

# Regulations made under powers in the Civil Aviation Act 1982 and the Air Navigation Order 2016

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CAP 393



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# Foreword

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## 1 Status

1.1 This work sets out various Regulations made under powers in the Civil Aviation Act 1982 and the Air Navigation Order 2016 namely:

- The Rules of the Air Regulations;
- The Air Navigation (General) Regulations;
- The Air Navigation (Cosmic Radiation) (Keeping of Records) Regulations;
- The Air Navigation (Dangerous Goods) Regulations;
- Various Permanent Air Navigation (Restriction of Flying) Regulations; and
- The Civil Aviation Authority Regulations.:

1.2 Users must bear in mind that this is an unofficial version of this legislation, and the authoritative versions (which Courts of Law will refer to) is the Queen's Printer's Edition of Statutory Instruments available at [www.legislation.gov.uk](http://www.legislation.gov.uk)

## 2 Enquiries

2.1 Any comments or other communication relating to the contents of CAP 393 should be addressed to the CAA's Office of the General Counsel [ogcmailbox@caa.co.uk](mailto:ogcmailbox@caa.co.uk)

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**SECTION 2****The Rules of the Air Regulations 2015**

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**Made:** 17 March 2015

**Coming into force:** 30 April 2015

The Secretary of State, in exercise of the powers conferred by article 160(1) of the Air Navigation Order 2009<sup>(a)</sup>, makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Rules of the Air Regulations 2015 and come into force on 30th April 2015.

**Rules of the Air**

2. The Rules of the Air in Schedule 1 have effect and may be cited as the Rules of the Air 2015.

**Review**

3.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the Rules in Schedule 1 to these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives to be achieved by the Rules;
- (b) assess the extent to which those objectives have been achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system of lesser regulation.

(3) The first report under this regulation must be published before 30th April 2020.

(4) Reports under this regulation are to be published at intervals not exceeding five years.

**Revocation**

4. The Regulations listed in Schedule 2 are revoked.

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<sup>(a)</sup> S.I. 2009/3015; amended by S.I. 2014/3302. There are other amendments to the Order but none is relevant.

## **SCHEDULE 1**

## **Regulation 2**

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## Section 1

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### Interpretation

#### Interpretation

1.—(1) In these Rules “anti-collision light” means—

- (a) in relation to rotorcraft, a flashing red light; and
- (b) in relation to any other aircraft, a flashing red or flashing white light,

in either case showing in all directions.

(2) Subject to paragraph (3), terms used in these Rules which are defined in article 2 of the Standardised European Rules of the Air Regulation<sup>(a)</sup> have the same meaning as given in that article.

(3) The term “aerodrome traffic zone” has the same meaning as given in article 5 of the Air Navigation Order 2016<sup>(b)</sup>.

(4) References in these Rules to “SERA” followed by a number refer to the provision with the corresponding number in SERA<sup>(c)</sup>.

## Section 2

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### Application and compliance

#### Application of Rules to aircraft

2. Subject to rule 6 and to articles 249(3) and 22(1) of the Air Navigation Order 2016 and insofar as these Rules apply to aircraft they apply—

- (a) to all aircraft within the United Kingdom; and
- (b) to all aircraft registered in the United Kingdom, wherever they may be<sup>(d)</sup>.

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(a) Commission Implementing Regulation (EU) No. 923/2012 of the European Parliament and of the Council of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (O.J. No.L281 of 13.10.2012, p.1).

(b) [S.I. 2016/765](#).

(c) The definition of the term “SERA” was inserted into article 255(1) of the Air Navigation Order 2009 by article 76 of S.I. 2014/3302 and means the Annex to the Standardised European Rules of the Air Regulation.

(d) Article 160(3) of the Air Navigation Order 2009 provides that it is lawful for any of the Rules of the Air to be departed from to the extent necessary for avoiding immediate danger, complying with the law of any country other than the United Kingdom within which the aircraft then is or for complying with Military Flying Regulations or Flying Orders to Contractors issued by the Secretary of State. Article 252(1) of the Air Navigation Order 2009 provides that nothing in the Order applies to military aircraft apart from certain

## Permissions

3. Wherever in these Rules there is provision for a permission to be granted by the CAA<sup>(a)</sup> for the purposes of a rule, it may be granted—

- (a) in respect of classes of aircraft, persons or vehicles generally or in respect of any particular aircraft, person or vehicle or class of aircraft, person or vehicle; and
- (b) subject to such conditions as the CAA thinks fit.

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specified articles, including article 160(1)(a). A “military aircraft” is defined in article 255(1) of the Air Navigation Order 2009.

(a)The CAA is a body corporate, called the Civil Aviation Authority, constituted under section 2 of the Civil Aviation Act 1982 (c.16). Section 2 is amended by section 95 of the Civil Aviation Act 2012 (c.19).

## Section 3

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### General rules, collision avoidance and protection of persons and property

#### Aerobatic flights

4. Aerobatic flight is not permitted—
- (a) over the congested area of any city, town or settlement; or
  - (b) within notified controlled airspace<sup>(a)</sup> other than with the consent of the air traffic control unit notified as serving that airspace.

#### Landing and taking off within congested areas and near open-air assemblies

5.—(1) An aircraft must not take off or land within a congested area of any city, town or settlement except—

- (a) at an aerodrome in accordance with procedures notified by the CAA; or
- (b) at a landing site which is not an aerodrome in accordance with the permission of the CAA.

(2) An aircraft must not land or take-off within 1,000 metres of an open-air assembly of more than 1,000 persons except—

- (a) at an aerodrome in accordance with procedures notified by the CAA; or
- (b) at a landing site which is not an aerodrome in accordance with procedures notified by the CAA and with the written permission of the organiser of the assembly.

#### Test flying over congested areas

6.—(1) Subject to paragraph (2), an aircraft to which this rule applies must not fly over a congested area of any city, town or settlement other than to the extent necessary in order to take off or land in accordance with normal aviation practice.

(2) Paragraph (1) does not apply if the CAA has given its written permission for the flight over the congested area.

(3) This rule applies to an aircraft that—

- (a) does not have a valid certificate of airworthiness in force; and
- (b) is flying for the purpose of—
  - (i) experimenting with or testing—
    - (aa) the aircraft; or
    - (bb) any engines or equipment installed or carried in the aircraft; or
  - (ii) enabling the aircraft to qualify for—
    - (aa) the issue or validation of a certificate of airworthiness;
    - (bb) the approval of a modification of the aircraft; or
    - (cc) the issue of a permit to fly.

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(a) “Notified” and “controlled airspace” are defined in article 255(1) of the Air Navigation Order 2009. The classification of airspace in the United Kingdom is notified in the Aeronautical Information Publication which is published by the CAA.

### **Launching, picking up and dropping of tow ropes, etc.**

7.—(1) An aircraft must not take off from an aerodrome with tow ropes, banners or similar articles towed by it except in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, the person in charge of the aerodrome.

(2) Tow ropes, banners or similar articles towed by aircraft must not be picked up by, or dropped from, an aircraft at an aerodrome except—

- (a) in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or
- (b) in the area designated by the marking described in rule 20(7), but only when the aircraft is flying in the direction appropriate for landing.

### **Avoiding aerial collisions**

8. For the purposes of SERA.3201, SERA.3205 and SERA.3210 a glider and a flying machine which is towing it are to be considered to be a single aircraft under the command of the commander of the flying machine.

### **Order of landing**

9.—(1) If an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft must approach to land in that order.

(2) If the commander of an aircraft which has previously been given permission to land gives way to another aircraft that is making an emergency landing at night, that commander must not attempt to land until the commander has received further permission to do so.

### **Landing and take-off**

10.—(1) Subject to paragraph (4), a flying machine or glider must not land on a runway at an aerodrome if there are other aircraft on the runway.

(2) If take-offs and landings are not confined to a runway—

- (a) when landing, a flying machine or glider must leave clear on its left any aircraft which has landed, is already landing or is about to take off;
- (b) a flying machine or glider which is about to turn must turn to the left if the commander of the aircraft is satisfied that such action will not interfere with other traffic movements; and
- (c) a flying machine which is about to take off must take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.

(3) Subject to paragraph (4), a flying machine must move clear of the landing area as soon as it is possible to do so after landing.

(4) Paragraphs (1) and (3) do not apply if the air traffic control unit at the aerodrome otherwise authorises the flying machine or glider.

### Flight within aerodrome traffic zones

11.—(1) This rule applies in relation to such aerodromes described in Column 1 of Table 1 as are notified for the purposes of this rule and at such times as are specified in Column 2 of the Table.

**Table 1**

<i>Table Column 1</i>	<i>Column 2</i>
(a) A Government aerodrome.	At such times as are notified.
(b) An aerodrome having an air traffic control unit or flight information service centre.	During the notified hours of watch of the air traffic control unit or the flight information service centre.
(c) A national licensed aerodrome or an EASA certificated aerodrome having an air/ground communications service unit with aircraft.	During the notified hours of watch of the air/ground communications service unit.

(2) An aircraft must not fly, take off or land within the aerodrome traffic zone of an aerodrome unless the commander of the aircraft has complied with paragraphs (3), (4) or (5), as appropriate.

(3) If the aerodrome has an air traffic control unit the commander must obtain the permission of that unit to enable the flight to be conducted safely within the aerodrome traffic zone.

(4) If the aerodrome provides a flight information service the commander must obtain information from the flight information centre to enable the flight to be conducted safely within the aerodrome traffic zone.

(5) If there is no flight information centre at the aerodrome the commander must obtain information from the air/ground communication service to enable the flight to be conducted safely within the aerodrome traffic zone.

(6) The commander of an aircraft flying within the aerodrome traffic zone of an aerodrome must—

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome; or
- (b) if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means; and
- (c) if the aircraft is fitted with means of communication by radio with the ground, communicate the aircraft's position and height to the air traffic control unit, the flight information centre or the air/ground communications service unit at the aerodrome (as the case may be) on entering the aerodrome traffic zone and immediately prior to leaving it.

### Movement of aircraft on uncontrolled aerodromes

12.—(1) An aircraft must not taxi on the apron or the manoeuvring area of an uncontrolled aerodrome without the permission of either—

- (a) the person in charge of the aerodrome; or
- (b) the flight information centre notified as being on watch at the aerodrome.

(2) In this rule “uncontrolled aerodrome” means an aerodrome at which no air traffic control service is provided to aerodrome traffic regardless whether or not an air traffic zone exists.

### **Access to and movement of persons and vehicles on the aerodrome**

**13.**—(1) Unless there is a public right of way over it, a person or vehicle must—

- (a) not go onto any part of an aerodrome without the permission of the person in charge of that part of the aerodrome; and
- (b) comply with any conditions subject to which that permission may be granted.

