PROPOSALS TO AMEND THE AIR NAVIGATION ORDER 2009

Attachment A

1. INTRODUCTION

The following proposals to amend the Air Navigation Order 2009 (ANO), establish a legal basis to support requirements that those who operate of aeronautical radio stations for the purposes of the provision of Air Ground Communication Service (AGCS), Offshore Communications Service (OCS) and those who provide a service to aircraft or parachutists within parachute drop zones, are appropriately qualified. This order does not affect the provision of an air traffic control or flight information services, for which separate requirements apply.

2. EXTRA-TERRITORIAL EFFECT OF THE ORDER

The territorial extent of the ANO is set out at Article 247. For most purposes it is limited to the United Kingdom and territorial waters. However, the Criminal Jurisdiction (Offshore Activities) Order 1987 provides that a failure to comply with a requirement in the UK which is punishable as a criminal offence will also be punishable if it takes place on an installation located in waters outside UK territorial waters but within waters which have been designated under the Continental Shelf Act 1964.

3. NEW ARTICLES DEALING WITH THE QUALIFICATION NEEDED TO OPERATE AN AERONAUTICAL RADIO STATION FOR THE PURPOSES OF PROVIDING AN AIR/GROUND COMMUNICATIONS SERVICE, OFFSHORE COMMUNICATIONS SERVICE AND FOR THOSE WHO PROVIDE A SERVICE TO AIRCRAFT OR PARACHUTISTS WITHIN PARACHUTE DROP ZONES

The following new articles cover the prohibition of unauthorised aeronautical radio station operators and the CAAs responsibility for granting aeronautical radio station operator certificates of competence to applicants.

Prohibition of unauthorised use of an aeronautical radio station

X.—(1) Subject to paragraph (3), a person must not operate an aeronautical radio station for a purpose specified in paragraph (4), or hold themselves out, whether by use of a radio call sign or in any other way, as a person who may do so unless—

(a) they hold and comply with the terms of an aeronautical radio station operator certificate of competence granted under article Y authorising the holder to provide such a service; and

(b) they have identified themselves in such a manner as may be notified.

(2) In this article ‘operate an aeronautical radio station means activating or altering any of the external controls of any of the apparatus comprised in the station or transmitting or receiving messages.

(3) Nothing in this article prevents a person operating an aeronautical radio station for the purpose of avoiding immediate danger.

(4) The purposes specified for the purpose of paragraph (1) are to provide—

(a) an air/ground communications service;

(b) a service to give information to pilots of aircraft flying to or from offshore oil, gas installations and vessels and for other aircraft operating in the vicinity of these aircraft; or

(c) a service to give information to pilots of aircraft flying for the purpose of the dropping of persons by parachute and to persons who have been dropped by parachute.

Aeronautical radio station operator certificate of competence

Y.—(1) The CAA must grant an aeronautical radio station certificate of competence if it is satisfied that the applicant—

(a) is at least 18 years of age; and

(b) is qualified by having the knowledge, experience and skill to act in the capacity to which the certificate of competence relates.

(2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

(3) The aeronautical radio station certificate of competence may be issued subject to such conditions as the CAA thinks fit.

(4) An aeronautical radio station certificate of competence—

(a) remains in force, subject to article 228, for the period indicated in the licence or if no period is indicated, for the lifetime of the holder;

(b) may be renewed by the CAA from time to time, if it is satisfied that the applicant is qualified in accordance with paragraph (1).

(5) An aeronautical radio station operator certificate of competence is not valid for use unless it has been endorsed by the person in charge of the aeronautical radio station.

(6) The person in charge of the aeronautical radio station must not endorse an aeronautical radio station certificate of competence as required by paragraph (4) unless that person is satisfied that the holder is familiar with the terms and conditions of the Wireless Telegraphy Act Licence for the aeronautical radio station and has been informed of any relevant operational information concerning the types of equipment and operating procedures for the station.

(7) Every holder of an aeronautical radio station operator certificate of competence must, on such occasions as the CAA may require, submit to such examinations and tests and supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

(8) Nothing in this Order obliges the CAA to accept an application for the issue, variation or renewal of an aeronautical radio station operator certificate of competence if the application is not supported by such reports from such persons approved under article 244 as the CAA may specify, either generally or in a particular case or class of cases.

Approval of courses, persons, examinations and simulators

Z. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part, approve—

(a) any course of training or instruction;

(b) any unit training plan or unit competence scheme;

(c) a person to conduct such examinations, assessments or tests as it may specify; and

(d) any examinations, assessments or tests, together with associated arrangements

(e) any simulation hardware and/or software for the training, instruction, examination, assessment or tests.

Article 255

"Air/ground communications service" means a service provided to give information to pilots of aircraft by means of radio signals and "air/ground communications service unit" is to be construed accordingly;