
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 7

Air traffic services

CHAPTER 5

Air traffic service equipment

Air traffic service equipment records

206.—(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

- (a) keep records for such equipment or apparatus in accordance with Part 1 of Schedule 11; and
- (b) preserve such records for one year or such longer period as the CAA may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit must provide recording apparatus in accordance with paragraph (4).

(3) The CAA may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

- (a) when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; and
- (b) in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

- (a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;
- (b) ensure that each record made by the apparatus complies with Part 2 of Schedule 11;
- (c) not cause or permit that apparatus to be used unless it is approved by the CAA; and
- (d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the CAA may have regard to the matters specified in Part 3 of Schedule 11.

(7) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the CAA may have had regard under paragraph (6); and
 - (b) for one or more persons or generally.
- (8) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus must ensure that, so far as practicable—
- (a) a record is kept which complies with Part 2 of Schedule 11; and
 - (b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft are recorded.
- (9) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.
- (10) The person in charge of any air traffic service equipment must preserve any record made in compliance with paragraph (5) or (8) for 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the CAA may in a particular case direct.
- (11) A person required by this article to preserve any record by reason of being the person in charge of the air traffic service equipment is in this article called “the first person in charge”.
- (12) If the first person in charge ceases to be in charge of the air traffic service equipment, they must continue to preserve the record until paragraph (14) is complied with.
- (13) In the event of the death of the first person in charge, the duty to preserve the record falls on their personal representative.
- (14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or their personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.
- (15) The person in charge of any air traffic service equipment must within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.
- (16) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 206.