(2) A person or vehicle must—

- (a) not go onto or move on the manoeuvring area of an aerodrome which provides an air traffic control service or a flight information service without the permission of the person providing that service; and
- (b) comply with any conditions subject to which that permission may be granted.

## **Section 4**

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### **Lights to be displayed by aircraft**

#### **Stationary helicopters on offshore or renewable energy installations**

**14.** Notwithstanding SERA.3215 a helicopter may, when stationary on an offshore or renewable energy installation, switch off the red anti-collision light as long as that is done in accordance with a procedure contained in the operations manual of the helicopter operator as a signal to ground personnel that it is safe to approach the helicopter for the purpose of embarkation or disembarkation of passengers or the loading or unloading of cargo.

#### **Failure of anti-collision and navigation lights**

**15.**—(1) If any light required to be displayed by SERA.3215 fails during flight at night and cannot be immediately repaired or replaced, the aircraft must land as soon as it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

(2) An aircraft may continue to fly during the day in the event of a failure of an anti-collision light provided the light is repaired at the earliest practicable opportunity.

#### **Airships by day**

**16.**—(1) An airship flying during the day in any of the circumstances referred to in paragraph (2) must display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(2) The circumstances are that—

- (a) the airship is not under command;
- (b) the airship has voluntarily stopped its engines; or
- (c) the airship is being towed.

(3) For the purposes of this rule an airship is not under command when it is unable to execute a manoeuvre which it may be required to execute by these Rules.

## Section 5

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### Aerodrome visual signals and markings

#### Aerodrome Visual Signals and Markings

17. Within the United Kingdom any signal or marking which is specified in these Rules and which is given or displayed—

- (a) by any person in an aircraft;
- (b) at an aerodrome; or
- (c) at any other place which is being used by aircraft for landing or take-off,

has the meaning assigned to it by this section.

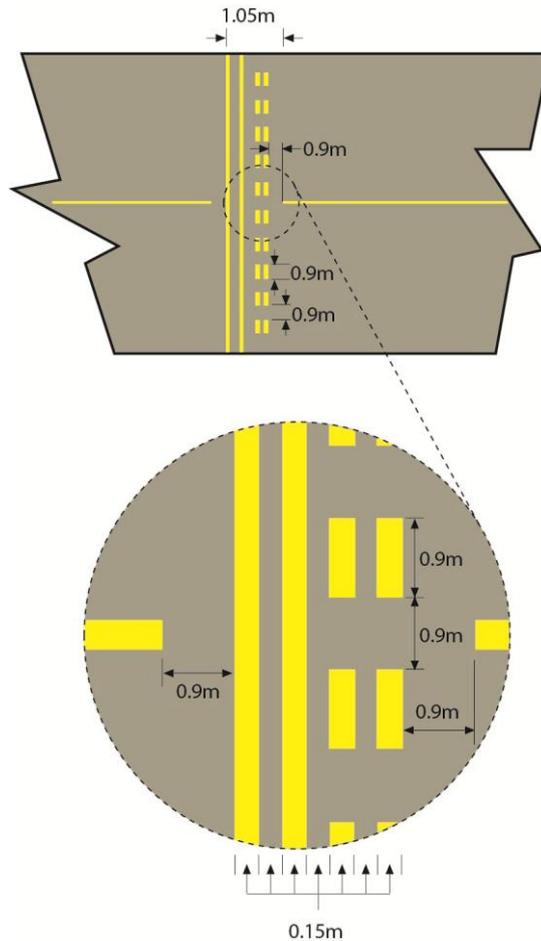
#### Misuse of signals and markings

18. A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing must not—

- (a) make any signal which may be confused with a signal specified in SERA.3301 and Appendix 1 to SERA; or
- (b) except with lawful authority, make any signal which the person knows or ought reasonably to know to be a signal in use for signalling to or from any of Her Majesty's naval, military or air force aircraft.

#### Markings for paved runways and taxiways

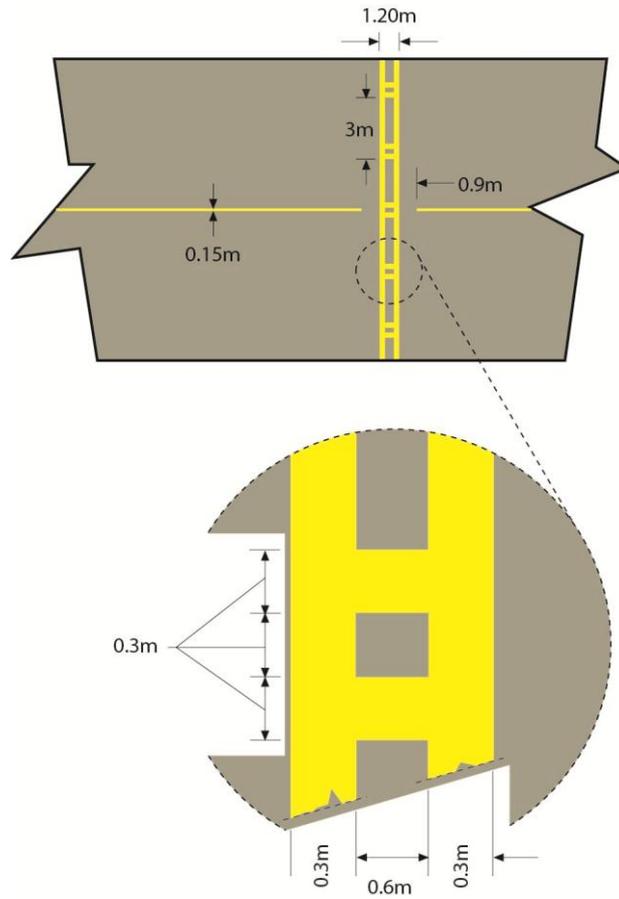
19.—(1) Subject to paragraph (2), two yellow broken lines and two yellow continuous lines, as illustrated in the diagrams in this paragraph—



signify the designated visual holding position associated with a runway beyond which no part of a flying machine or vehicle must project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(2) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the markings referred to in paragraph (1) signify the position closest to the runway beyond which no part of a flying machine or vehicle must project in the direction of the runway when the flying machine or vehicle is required to give way to aircraft which are taking off from or landing on that runway.

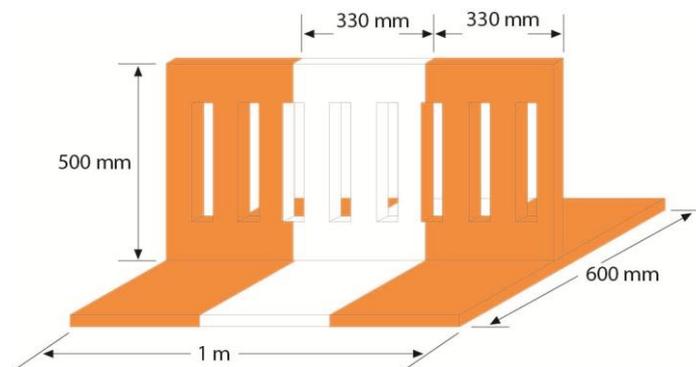
(3) Subject to paragraph (4), a marking, consisting of two yellow, parallel perpendicular lines intersected by horizontal yellow lines, as illustrated in the diagrams in this paragraph—



signifies a holding position other than that closest to the runway beyond which no part of a flying machine or vehicle must project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(4) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the marking referred to in paragraph (3) may be disregarded.

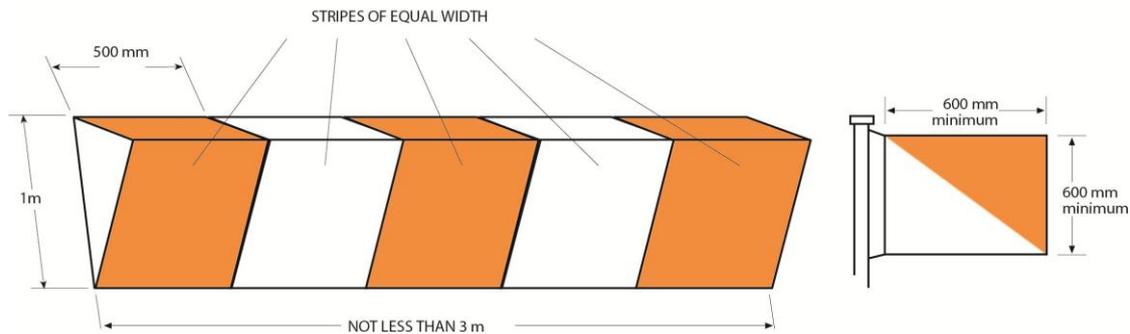
(5) Orange and white markers spaced not more than 15 metres apart, as illustrated in the diagram in this paragraph—



signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

### Supplementary markings for use on unpaved manoeuvring areas

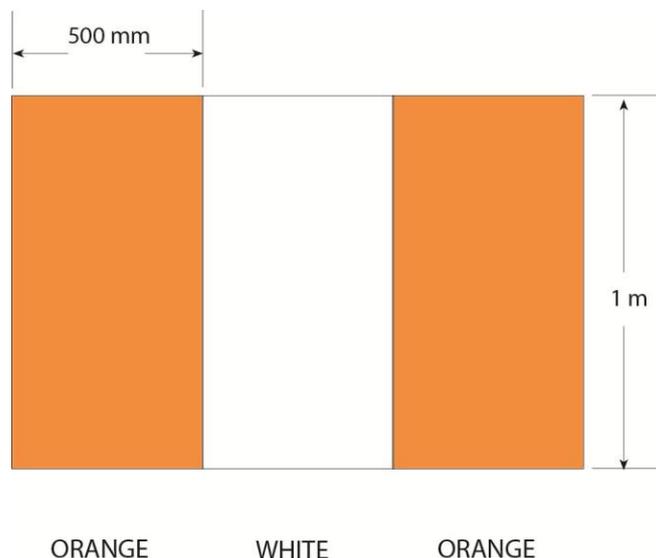
20.—(1) Markers with orange and white stripes of an equal width of 50 centimetres, with an orange stripe at each end, alternating with flags 60 centimetres square showing equal orange and white triangular areas, spaced not more than 90 metres apart, as illustrated in the diagram in this paragraph—



indicate the boundary of an area unfit for the movement of aircraft.

