
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 2005. In addition to minor and drafting amendments the following changes are made —

Visibility requirements for helicopters

1.—(1) The term “with the surface in sight” is defined and is used in place of “in sight of the surface”. (Article 3(1), (2), (3), (5) and (8)).

(2) A minimum scale of flight instrumentation is required for flight conducted under the Instrument Flight Rules by day, when the surface is in sight. (Article 3(3)).

(3) A private pilot is required to hold an instrument rating for flight under the Instrument Flight Rules in any airspace except when flying by visual reference at night. (Article 3(6)).

(4) All helicopter pilots, including those with a professional pilot’s licence, are required to hold an instrument rating to fly under the Instrument Flight Rules by reference to instruments. (Article 3(7), (8) and (9)).

Requirements for non-public transport flights

2.—(1) A flight under instrument flight rules to an aerodrome where there is no suitable alternate available must not commence unless the destination aerodrome has a designated instrument approach procedure and the weather forecast for two hours either side of the estimated time of arrival is for visual meteorological conditions. (Article 4(1), (2) and (9)).

(2) An operator must ensure that a helicopter rotor is not turned under power without a qualified pilot at the controls. (Article 4(3)).

(3) The commander of an aircraft in the United Kingdom must reasonably satisfy himself before the aircraft takes off as to a number of specified safety matters, whether or not that aircraft is registered in the United Kingdom. (Article 4(4)).

(4) The commander of an aircraft flying for a purpose other than public transport must carry such additional equipment as he reasonably considers necessary for the purposes of facilitating the survival of persons carried in the aircraft having regard to the circumstances of its intended flight. (Article 4(5) and (19)).

(5) An aeroplane flying for a purpose other than public transport over water beyond gliding distance from land must carry life jackets, each equipped with a whistle and a survival locator light. (Article 4(11)).

(6) A helicopter flying for a purpose other than public transport over water beyond auto-rotational gliding distance from land or on a flight where it may be forced to land on water must carry life jackets, each equipped with a whistle and a survivor locator light. (Article 4(13)).

(7) Aeroplanes and helicopters flying for a purpose other than public transport where, in the event of an emergency landing, tropical conditions or polar conditions are likely to be met, must carry signalling devices and life saving equipment as may be appropriate to the area overflown. (Article 4(11) and (13)).

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

(8) The commander of an aircraft flying for a purpose other than public transport must demonstrate the use of oxygen equipment carried on board to all passengers, recommend its use where appropriate and ensure that the flight crew use oxygen where appropriate. (Article 4(6)).

(9) On any aircraft registered in the United Kingdom, where an area of the fuselage suitable for break-in by rescue crews in an emergency are marked on the aircraft, the markings must conform to international requirements. (Article 4(8)).

(10) An aeroplane flying at night for a purpose other than public transport must be equipped with a landing light, torches for all crew members and electric lighting in each passenger compartment. (Article 4(10) and (16)).

(11) A helicopter flying at night for a purpose other than public transport must be equipped with electric lighting in each passenger compartment (landing lights and crew torches are already required). (Article 3(3)).⁽¹⁾

(12) Aircraft flying for a purpose other than public transport at or above 13,000 feet must carry sufficient supplies of oxygen together with suitable apparatus for its use. (Article 4(11)).

(13) Seaplanes flying for a purpose other than public transport on a flight which will involve manoeuvring on water must carry equipment appropriate for that purpose. (Article 4(11)).

(14) When flying for a purpose other than public transport, aeroplanes with a certificate of airworthiness and helicopters must carry first aid equipment and a fire extinguisher. (Article 4(11), (12) and (14)).

(15) From 1st January 2007 an aeroplane or a helicopter flying for a purpose other than public transport more than 10 minutes flying time away from land must carry an emergency locator transmitter (ELT). The ELT must either be removable from the aircraft and be manually activated by survivors or be permanently attached to an aircraft and automatically activated in an emergency (an automatic ELT). When flying over areas in which search and rescue would be especially difficult an automatic ELT must be carried. (Article 4(11) and (13)).

(16) Aircraft other than gliders flying under instrument flight rules for a purpose other than public transport must carry radio equipment. (Article 4(18)).

Carriage and use of vibration health monitoring systems

3. All helicopters with a maximum approved passenger seating configuration of more than nine operating in a hostile environment for the purpose of public transport must carry a vibration health monitoring system. The equipment must be operated in accordance with procedures approved by the CAA. (Article 5).

Balloon flying displays

4. Flying displays in which the only participating aircraft are balloons do not need a flying display permission. (Article 6).

Introduction of 8.33kHz channel spacing

5. From 15th March 2007, an aircraft flying above flight level 195 in the United Kingdom must carry radio communications equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified by the CAA for that purpose. (Article 7).

(1) The additional requirement for helicopters, namely the requirement to carry Scale G(2) equipment, is included in article 3(3) for clarity and convenience since this requirement is contained in the part of Schedule 4 to the Air Navigation Order 2005 which article 3(3) substitutes in order to make changes in relation to flight visibility.

Other changes

6.—(1) An aircraft which is certificated for use under the Visual Flight Rules is not thereby prohibited from flying in accordance with the visual reference provisions of the Rules of the Air. (Article 8(1)).

(2) JAR-FCL 1 is defined as the version including Amendment 5 adopted by the JAA on 1st March 2006. (Article 8(2)).

(3) JAR-OPS 1 and 3 are defined respectively as the version including Amendment 10 adopted by the JAA on 1st March 2006 and the version including Amendment 3 adopted by the JAA on 1st April 2004. (Article 8(3)).

New offences

7. New offences are created for breaches of Articles 52A, 54A and 62A. (Articles 4(19) and 5(6)).

Regulatory Impact Assessments

8. Save in the case of the changes relating to Balloon Flying Displays referred to in paragraph 4 above and the other changes referred to in paragraph 6 above, a Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department's website which is at www.dft.gov.uk.