunkenness in aircraft**

**75.—(1)** A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

### **Smoking in aircraft**

**76.—(1)** Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

### **Authority of commander of an aircraft**

**77.** Every person in an aircraft shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

### **Acting in a disruptive manner**

**78.** No person shall while in an aircraft—



- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

### **Stowaways**

**79.** A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to his being carried in the aircraft.

### **Flying displays**

**80.**—(1) No person shall act as the organiser of a flying display (in this article referred to as “the flying display director”) unless he has obtained the permission of the CAA under paragraph (5) for that flying display.

(2) The commander of an aircraft who is—

- (a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that—
  - (i) the flying display director has been granted an appropriate permission under paragraph (5);
  - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
  - (iii) the pilot has been granted an appropriate pilot display authorisation; or
- (b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.

(3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.

(4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(5) The CAA—

- (a) shall grant a permission required by virtue of paragraph (1) if it is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display;
- (b) may grant such a permission subject to such conditions, which may include conditions in respect of military aircraft, as the CAA thinks fit.

(6) The CAA shall, for the purposes of this article—

- (a) grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon it being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the CAA may require; and
- (b) authorise a person to conduct such examinations or tests as it may specify.

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(7) A pilot display authorisation granted in accordance with this article shall, subject to article 92, remain in force for the period indicated in the pilot display authorisation.

(8) Subject to paragraph (9), for the purposes of this article, an appropriate pilot display authorisation shall mean an authorisation which is valid and appropriate to the intended flight and which has been either—

- (a) granted by the CAA under paragraph (6)(a); or
- (b) granted by the competent authority of a JAA Full Member State.

(9) A pilot display authorisation granted by the competent authority of a JAA Full Member State shall not be an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.

(10) A direction may be issued under paragraph (9) either in respect of a particular authorisation, a specified category of authorisations or generally.

(11) Paragraph (1) shall not apply to either—

- (a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or
- (b) a flying display at which the only participating aircraft are military aircraft.

(12) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(13) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot whether or not such race or contest is held in association with a flying display.

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**Changes and effects yet to be applied to :**

- Instrument by [S.I. 2006/1384 reg 16](#)
- Instrument by [S.I. 2006/1384 reg 17](#)
- Instrument appl in pt (mod) by [S.I. 2008/25 art 4 schedule](#)
- Part 10 (arts 107 - 120) subst by [S.I. 2009/1742 arts 23](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 28A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 31A added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- arts 32A - 32C added (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 52A added by [S.I. 2007/274 art 4](#)
- art 54A added by [S.I. 2007/274 art 4](#)
- art 61A added (31.1.2008) by [S.I. 2007/3467 arts 211](#)
- art 62A added by [S.I. 2007/274 art 5](#)
- art 72A added by [S.I. 2007/274 art 4](#)
- art 141A added by [S.I. 2006/2316 art 2](#)
- arts 144A-144C added by [S.I. 2006/1384 reg 14](#)