(2) Striped markers, as specified in paragraph (1), spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(3) On structures markers with orange and white vertical stripes, of an equal width of 50 centimetres, with an orange stripe at each end, spaced not more than 45 metres apart, as illustrated in the diagram in this paragraph—

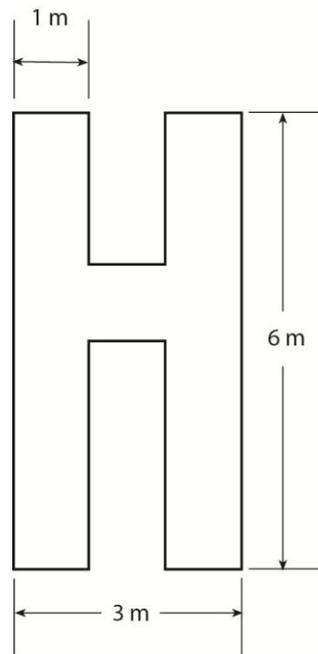


indicate the boundary of an aerodrome.

(4) The pattern of the marker referred to in sub-paragraph (3) must be visible from inside and outside the aerodrome and the marker must be affixed not more than 15 centimetres from the top of the structure.

(5) White, flat, rectangular markers 3 metres long and 1 metre wide, at intervals not exceeding 90 metres, flush with the surface of an unpaved runway or stopway, indicate the boundary of the unpaved runway or stopway.

(6) A white letter H, as illustrated in the diagram in this paragraph—



indicates an area which must be used only for the taking off and landing of helicopters.

(7) A yellow cross with two arms each 6 metres long by 1 metre wide at right angles, indicates that tow ropes, banners and similar articles towed by aircraft must only be picked up and dropped in the area in which the cross is placed.

(8) A white letter 'T', as specified in SERA, Appendix 1, paragraph 3.2.5.1, placed at the left-hand side of a runway (when viewed from the direction of landing), also indicates the runway to be used for take-off and landing.

### Signals visible from the ground

**21.** Black, Arabic numerals in two-figure groups and, where parallel runways are provided, the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use.

## Section 6

### Visual Meteorological Conditions, Visual Flight Rules, Special VFR and Instrument Flight Rules

#### Classification of airspaces and rules for flight

**22.** Subject to rule 23, all aircraft must be flown in accordance with the requirements for flight in airspace that have been notified in accordance with the airspace classifications and flight rules specified in SERA.6001 and in Appendix 4 of SERA.

#### Flight in Class C airspace in VMC

**23.**—(1) Subject to paragraph (2), an aircraft flying in visual meteorological conditions—

- (a) in Class C airspace above flight level 195; or
- (b) along a Class C ATS route at any level,

must be flown in accordance with the instrument flight rules<sup>(a)</sup>.

(2) Paragraph (1) does not apply to an aircraft which is flying in accordance with a permission issued by the CAA.

(3) In this Rule “Class C ATS route” means a route notified as such.

### **Use of radio navigation aids**

**24.**—(1) Subject to paragraph (2), the commander of an aircraft must not make use of a radio navigation aid without complying with such restrictions and procedures as may be notified in relation to that aid.

(2) The commander of an aircraft is not required to comply with this rule if—

- (a) the aircraft is required to comply with an air traffic control clearance issued for the flight; or
- (b) the commander is otherwise authorised by an air traffic control unit.

### **Air traffic control clearance for flights by aircraft without radio equipment**

**25.**—(1) An aircraft without radio equipment must not fly in Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit unless it has been authorised to do so by that unit and complies with the conditions in paragraph (3).

(2) An aircraft without radio equipment and flown in accordance with the instrument flight rules must not fly in Class E airspace during the notified hours of watch of that unit unless it has been authorised to do so by the unit and complies with the conditions in paragraph (3).

(3) The conditions are that the aircraft must—

- (a) only fly during the day;
- (b) only fly within controlled airspace notified for the purpose of this paragraph;
- (c) remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km; and
- (d) comply with any conditions or requirements specified by the appropriate air traffic control unit.

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(a) The instrument flight rules are prescribed by Section 5 of SERA.

## Schedule 2

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### Regulation 4

#### Revocations

<i>Regulations revoked</i>	<i>Reference</i>
The Rules of the Air Regulations 2007	S.I. 2007/734
The Rules of the Air (Amendment) Regulations 2007	S.I. 2007/1371
The Rules of the Air (Amendment) Regulations 2008	S.I. 2008/669
The Rules of the Air (Amendment) Regulations 2009	S.I. 2009/2169
The Rules of the Air (Amendment) Regulations 2010	S.I. 2010/841

## SECTION 3

# The Air Navigation (General) Regulations 2006

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## Statutory Instruments

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### 2006 No. 601

#### Civil Aviation

### The Air Navigation (General) Regulations 2006

Made: 6<sup>th</sup> March 2006

Coming into force: 30<sup>th</sup> March 2006

## Arrangement of Regulations

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#### **Schedule 1 Aeroplane performance**

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The Secretary of State for Transport, in exercise of his powers under articles 16(7)(a), 20(2), 20(4), 42(1)(c)(ii), 43(5), 44(5), 44(6), 45(1), 56(1), 57(1), 58(b), 131(1), 142(6), 143(2) and 155(1) of, and paragraphs 4 and 5(1) of Schedule 5 to, the Air Navigation Order 2005(a), makes the following Regulations.

## **Part 1**

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### **General**

#### **1 Citation and commencement**

These Regulations may be cited as the Air Navigation (General) Regulations 2006, and shall come into force on 30th March 2006.

#### **2 Revocation**

The Air Navigation (General) Regulations 2005(b) are revoked.

#### **3 Interpretation**

In these Regulations:

- (a) “the Order” means the Air Navigation Order 2005;
- (b) references to an “article” mean an article of the Order; and

- (c) other expressions used in these Regulations shall have the same respective meanings as in the Order.

## Part 2

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### Load Sheets and Weighing Requirements

#### 4 Particulars of load sheet

Every load sheet required by article 43(5) shall contain the following particulars—

- (a) the nationality mark of the aircraft to which the load sheet relates, and the registration mark assigned to that aircraft by the CAA;
- (b) particulars of the flight to which the load sheet relates;
- (c) the total weight of the aircraft as loaded for that flight;
- (d) the weights of the several items from which the total weight of the aircraft, as so loaded, has been calculated including in particular the weight of the aircraft prepared for service and the respective total weights of the crew (unless included in the weight of the aircraft prepared for service), passengers, baggage and cargo intended to be carried on the flight;
- (e) the manner in which the load is distributed;
- (f) the position of the centre of gravity of the aircraft resulting from the particulars mentioned in sub-paragraphs (c), (d) and (e) which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits; and
- (g) a certificate at the foot or end of the load sheet, signed by the person referred to in article 43(1) as responsible for the supervision of the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to article 43(1).

#### Weighing requirements—passengers, crew and hand baggage

#### 5

- (1) Subject to paragraph (2), for the purpose of calculating the total weight of the aircraft the respective total weights of the passengers and crew together with their hand baggage entered in the load sheet shall be computed from the actual weight of each person and their hand baggage and for that purpose each person and their hand baggage shall be separately weighed.
- (1) The total weights of the passengers and crew together with their hand baggage may, in accordance with paragraphs (3) to (8) and subject to regulation 7, be

calculated at not less than the appropriate weights shown in Tables 1 or 2 and the load sheet shall bear a notation to that effect.

- (2) Subject to paragraph (4) where the total number of passenger seats available on an aircraft is 20 or more, the weights for males and females in columns 1 and 2 of Table 1 shall be applicable.
- (3) Where the total number of passenger seats available is 30 or more, the “all adult” weights in column 3 of Table 1 may be used for passengers over the age of 12 years.
- (4) For the purpose of Table 1, ‘holiday charter’ means a flight by an aircraft for the carriage of passengers each of whom is carried pursuant to an agreement which provides for carriage by air to a place outside the United Kingdom and back from that place, or from another place to the United Kingdom (whether or not on the same aircraft) and for accommodation at a place outside the United Kingdom.

**Table 1**

<b>Aircraft with 20 or more passengers</b>			
	<b>Passenger Seats Available</b>		
	<b>20 or more</b>	<b>30 or more</b>	
	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Male</b>	<b>Female</b>	<b>All adult</b>
Passengers on all flights except holiday charters	88kg	70kg	84kg
Passengers on holiday charters	83kg	69kg	76kg
Children (between 2–12 years) or infants under 2 years of age if occupying a separate seat	35kg	35kg	
Infants under 2 years of age if sharing a seat with an adult	0kg	0kg	
Flight crew	85kg	85kg	
Cabin crew	75kg	75kg	

- (5) Where the total number of passenger seats available on an aircraft is 19 or less the weights in Table 2 shall be applicable.

**Table 2**

<b>Aircraft with fewer than 20 passenger seats</b>			
	<b>Passenger Seats Available</b>		
	<b>1—5</b>	<b>6—9</b>	<b>10—19</b>
Male passengers	104kg	96kg	92kg
Female passengers	86kg	78kg	74kg
Children (between 2-12 years) or infants under 2 years of age if occupying a separate seat	35kg	35kg	35kg
Infants under 2 years of age if sharing a seat with an adult	0kg	0kg	0kg
Flight crew	85kg	85kg	85kg
Cabin crew	75kg	75kg	75kg

- (6) On flights where no hand baggage is carried or where such hand baggage is accounted for separately, 6 kg may be deducted from the weight of passengers over 12 years of age when using Table 2.
- (7) Where an immersion suit is worn or carried by a passenger or crew member, 3kg shall be added to the appropriate weight shown in Table 1 or 2 in each such case.

## **Weighing requirements—hold baggage and cargo**

### **6**

- (1) Subject to paragraph (2), for the purpose of calculating the total weight of the aircraft the respective total weights of the hold baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container and for that purpose each piece or container shall be separately weighed.
- (2) In the case of an aircraft where the total number of passenger seats available is 20 or more, the total weights of the hold baggage may, subject to regulation 7, be calculated at not less than the weights shown in Table 3 and the load sheet shall bear a notation to that effect.

**Table 3**

### **Hold Baggage**

<b>Journey made by aircraft</b>	<b>Hold baggage per aircraft</b>
Domestic journey	11kg
European journey	13kg
Intercontinental journey	15kg

- (3) For the purposes of Table 3:
- (4) a 'domestic journey' means a journey made by an aircraft which is confined within an area enclosed by rhumb lines joining successively the points shown in Table 4 but excluding any journey to or from Shannon;

**Table 4**

Domestic journey				
N6100.00	W01100.00		N6100.00	E00200.00
N5105.00	E00200.00		N4930.00	W00400.00
N4930.00	W01100.00		N6100.00	W01100.00

a 'European journey' is a journey made by an aircraft, not being a domestic journey, which is confined within an area enclosed by the rhumb lines joining successively the points shown in Table 5;

**Table 5**

European journey				
N7200.00	E04500.00		N4000.00	E04500.00
N3500.00	E03700.00		N3000.00	E03700.00
N3000.00	W00600.00		N2700.00	W00900.00
N2700.00	W03000.00		N6700.00	W03000.00
N7200.00	W01000.00		N7200.00	E04500.00

an 'intercontinental journey' is a journey made by an aircraft which is neither a domestic journey nor a European journey.

## 7 Loading—additional provisions

- (1) If it appears to the person supervising the loading of the aircraft that any of the circumstances described in paragraph (2) arise he shall, if he considers it necessary in the interests of the safety of the aircraft, or if the CAA has so directed in the particular case, require any such person and his hand baggage, passenger or hold baggage, as the case may be, to be weighed for the purpose of the entry to be made in the load sheet.
- (2) The circumstances referred to in paragraph (1) are:
- any person and his hand baggage to be carried exceeds the weights set out in Tables 1 or 2;
  - where regulation 5(7) applies, any passenger to be carried exceeds the weights set out in Table 2 as adjusted in accordance with that paragraph;
- or

- (c) any hold baggage to be carried exceeds the weights set out in Table 3.
- (3) If any person and his hand baggage, passenger or any hold baggage has been weighed pursuant to paragraph (1), the weights entered in the load sheet shall take account of:
  - (a) the actual weight of that person and his hand baggage, that passenger or that hold baggage, as the case may be; or
  - (b) the weight determined in accordance with regulation 5(2) or regulation 6(2), whichever weight shall be the greater.

## Part 3

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### Aircraft performance

#### 8 Aeroplanes to which article 44(5) applies

- (1) Aeroplanes to which this regulation applies shall comply with Schedule 1.
- (2) This regulation applies to aeroplanes for which the CAA has granted a permission under article 44(5) except any aeroplane flying solely for the purpose of training persons to perform duties in aeroplanes.

#### 9 Helicopters to which article 45(1) applies

- (1) Helicopters to which this regulation applies shall comply with Schedule 2.
- (2) This regulation applies to helicopters to which article 45(1) applies except any helicopter flying solely for the purpose of training persons to perform duties in helicopters.

#### 10 Weight and performance—general provisions

- (1) The assessment of the ability of an aeroplane to comply with the requirements of Schedule 1 and of a helicopter to comply with the requirements of Schedule 2 shall be based on the specified information as to its performance.
- (2) In assessing the ability of an aeroplane to comply with sub-paragraphs (9), (12), (15) and (17) of paragraph 1 of Schedule 1, with sub-paragraphs (8) and (12) of paragraph 6 of Schedule 1 and with sub-paragraph (15) of paragraph 7 of Schedule 1, account may be taken of any reduction of the weight of the aeroplane which may be achieved after the failure of a power unit by such jettisoning of fuel as is feasible and prudent in the circumstances of the flight and in accordance with the flight manual relating to the aircraft.
- (3) In this Part and in Schedules 1 and 2:  
 ‘specified’ in relation to an aircraft means, unless otherwise stated, specified in, or ascertainable by reference to:

- (a) the certificate of airworthiness in force in respect of that aircraft; or
- (b) the flight manual or performance schedule for that aircraft;

'the accelerate-stop distance' means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the aeroplane cannot roll over the surface of the aerodrome and be brought to rest in an emergency without the risk of accident;

'the landing distance available' means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its landing, having regard to the obstructions in its approach path, to the nearest point in the direction of landing at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aeroplane;

'the take-off distance available' means either the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aeroplane, or one and one half times the take-off run available, whichever is the less;

'the take-off run available' means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions.

- (4) For the purposes of Schedules 1 and 2:
  - (a) the weight of the aircraft at the commencement of the take-off run or of the take-off shall be taken to be its gross weight including everything and everyone carried in or on it at the commencement of the take-off run or of the take-off;
  - (b) the landing weight of the aircraft shall be taken to be the weight of the aircraft at the estimated time of landing allowing for the weight of the fuel and oil expected to be used on the flight to the aerodrome of intended destination or any alternate aerodrome, as the case may be;
  - (c) where any distance referred to in paragraph (3) has been declared in respect of any aerodrome by the authority responsible for regulating air navigation over the territory of the Contracting State in which the aerodrome is situated, and in the case of an aerodrome in the United Kingdom, notified, that distance shall be deemed to be the relevant distance.

## Part 4

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### Noise and vibration, maintenance and aerodrome facilities

#### 11 Noise and vibration caused by aircraft on aerodromes

For the purposes of article 131(1), the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows:

- (a) the aircraft is taking off or landing; or
- (b) the aircraft is moving on the ground or water; or
- (c) the engines are being operated in the aircraft;
- (d) for the purpose of ensuring their satisfactory performance;
- (e) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
- (f) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

#### 12 Pilots maintenance—prescribed repairs or replacements

For the purposes of article 16(7)(a), the following repairs or replacements are prescribed:

- (a) replacement of landing gear tyres, landing skids or skid shoes;
- (b) replacement of elastic shock absorber cord units on landing gear where special tools are not required;
- (c) replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems;
- (d) patch-repairs to fabric not requiring rib stitching or the removal of structural parts or control surfaces, if the repairs do not cover up structural damage and do not include repairs to rotor blades;
- (e) repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or affect the structure of the aircraft;
- (f) repairs, not requiring welding, to fairings, non-structural cover plates and cowlings;

- (g) replacement of side windows where that work does not interfere with the structure or with any operating system;
- (h) replacement of safety belts or safety harnesses;
- (i) replacement of seats or seat parts not involving dismantling of any structure or of any operating system;
- (j) replacement of bulbs, reflectors, glasses, lenses or lights;
- (k) replacement of any cowling not requiring removal of the propeller, rotors or disconnection of engine or flight controls;
- (l) replacement of unserviceable sparking plugs;
- (m) replacement of batteries;
- (n) replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before each flight and dismantling after each flight;
- (o) replacement of main rotor blades that are designed for removal where special tools are not required;
- (p) replacement of generator and fan belts designed for removal where special tools are not required;
- (q) replacement of VHF communication equipment, being equipment which is not combined with navigation equipment.

**13 Aeroplanes flying for the purpose of public transport of passengers—  
aerodrome facilities for approach to landing and landing**

- (1) This regulation shall apply to every aeroplane registered in the United Kingdom engaged on a flight for the purpose of public transport of passengers on a scheduled journey and to every aeroplane so registered whose maximum total weight authorised exceeds 5,700 kg engaged on a flight for such a purpose otherwise than on a scheduled journey.
- (2) For the purposes of article 42(1)(c)(ii), the following manning and equipment are prescribed in relation to aerodromes intended to be used for landing or as an alternate aerodrome by aircraft to which this regulation applies—
  - (a) air traffic control service or aerodrome flight information service, including the reporting to aircraft of the current meteorological conditions at the aerodrome;
  - (b) very high frequency radiotelephony;

- (c) at least one of the following radio navigation aids, either at the aerodrome or elsewhere, and in either case for the purpose of assisting the pilot in locating the aerodrome and in making an approach to landing there:
  - (i) radio direction finding equipment utilising emissions in the very high frequency bands;
  - (ii) a non-directional radio beacon transmitting signals in the low or medium frequency bands;
  - (iii) very high frequency omni-directional radio range;
  - (iv) radar equipment.
- (3) Subject to paragraph (4), an aircraft to which this regulation applies shall not land or make an approach to landing at any aerodrome unless:
  - (a) one of the services and the equipment prescribed by paragraph (2) are provided and are in operation at that aerodrome;
  - (b) such services and equipment can be made use of by that aircraft; and
  - (c) in the case of the navigation aids specified in paragraph (2)(c), instructions and procedures for the use of the aid are included in the operations manual relating to the aircraft.
- (4) A person shall be deemed not to have contravened paragraph (3) if he proves that:
  - (a) for the time being use could not be made of the radio navigation aids provided under paragraph (2)(c) whether by reason of those aids not being in operation or of the unserviceability of equipment in the aircraft itself; and
  - (b) the approach to landing was made in accordance with instructions and procedures appropriate to that circumstance and included in the operations manual relating to the aircraft.

## Part 5

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### Mandatory reporting

#### 14 Reportable occurrences – time and manner of reporting and information to be reported

- (1) For the purposes of article 142(6) but subject to paragraph (2) it is prescribed that a report containing the information referred to in paragraph (3) shall be made to the CAA by post, telex, electronic, facsimile transmission or other similar means which produces a document containing a text of the

communication (written in English) within 96 hours of the reportable occurrence coming to the knowledge of the person making the report.

- (2) If at the expiry of the time allowed by paragraph (1) for making the report any of the information referred to in that paragraph is not in the possession of the person making the report, he shall despatch the report to the CAA by post, telex, electronic, facsimile transmission or other similar means which produces a document containing a text of the communication (written in English) within 96 hours of the information coming into his possession.
- (3) For the purposes of article 142(6), a report shall, as far as possible, contain the following information—
  - (a) the type, series and registration marks of the aircraft concerned;
  - (b) the name of the operator of the aircraft;
  - (c) the date of the reportable occurrence;
  - (d) if the person making the report has instituted an investigation into the reportable occurrence, whether or not this has been completed;
  - (e) a description of the reportable occurrence, including its effects and any other relevant information;
  - (f) in the case of a reportable occurrence which occurs during flight:
    - (i) the Co-ordinated Universal Time of the occurrence;
    - (ii) the last point of departure and the next point of intended landing of the aircraft at that time; and
    - (iii) the geographical position of the aircraft at that time;
  - (g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;
  - (h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for that employer; and
  - (i) in the case of a report made by the commander of an aircraft or a person referred to in sub-paragraphs (f), (g) or (h) of article 142(5), the address or telephone number at which communications should be made to him, if different from that of his place of employment.

## **15 Mandatory reporting of birdstrikes – time and manner of reporting and information to be reported**

- (1) Subject to paragraph (2), for the purposes of article 143(2) a report containing the information referred to in paragraph (3) shall be made to the CAA by post, telex, electronic, facsimile transmission or other similar means which produce a document containing a text of the communication (written in English) within 96 hours of the birdstrike occurrence coming to the knowledge of the person making the report.
- (2) If at the expiry of the time allowed by paragraph (1) for making the report any of the information referred to in that paragraph is not in the possession of the person making the report, he shall despatch the report to the CAA by post, telex, electronic, facsimile transmission or other similar means which produce a document containing a text of the communication (written in English) within 96 hours of the information coming into his possession.
- (3) For the purposes of article 143(2) a report shall, as far as possible, contain the following information:
  - (a) the type, series and registration marks of the aircraft concerned;
  - (b) the name of the operator of the aircraft;
  - (c) the date and the Co-ordinated Universal Time of the birdstrike occurrence;
  - (d) the last point of departure and the next point of intended landing of the aircraft at that time;
  - (e) a description of the birdstrike occurrence, including the part(s) of the aircraft affected, the effect on flight and any other relevant information;
  - (f) the bird species/description;
  - (g) the weather at the time of the occurrence;
  - (h) the runway in use (where relevant);
  - (i) the height and speed of the aircraft;
  - (j) the phase of flight;
  - (k) the position (if en route) of the aircraft at the time of the birdstrike;
  - (l) any other reporting action taken;
  - (m) the signature and name in block capitals of the person making the report;
  - (n) the name of his employer and the capacity in which he acts for that employer; and

- (o) the address or telephone number at which communications should be made to him.

## Part 6

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### Navigation performance and equipment

#### 16 Minimum navigation performance and height keeping specifications

- (1) For the purposes of article 56(1) the following navigation performance capability is prescribed, that is to say, a capability to ensure that—
  - (a) the standard deviation of lateral errors in the track of the aircraft is not more than 6.3 nautical miles;
  - (b) the proportion of the flight time of the aircraft during which the actual track of the aircraft is 30 nautical miles or more off the track along which it has been given an air traffic control clearance to fly is less than  $5.3 \times 10^{-4}$ , and;
  - (c) the proportion of the flight time of the aircraft during which the actual track of the aircraft is between 50 and 70 nautical miles off the track along which it has been given an air traffic control clearance to fly is less than  $13 \times 10^{-5}$ .
- (2) For the purposes of article 57(1), the following height keeping performance capability is prescribed, that is to say, a capability to ensure that—
  - (a) altimetry system error shall be in compliance with paragraph 2.1.1(2) of Document 7030/4-NAT Part 1 Rules of the Air, Air Traffic Services and Search and Rescue (ICAO Regional Procedures, Fourth Edition—1987);
  - (b) in respect of aircraft first registered in a Contracting State on or after 1st January 1997 altitude can be automatically controlled within a tolerance band of  $+ / - 65$  feet; and
  - (c) in respect of aircraft first registered in a Contracting State before 1st January 1997 altitude can be automatically controlled within a tolerance band of  $+ / - 130$  feet.

#### 17 North Atlantic Minimum Navigation Performance Specification Airspace

For the purposes of articles 56(1) and 155(1), the following airspace is prescribed as North Atlantic Minimum Navigation Performance Specification airspace, that is to say, the airspace from flight level 285 to flight level 420 within the area defined by rhumb lines joining successively the following points:

North Atlantic Minimum		Navigation Performance		Specification airspace	
N3410.00	W01748.00	North Pole		N4152.00	W06700.00
N3630.00	W01500.00	N8200.00	W06000.00	N3900.00	W06700.00
N4200.00	W01500.00	N7800.00	W07500.00	N3835.00	W06853.00
N4300.00	W01300.00	N7600.00	W07600.00	N3830.00	W06915.00
N4500.00	W01300.00	N6500.00	W05745.00	N3830.00	W06000.00
N4500.00	W00800.00	N6500.00	W06000.00	N2700.00	W06000.00
N5100.00	W00800.00	N6400.00	W06300.00	N2700.00	W04000.00
N5100.00	W01500.00	N6100.00	W06300.00	N2218.00	W04000.00
N5400.00	W01500.00	N5700.00	W05900.00	N1700.00	W03730.00
N5434.00	W01000.00	N5300.00	W05400.00	N2400.00	W02500.00
N6100.00	W01000.00	N4900.00	W05100.00	N3000.00	W02500.00
N6100.00	00000.00	N4500.00	W05100.00	N3000.00	W02000.00
N8200.00	00000.00	N4500.00	W05300.00	N3139.00	W01725.00
N8200.00	E03000.00	N4336.00	W06000.00		

and from there by that part of the arc of a circle radius 100 nautical miles centred on N3304.00 W01621.00 to N3410.00 W01748.00.

## 18 Airborne Collision Avoidance System

For the purposes of paragraph 5(1) of Schedule 5 to the Order the prescribed requirements for an airborne collision avoidance system shall be the requirements for ACAS II equipment set out in Volume IV (Third Edition—July 2002), Chapter 4, of Annex 10 to the Chicago Convention.

## 19 Mode S Transponder

- (1) For the purposes of paragraph 4 of Schedule 5 to the Order, the capability and functionality prescribed for Mode S Elementary Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition—July 1995) and IV (Third Edition—July 2002) of Annex 10 (Third Edition) to the Chicago Convention together with the additional functionality specified in paragraph (3).
- (2) For the purposes of paragraph 4 of Schedule 5 to the Order, the capability and functionality prescribed for Mode S Enhanced Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition—July 1995) and IV (Third Edition—July 2002) of Annex 10 (Third Edition) to the Chicago Convention together with the additional functionality specified in paragraph (3) and the additional downlinked parameters specified in paragraph (4).
- (3) The additional functionality referred to in paragraphs (1) and (2) is—

- (a) capability to support the Interrogator Identifier (II) Code and Surveillance Identifier (SI) Code functionality;
  - (b) Extended Squitter Functionality which, for this purpose, means functionality that supports Mode S Elementary Surveillance and Mode S Enhanced Surveillance to provide Automatic Dependant Surveillance–Broadcast, using unsolicited transponder broadcasts;
  - (c) ACAS Active Resolution Advisory.
- (4) The additional downlinked parameters referred to in paragraph (2) are—
- (a) reporting of the Magnetic Heading Downlinked Aircraft Parameter;
  - (b) reporting of the Indicated Airspeed Downlinked Aircraft Parameter;
  - (c) reporting of the Mach Number Downlinked Aircraft Parameter;
  - (d) reporting of the Vertical Rate Downlinked Aircraft Parameter;
  - (e) reporting of the Roll Angle Downlinked Aircraft Parameter;
  - (f) reporting of the Track Angle Rate Downlinked Aircraft Parameter;
  - (g) reporting of the True Track Angle Downlinked Aircraft Parameter;
  - (h) reporting of the Ground Speed Downlinked Aircraft Parameter;
  - (i) reporting of the Selected Vertical Intent Downlinked Aircraft Parameter (including Barometric Pressure Setting).

Signed by authority of the Secretary of State for Transport

**Karen Buck**

Parliamentary Under Secretary of State Department for Transport

6th March 2006

## Schedule 1

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### Aeroplane performance

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- 8 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group Z – of which the specified maximum total weight authorised does not exceed 5,700 kg and the wing loading of the aeroplane does not exceed 20lb per square foot or the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots (or both)

## **1 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group A or performance group B**

- (1) For the purposes of article 44(6) an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group A or performance group B, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (5), (9), (12), (15), (17), (18) and (19) are met.
- (2) That weight shall not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.
- (3) Subject to sub-paragraph (4), the take-off run, take-off distance and the accelerate–stop distance respectively required for take-off, specified as being appropriate to:
  - (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the aerodrome;
  - (d) the condition of the surface of the runway from which the take-off will be made;
  - (e) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available, the take-off distance available and the accelerate–stop distance available, respectively; and
  - (f) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,shall not exceed the take-off run, the take-off distance and the accelerate–stop distance available, respectively, at the aerodrome at which the take-off is to be made.
- (4) In ascertaining the accelerate-stop distance available required pursuant to sub-paragraph (3), the point at which the pilot is assumed to decide to discontinue the take-off shall not be nearer to the start of the take-off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he is assumed to decide to continue the take-off, in the event of power unit failure.
- (5) Subject to sub-paragraphs (6), (7) and (8), the net take-off flight path of the aeroplane with one power unit inoperative, specified as being appropriate to:

- (a) the weight of the aeroplane at the commencement of the take-off run;
- (b) the altitude at the aerodrome;
- (c) the air temperature at the aerodrome;
- (d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point 35 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet.

- (6) If it is intended that the aeroplane shall change its direction of flight by more than  $15^\circ$  before reaching 1,500 feet above the aerodrome the net take-off flight path of the aeroplane referred to in sub-paragraph (5) shall:
  - (a) be plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome; and
  - (b) show that the aeroplane will clear any obstacle in its path by a vertical interval of at least 50 feet during the change of direction.
- (7) For the purpose of sub-paragraphs (5) and (6) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed:
  - (a) a distance of 60 metres plus half the wing span of the aeroplane plus one eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aeroplane; or
  - (b) 900 metres,whichever is least.
- (8) In assessing the ability of the aeroplane to satisfy sub-paragraphs (5) and (6), it shall not be assumed the aeroplane will make a change of direction of a radius less than the specified radius of steady turn.
- (9) Subject to sub-paragraphs (10) and (11), the aeroplane shall:
  - (a) in the meteorological conditions expected for the flight;
  - (b) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it; and

- (c) with the other power unit or units operating within the specified maximum continuous power conditions,

be capable of continuing the flight, clearing obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least 2,000 feet, to an aerodrome at which it can comply with sub-paragraph (19); and on arrival over such aerodrome the gradient of the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the aerodrome.

- (10) In assessing the ability of the aeroplane to satisfy sub-paragraph (9) it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.
- (11) If the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, sub-paragraph (9) shall have effect as if 5 nautical miles were substituted for 10 nautical miles.
- (12) Subject to sub-paragraphs (13) and (14), if the aeroplane has three or more power units, it shall:
- (a) in the meteorological conditions expected for the flight; and
  - (b) in the event of any two power units becoming inoperative at any point:
  - (c) along the route; or
  - (d) on any planned diversion from the route which is more than 90 minutes flying time in still air, at the all power units operating economical cruise speed, from the nearest aerodrome at which it can comply with sub-paragraph (19),

be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions, clearing by a vertical interval of at least 2,000 feet obstacles within 10 nautical miles either side of the intended track to such an aerodrome; and on arrival over such an aerodrome the gradient of the specified net flight path with two power units inoperative shall not be less than zero at 1,500 feet above the aerodrome.

- (13) In assessing the ability of the aeroplane to satisfy sub-paragraph (12) it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.
- (14) If the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that

route within a margin of 5 nautical miles, sub-paragraph (12) shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

(15) Subject to sub-paragraph (16), if the aeroplane:

- (a) has two power units and a maximum total weight authorised which exceeds 5,700 kg; and
- (b) is not limited by its certificate of airworthiness to the carriage of less than 20 passengers,

it shall, in the meteorological conditions expected for the flight, be not more than 60 minutes flying time, at the normal one engine inoperative cruise speed in still air, from the nearest aerodrome at which it can comply with sub-paragraph (19) at any point along the route or any planned diversion from it.

(16) Sub-paragraph (15) shall not apply to an aeroplane flying under, and in accordance with, the terms of a written permission granted by the CAA to the operator under this sub-paragraph.

(17) If the aeroplane has:

- (a) two power units and a maximum total weight authorised of 5,700kg or less; or
- (b) two power units and a maximum total weight authorised of more than 5,700kg but is limited by its certificate of airworthiness to the carriage of less than 20 passengers,

it shall, in the meteorological conditions expected for the flight, be not more than 90 minutes flying time in still air, at the all power units operating economical cruise speed, from the nearest aerodrome at which it can comply with sub-paragraph (19).

(18) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(19) Subject to sub-paragraphs (20) and (21), the landing distances required for an aeroplane powered by turbine-jet, turbine propeller or piston engines, respectively specified as being appropriate to:

- (a) the aerodrome of intended destination; and
- (b) any alternate aerodrome,

shall not exceed the landing distance available on the most suitable runway for a landing in still air conditions and the landing distance available on the runway

that may be required for landing because of the forecast wind conditions at the aerodrome of intended destination or any alternate aerodrome.

- (20) If an alternate aerodrome is designated in the flight plan, the specified landing distance required may be that appropriate to that alternate aerodrome when assessing the ability of the aeroplane to satisfy sub-paragraph (19) at the aerodrome of intended destination.
- (21) For the purposes of sub-paragraphs (19) and (20) the specified landing distance required shall be that specified as being appropriate to:
- (a) the landing weight;
  - (b) the altitude of the aerodrome;
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
  - (d) a level surface in the case of runways usable in both direction; or the average slope of the runway in the case of runways usable in only one direction; and
  - (e) still air conditions in the case of the most suitable runway for a landing in still air conditions and not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

## **2 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group C**

- (1) For the purposes of article 44(6), an aeroplane registered in the United Kingdom in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group C shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of subparagraphs (2), (3), (4), (8), (12), (14), (15) or, as an alternative to subparagraph (15), (17) are met.
- (2) The weight of the aeroplane shall not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.
- (3) The take-off run required and the take-off distance required, specified as being appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;

- (b) the altitude at the aerodrome;
- (c) the air temperature at the aerodrome;
- (d) the average slope of the surface of the aerodrome in the direction of take-off over the accelerate-stop distance available; and
- (e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available and the accelerate-stop distance available, respectively, at the aerodrome at which the take-off is to be made.

- (4) Subject to sub-paragraphs (5), (6) and (7), the net take-off flight path of the aeroplane, with all power units operating, specified as being appropriate to:
  - (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude of the aerodrome;
  - (c) the air temperature at the aerodrome;
  - (d) not more than 50 per cent. of the reported wind component opposite to the direction of the take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of not less than 35 feet.

- (5) If it is intended that the aeroplane shall change its direction of flight by more than  $15^\circ$  before reaching 1,500 feet above the aerodrome the vertical interval referred to in sub-paragraph (4) shall be not less than 50 feet during the change of direction.
- (6) For the purpose of sub-paragraph (4) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.
- (7) In assessing the ability of the aeroplane to satisfy sub-paragraph (4), it shall not be assumed the aeroplane will make a change of direction of a radius less than the specified radius of steady turn.
- (8) Subject to sub-paragraphs (9), (10) and (11), if the aeroplane is intended to be flown for any period before reaching a height of 1,500 feet above the aerodrome from which the take-off is to be made in conditions which will not ensure that

any obstacles can be located by means of visual observation, the net take-off flight path of the aeroplane, with one power unit inoperative, which is:

- (a) specified as being appropriate to the factors contained in paragraphs (a) to (d) of subparagraph (4); and
- (b) plotted from the point of the net take-off flight path, with all power units operating specified as being appropriate to those factors at which, in the meteorological conditions expected for the flight, the loss of visual reference would occur,

shall show that the aeroplane will clear by a vertical interval of not less than 35 feet any obstacle in its path.

- (9) If it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet above the aerodrome the vertical interval referred to in sub-paragraph (8) shall not be less than 50 feet during the change of direction.
- (10) For the purpose of sub-paragraph (8) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed:
  - (a) 75 metres plus one-eighth of the distance from such point to the end of the accelerate-stop distance available measured along the intended line of flight of the aeroplane; or
  - (b) 900 metres,whichever is least.
- (11) In assessing the ability of the aeroplane to satisfy sub-paragraph (8) it shall not be assumed the aeroplane will make a change of direction of a radius of less than the specified radius of steady turn.
- (12) Subject to sub-paragraph (13), the aeroplane shall:
  - (a) at any time after it reaches a height of 1,500 feet above the aerodrome from which the take-off is made;
  - (b) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it;
  - (c) with the other power unit or power units operating within the specified maximum continuous power conditions; and
  - (d) in the meteorological conditions expected for the flight,

be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,500

feet above an aerodrome at which a safe landing can be made; and after arrival at that point shall be capable of maintaining that height.

- (13) In assessing the ability of the aeroplane to satisfy sub-paragraph (12) it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling, with all power units operating, specified as being appropriate to its estimated weight at that point.
- (14) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.
- (15) Subject to sub-paragraphs (16) and (17), the distance required by the aeroplane to land from a height of 50 feet above the threshold of the runway, otherwise than in accordance with specified data for short field landing, at:
- (a) the aerodrome of intended destination; and
  - (b) any alternate aerodrome,

shall not exceed 70 per cent. of the landing distance available on the most suitable runway for a landing in still air conditions and 70 per cent. of the landing distance available on the runway that may be required for landing because of the forecast wind conditions.

- (16) For the purposes of sub-paragraph (15) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that specified as being appropriate to:
- (a) the landing weight;
  - (b) the altitude at the aerodrome;
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
  - (d) the level surface in the case of runways usable in both directions or the average slope of the runway in the case of runways usable in only one direction;
  - (e) still air conditions in the case of the most suitable runway for landing in still air conditions; and
  - (f) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

- (17) As an alternative to sub-paragraph (15) but subject to sub-paragraphs (18), (19) and (20) the distance required by the aeroplane to land in accordance with specified data for short field landing, with all power units operating or with one power unit inoperative at:
- (a) the aerodrome of intended destination; and
  - (b) any alternate aerodrome,
- shall not exceed the landing distance available on the most suitable runway for a landing in still air conditions and the landing distance available on the runway that may be required for landing because of the forecast wind conditions.
- (18) For the purposes of sub-paragraph (17) the distance required to land from the appropriate height shall be taken to be that specified as being appropriate to the factors set forth in paragraphs (a) to (e) of sub-paragraph (16) and, subject to sub-paragraph (19), the appropriate height shall be:
- (a) for a landing with all power units operating—any height between 30 and 50 feet above the threshold of the runway in the United Kingdom, and 50 feet above the threshold of the runway elsewhere; and
  - (b) for a landing with one power unit inoperative—50 feet above the threshold of the runway in both the United Kingdom and elsewhere.
- (19) If the specified distance required to land with one power unit inoperative from a height of 50 feet above the threshold of the runway at the aerodrome of intended destination exceeds the landing distance available, it shall be sufficient compliance with paragraph (b) of sub-paragraph (18) if an alternate aerodrome, which has available the specified landing distance required to land with one power unit inoperative from such a height, is designated in the flight plan.
- (20) The distance required by the aeroplane to land shall be determined in accordance with subparagraph (15), and not in accordance with sub-paragraph (17), if either:
- (a) it is intended to land at night; or
  - (b) it is intended to land when the cloud ceiling or ground visibility forecast for the estimated time of landing at the aerodrome of intended destination, and at any alternate aerodrome at which it is intended to land in accordance with specified data for short field landing with all power units operating, are less than 500 feet and one nautical mile respectively.

### **3 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group D**

- (1) For the purposes of article 44(6) and subject to sub-paragraph (13), an aeroplane registered in the United Kingdom, in respect of which there is in force

under article 44(5) a permission specifying the aeroplane as being of performance group D, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (4), (8), (10) and (11) are met.

- (2) That weight shall not exceed the maximum take-off weight specified for the altitude and air temperature at the aerodrome at which the take-off is to be made.
- (3) The take-off run required and the take-off distance required specified as being appropriate to:
  - (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude of the aerodrome;
  - (c) the air temperature at the aerodrome;
  - (d) the average slope of the surface of the aerodrome in the direction of take-off over the accelerate-stop distance available; and
  - (e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available and the accelerate-stop distance available, respectively, at the aerodrome at which the take-off is to be made.

- (4) Subject to sub-paragraphs (5), (6) and (7), the net take-off flight path with all power units operating, specified as being appropriate to:
  - (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the aerodrome; and
  - (d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point of 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to the point at which the aeroplane reaches a height of 1,000 feet above the aerodrome, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of not less than 35 feet.

- (5) If it is intended that the aeroplane will change its direction of flight by more than 15° before reaching 1,000 feet above the aerodrome the vertical interval

referred to in paragraph (4) shall be not less than 50 feet during the change of direction

- (6) For the purpose of sub-paragraph (4) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.
- (7) In assessing the ability of the aeroplane to satisfy sub-paragraph (4) it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.
- (8) Subject to sub-paragraph (9), the aeroplane shall:
  - (a) at any time after it reaches a height of 1,000 feet above the aerodrome from which the take-off is to be made;
  - (b) in the meteorological conditions expected for the flight;
  - (c) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it; and
  - (d) with the other power unit or power units, if any, operating within the maximum specified continuous power conditions,

be capable of continuing the flight at altitudes not less than the relevant minimum altitudes for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,000 feet above a place at which a safe landing can be made.

- (9) In assessing the ability of the aeroplane to satisfy sub-paragraph (8) it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling with all power units operating specified as being appropriate to its estimated weight at that point.
- (10) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.
- (11) Subject to sub-paragraph (12), the distance required by the aeroplane to land from a height of 50 feet above the threshold of the runway at—
  - (a) the aerodrome of intended destination; and
  - (b) any alternate aerodrome,

shall not exceed 70 per cent. of the landing distance available on the most suitable runway for a landing in still air conditions and 70 per cent. of the

landing distance available on the runway that may be required for landing because of the forecast wind conditions.

- (12) For the purposes of sub-paragraph (11) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that specified as being appropriate to:
- (a) the landing weight;
  - (b) the altitude at the aerodrome;
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
  - (d) a level surface in the case of runways usable in both directions or the average slope of the runway in the case of runways usable in only one direction; and
  - (e) still air conditions in the case of the most suitable runway for a landing in still air conditions and not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for the landing because of the forecast wind conditions.
- (13) An aeroplane specified by a permission granted under article 44(5) as an aeroplane of performance group D shall not fly for the purpose of public transport:
- (a) at night; or
  - (b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively.

#### **4 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group E**

- (1) For the purposes of article 44(6) and subject to sub-paragraph (11), an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group E, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (5), (8) and (9) are met.
- (2) The weight for the altitude and the air temperature at the aerodrome at which the take-off is to be made shall not exceed the maximum take-off weight specified as being appropriate to:

- (a) the weight at which the aeroplane is capable of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear, in the en route configuration and with all power units operating within the specified maximum continuous power conditions; and
  - (b) the weight at which the aeroplane is capable, with one power unit inoperative, of a rate of climb of 150 feet per minute in the en route configuration and if it is necessary for it to be flown solely by reference to instruments for any period before reaching the minimum altitude for safe flight on the first stage of the route to be flown, as stated in, or calculated from, the information contained in the operations manual relating to the aeroplane.
- (3) Subject to sub-paragraph (4), with all power units operating within the maximum take-off power conditions specified and when multiplied by a factor of 1.33 the distance required by the aeroplane to attain a height of 50 feet shall not exceed the accelerate-stop distance available at the aerodrome at which the take-off is to be made.
- (4) For the purposes of sub-paragraph (3) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the aerodrome; and
  - (d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.
- (5) Subject to sub-paragraphs (6) and (7), the aeroplane shall:
- (a) after the aeroplane reaches a height of 1,000 feet above the aerodrome from which takeoff is to be made;
  - (b) in the meteorological conditions expected for the flight; and
  - (c) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from such route, and with the other power unit or units, if any, operating within the specified maximum continuous power conditions,

be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information

contained in, the operations manual relating to the aeroplane to a point 1,000 feet above a place at which a safe landing can be made.

- (6) In assessing the ability of the aeroplane to satisfy sub-paragraph (5) it shall not be assumed to be capable of flying at any point on its route, or on any planned diversion from such route, at an altitude exceeding that at which it is capable of a rate of climb, with all power units operating within the maximum continuous power conditions specified, of 150 feet per minute.
- (7) For the purposes of sub-paragraph (5) if it is necessary for the aircraft to be flown solely by reference to instruments, it shall be assumed to be capable, with one power unit inoperative, of a rate of climb of 100 feet per minute.
- (8) The landing weights of the aeroplane for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome shall not exceed the following maximum landing weights:
  - (a) those specified at which the aeroplane is capable, in the en route configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and
  - (b) those specified at which the aeroplane is capable, in the en route configuration and if it is necessary for it to be flown solely by reference to instruments for any period after leaving the minimum altitude for safe flight on the last stage of the route to be flown, as stated in, or calculated from the information contained in, the operations manual relating to the aeroplane, and with one power unit inoperative, of a rate of climb of 150 feet per minute.
- (9) Subject to sub-paragraph (10), the landing distance required shall not exceed 70 per cent. Of the landing distance available on the most suitable runway for a landing in still air conditions at the aerodrome of intended destination and at any alternate aerodrome.
- (10) For the purposes of sub-paragraph (9) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that specified as being appropriate to:
  - (a) the landing weight;
  - (b) the altitude at the aerodrome; and
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome.

- (11) An aeroplane specified by a permission granted under article 44(5) as an aeroplane of performance group E shall not fly for the purpose of public transport:
- (a) at night; or
  - (b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively,

unless the aeroplane is capable, in the en route configuration and with one power unit inoperative, of a rate of climb of 150 feet per minute.

## **5 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group F**

- (1) For the purposes of article 44(6) and subject to sub-paragraph (9), an aeroplane registered in the United Kingdom in respect of which there is in force a permission granted under article 44(5) specifying the aeroplane as being of performance group F, shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the takeoff run is such that the requirements of sub-paragraphs (2), (3), (4), (6) and (7) are met.
- (2) That weight shall not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.
- (3) The take-off distance required, specified as being appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the aerodrome;
  - (d) the average slope of the surface of the aerodrome in the direction of take-off over the take-off run available; and
  - (e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.

- (4) Subject to sub-paragraph (5), the aeroplane shall:
- (a) after the aeroplane reaches a height of 1,000 feet above the aerodrome from which takeoff is to be made;

- (b) in the meteorological conditions expected for the flight; and
- (c) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it, and with the other power unit or power units, if any, operating within the specified maximum continuous power conditions,

be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,000 feet above, in the case of an aeroplane having one power unit, a place at which a safe landing can be made and, in the case of an aeroplane having two or more power units, an aerodrome at which it can comply with sub-paragraph (7).

- (5) In assessing the ability of the aeroplane to satisfy sub-paragraph (4):
  - (a) the aeroplane shall not be assumed to be capable of flying, at any point on its route or on any planned diversion from it, at an altitude exceeding that at which it is capable of a gradient of climb of 2 per cent, with all power units operating within specified maximum continuous power conditions; and
  - (b) the aeroplane shall be required to be capable of a gradient of climb of 1 per cent at the relevant minimum safe altitude, with one power unit inoperative and with the other power unit or power units operating within the specified maximum continuous power conditions, over those parts of the route or any planned diversion where, in the meteorological conditions expected for the flight, it is expected that the aeroplane will be out of sight of the surface due to cloud cover at or below the relevant minimum safe altitude.
- (6) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.
- (7) Subject to sub-paragraph (8), the landing distance required shall not exceed the landing distance available on the most suitable runway for a landing in still air conditions at the aerodrome of intended destination or at any alternate aerodrome, as the case may be.
- (8) For the purposes of sub-paragraph (7) the landing distance required shall be that specified as being appropriate to:
  - (a) the landing weight;
  - (b) the altitude at the aerodrome;

- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;
  - (d) a runway with a level surface; and
  - (e) still air conditions.
- (9) An aeroplane with one power-unit specified by a permission granted under article 44(5) as an aeroplane of performance group F shall not fly for the purpose of public transport:
- (a) at night; or
  - (b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively.

## **6 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group X**

- (1) For the purposes of article 44(6), an aeroplane in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group X shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the requirements of sub-paragraphs (2), (3), (4), (7), (9), (11), (12), (14) and (15) are met.
- (2) That weight shall not exceed the maximum take-off weight specified for the altitude at the aerodrome at which the take-off is to be made, or for the altitude and the air temperature at such aerodrome, as the case may be.
- (3) The minimum effective take-off runway length required, specified as being appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the time of take-off;
  - (d) the condition of the surface of the runway from which the take-off will be made;
  - (e) the overall slope of the take-off run available; and
  - (f) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.

- (4) Subject to sub-paragraphs (5) and (6), the take-off flight path with one power unit inoperative, specified as being appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome; and
  - (c) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off,

which is plotted from a point 50 feet above the end of the specified minimum effective take-off runway length required at the aerodrome at which the take-off is to be made, shall show that the aeroplane will clear any obstacle in its path by a vertical interval of not less than the greater of 50 feet or 35 feet plus one-hundredth of the distance from the point on the ground below the intended line of flight of the aeroplane nearest to the obstacle to the end of the take-off distance available, measured along the intended line of flight of the aeroplane.

- (5) For the purpose of sub-paragraph (4) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed:
- (a) a distance of 60 metres plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight; or
  - (b) 900 metres,
- whichever is least.
- (6) In assessing the ability of the aeroplane to satisfy sub-paragraph (4), it shall not be assumed to make a change of direction of a radius less than the radius of steady turn corresponding to an angle of bank of 15°.
- (7) Subject to sub-paragraph (8), the weight of the aeroplane shall be such that:
- (a) at any point on the route or any planned diversion from the route, having regard to the fuel and oil expected to be consumed up to that point; and
  - (b) with one power unit inoperative and the other power unit or units operating within the specified maximum continuous power conditions,

the aeroplane will be capable of a rate of climb of at least  $K(V_{so}/100)^2$  feet per minute at an altitude not less than the minimum altitude for safe flight stated in or calculated from the information contained in the operations manual relating to the aeroplane, where  $V_{so}$  (the power off stalling speed of the aircraft) is in knots

and K has the value of  $797-1060/N$ , N being the number of power units installed.

- (8) As an alternative to sub-paragraph (7) and subject to sub-paragraph (9), the aeroplane may be flown at an altitude from which, in the event of failure of one power unit, it is capable of reaching an aerodrome where a landing can be made in accordance with sub-paragraph (15).
- (9) Subject to sub-paragraph (10), if the aeroplane is flown pursuant to sub-paragraph (8) the weight of the aeroplane shall be such that, with the remaining power unit or units operating within the specified maximum continuous power conditions, it is capable of maintaining a minimum altitude on the route to such aerodrome of 2,000 feet above all obstacles within 10 nautical miles on either side of the intended track.
- (10) If the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, sub-paragraph (9) shall have effect as if 5 nautical miles were substituted for 10 nautical miles and sub-paragraph (11) shall apply.
- (11) If sub-paragraph (10) applies:
  - (a) the rate of climb, specified for the appropriate weight and altitude, used in calculating the flight path shall be reduced by an amount equal to  $K(V_{so}/100)^2$  feet per minute ( $V_{so}$  being the power off stalling speed of the aircraft);
  - (b) the aeroplane shall comply with the climb requirements of sub-paragraph (7) at 1,000 feet above the chosen aerodrome;
  - (c) account shall be taken of the effect of wind and temperature on the flight path; and
  - (d) the weight of the aeroplane may be assumed to be progressively reduced by normal consumption of fuel and oil.
- (12) Subject to sub-paragraph (13), if:
  - (a) any two power units of an aeroplane having four power units shall become inoperative at any point along the route or along any planned diversion from the route; and
  - (b) that point is more than 90 minutes flying time (assuming all power units were to be operating) from the nearest aerodrome at which a landing can be made in compliance with sub-paragraph (15), relating to an alternate aerodrome,

the aeroplane shall be capable of continuing the flight at an altitude of not less than 1,000 feet above ground level to a point above that aerodrome.

- (13) In assessing the ability of the aeroplane to satisfy sub-paragraph (12) it shall be assumed that the remaining, operative power units will operate within the specified maximum continuous power conditions, and account shall be taken of the temperature and wind conditions expected for the flight.
- (14) The landing weight of the aeroplane shall not exceed the maximum landing weight specified for the altitude at the aerodrome of intended destination and at any alternate aerodrome.
- (15) Subject to sub-paragraph (16), the required landing runway lengths, respectively specified as being appropriate to:
- (a) the aerodrome of intended destination; and
  - (b) the alternate aerodrome,

shall not exceed the landing distances available on the most suitable runway for landing in still air conditions and the landing distances available on the runway that may be required for landing because of the forecast wind conditions at the aerodrome of intended destination or at any alternate aerodrome.

- (16) For the purpose of sub-paragraph (15) the required landing runway lengths shall be taken to be those specified as being appropriate to:
- (a) the landing weight;
  - (b) the altitude at the aerodrome;
  - (c) still air conditions in the case of the most suitable runway for a landing in still air conditions; and
  - (d) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

**7 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group Z – aeroplanes of which the specified maximum total weight authorised exceeds 5,700 kg or of which the specified maximum total weight authorised does not exceed 5,700 kg and the wing loading of the aeroplane exceeds 20lb per square foot or the stalling speed of the aeroplane in the landing configuration exceeds 60 knots**

- (1) For the purposes of article 44(6), an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group Z and which comes

within sub-paragraph (2), shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the takeoff run is such that the requirements of sub-paragraphs (3), (4), (5), (6), (8), (12), (14), (15), (16), (17), (18) and (19) are met.

- (2) An aeroplane comes within this sub-paragraph if:
  - (a) its specified maximum total weight authorised exceeds 5,700 kg; or
  - (b) its specified maximum total weight authorised does not exceed 5,700 kg; and either:
    - (i) the wing loading of the aeroplane exceeds 20 lb per square foot; or
    - (ii) the stalling speed of the aeroplane in the landing configuration exceeds 60 knots.
- (3) One of the following requirements shall be met by the aeroplane:
  - (a) the wing loading of the aeroplane shall not exceed 20 lb per square foot; or
  - (b) the stalling speed of the aeroplane in the landing configuration shall not exceed 60 knots; or
  - (c) the aeroplane shall be capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere, with any one of its power units inoperative and the remaining power unit or units operating within the specified maximum continuous power conditions.
- (4) The weight of the aeroplane at the commencement of the take-off run shall not exceed the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.
- (5) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the specified maximum take-off power conditions shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.
- (6) The distance required by the aeroplane to attain a height of 50 feet with all power units operating within the specified maximum take-off power conditions, when multiplied by a factor of either 1.33 for aeroplanes having two power units or by a factor of 1.18 for aeroplanes having four power units, shall not exceed the accelerate-stop distance available at the aerodrome at which the take-off is to be made.
- (7) For the purposes of sub-paragraphs (5) and (6) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to:

- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the aerodrome;
  - (d) the condition of the surface of the runway from which the take-off will be made;
  - (e) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the accelerate-stop distance available, respectively; and
  - (f) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.
- (8) Subject to sub-paragraphs (9), (10) and (11), the take-off flight path of the aeroplane shall show that:
- (a) with one power unit inoperative and the remaining power unit or units operating within the specified maximum take-off power conditions referred to in sub-paragraph (9); and
  - (b) with the take off path plotted from a point 50 feet above the end of the appropriate factored distance required for take-off under sub-paragraph (6) at the aerodrome at which the take-off is to be made,
- the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet except that if it is intended that an aeroplane shall change its direction by more than 15° the vertical interval shall be not less than 50 feet during the change of direction.
- (9) The specified maximum take-off power conditions referred to in sub-paragraph (8)(a) are those appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the air temperature at the aerodrome; and
  - (d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.
- (10) For the purpose of sub-paragraph (8) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed:

(a) a distance of 60 metres plus half the wing span of the aeroplane, plus one-eighth of the distance from such point to the end of the take-off distance available, measured along the intended line of flight; or

(b) 900 metres,

whichever is least.

(11) In assessing the ability of the aeroplane to satisfy sub-paragraph (8), it shall not be assumed the aeroplane will make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°.

(12) Subject to sub-paragraph (13), the aeroplane shall:

(a) in the meteorological conditions expected for the flight;

(b) in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion from it; and

(c) with the other power unit or units, if any, operating within the specified maximum continuous power conditions,

be capable of continuing the flight, clearing obstacles within 10 nautical miles either side of the intended track, by a vertical interval of at least 1,000 feet when the gradient of the flight path is not less than zero, or 2,000 feet when the gradient of the flight path is less than zero, to an aerodrome at which it can comply with sub-paragraph (17), and on arrival over such aerodrome the flight path shall be capable of having a gradient of not less than zero at 1,500 feet above the aerodrome.

(13) For the purpose of sub-paragraph (12) the gradient of climb of the aeroplane shall be taken to be one per cent. less than that specified.

(14) In the meteorological conditions expected for the flight and at any point on its route or on any planned diversion from it the aeroplane shall be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified at the following altitudes:

(a) the minimum altitudes for safe flight on each stage of the route to be flown or of any planned diversion from it specified in, or calculated from the information contained in, the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with sub-paragraphs (12) and (15), as appropriate.

(15) If, on the route to be flown or on any planned diversion from it:

(a) the aeroplane will be engaged in a flight over water;

- (b) the aeroplane may, at any point during such flight, be more than 90 minutes flying time in still air from the nearest shore; and
- (c) two power units become inoperative during such time and with the other power units, if any, operating within the specified maximum continuous power conditions,

the aeroplane shall be capable of continuing the flight, having regard to the meteorological conditions expected for the flight, clearing all obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least 1,000 feet and reaching an aerodrome at which a safe landing can be made.

- (16) The landing weight of the aeroplane shall not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.
- (17) Subject to sub-paragraph (18), the distance required by the aeroplane to land at the aerodrome of intended destination from a height of 50 feet above the threshold of the runway shall not exceed 60 per cent. of the landing distance available on:
  - (a) the most suitable runway for a landing in still air conditions; and
  - (b) the runway that may be required for landing because of the forecast wind conditions.
- (18) If an alternate aerodrome is designated in the flight plan, the landing distance required under sub-paragraph (17) at the aerodrome of intended destination shall not exceed 70 per cent. Of that available on the relevant runway.
- (19) The distance required by the aeroplane to land from a height of 50 feet above the threshold of the runway at any alternate aerodrome shall not exceed 70 per cent. of the landing distance available on:
  - (a) the most suitable runway for a landing in still air conditions; and
  - (b) the runway that may be required for landing because of the forecast wind conditions.
- (20) For the purpose of sub-paragraphs (17) and (19) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that appropriate to:
  - (a) the landing weight;
  - (b) the altitude at the aerodrome;
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

- (d) a level surface in the case of runways usable in both directions;
- (e) the average slope of the runway in the case of runways usable in only one direction;
- (f) still air conditions in the case of the most suitable runway for a landing in still air conditions; and
- (g) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

**8 Weight and performance of public transport aeroplanes specified as aeroplanes of performance group Z – of which the specified maximum total weight authorised does not exceed 5,700 kg and the wing loading of the aeroplane does not exceed 20lb per square foot or the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots (or both)**

- (1) For the purposes of article 44(6), an aeroplane registered in the United Kingdom, in respect of which there is in force under article 44(5) a permission specifying the aeroplane as being of performance group Z and which comes within sub-paragraph (2), shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the takeoff run is such that the requirements of sub-paragraphs (3), (4), (5), (6), (7), (9), (11), (12), (14), (15) and (16) are met.
- (2) An aeroplane comes within this sub-paragraph if its specified maximum total weight authorised does not exceed 5,700 kg and either:
  - (a) the wing loading of the aeroplane does not exceed 20 lb per square foot; or
  - (b) the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots (or both).
- (3) One of the following requirements shall be met by the aeroplane:
  - (a) the wing loading of the aeroplane shall not exceed 20 lb per square foot; or
  - (b) the stalling speed of the aeroplane in the landing configuration shall not exceed 60 knots; or
  - (c) the aeroplane shall be capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere, with any one of its power units inoperative and the remaining power unit or units operating within the specified maximum continuous power conditions.

- (4) The weight of the aeroplane at the commencement of the take-off run shall not exceed the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.
- (5) If the aeroplane is engaged:
  - (a) on a flight at night; or
  - (b) when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome of intended destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively,

it shall be capable of climbing at a gradient of at least 1 in 200 at an altitude of 2,500 feet in the specified international standard atmosphere with any one of its power units inoperative and with the remaining power unit or units, if any, operating within the specified maximum continuous power conditions.

- (6) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the specified maximum take-off power conditions, shall not exceed the take-off run available at the aerodrome at which the take-off is to be made.
- (7) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the specified maximum take-off power conditions, when multiplied by a factor of 1.33, shall not exceed the accelerate-stop distance available at the aerodrome at which the take-off is to be made.
- (8) For the purposes of sub-paragraphs (6) and (7) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to:
  - (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome or, if greater, the air temperature at the aerodrome less 15° centigrade;
  - (d) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the accelerate-stop distance available respectively; and
  - (e) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off.

- (9) Subject to sub-paragraph (10), the take-off flight path of the aeroplane, with all power units operating within the specified maximum take-off power conditions, appropriate to:
- (a) the weight of the aeroplane at the commencement of the take-off run;
  - (b) the altitude at the aerodrome;
  - (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or, if greater, the air temperature at the aerodrome less 15° centigrade;
  - (d) not more than 50 per cent. of the reported wind component opposite to the direction of take-off or not less than 150 per cent. of the reported wind component in the direction of take-off; and
  - (e) plotted from a point 50 feet above the end of the factored distance required for take-off under sub-paragraph (8), at the aerodrome at which the take-off is to be made,

shall show that the aeroplane will clear any obstacle lying within 60 metres plus half the wing span of the aeroplane on either side of its path by a vertical interval of at least 35 feet.

- (10) In assessing the ability of the aeroplane to satisfy sub-paragraph (9) it shall not be assumed to make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°.
- (11) The aeroplane shall be capable of continuing the flight so as to reach a point above a place at which a safe landing can be made at a suitable height for such landing:
- (a) in the meteorological conditions expected for the flight;
  - (b) in the event of any power unit becoming inoperative at any point on its route or on any planned diversion from it; and
  - (c) with the other power unit or units, if any, operating within the specified maximum continuous power conditions.
- (12) The aeroplane shall be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the specified maximum continuous power conditions at the altitudes referred to in paragraph (13), in the meteorological conditions expected for the flight and at any point on its route or on any planned diversion.
- (13) For the purpose of paragraph (12) the altitudes are:
- (a) the minimum altitudes for safe flight on each stage of the route to be flown or on any planned diversion from it specified in, or calculated from, the

information contained in the operations manual relating to the aeroplane;  
and

(b) the minimum altitudes necessary for compliance with paragraph (11).

(14) If on the route to be flown or any planned diversion from it the aeroplane will:

(a) be engaged on a flight over water;

(b) during which, at any point, it may be more than 30 minutes flying time in still air from the nearest shore; and

(c) in the event of one power unit becoming inoperative during such time and with the other power unit or units, if any, operating within the specified maximum continuous power conditions,

the aeroplane shall be capable of climbing at a gradient of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

(15) The landing weight of the aeroplane shall not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome.

(16) The distance required by the aeroplane to land at the aerodrome of intended destination and at any alternate aerodrome from a height of 50 feet above the threshold of the runway shall not exceed 70 per cent. or, if a visual approach and landing will be possible in the meteorological conditions forecast for the estimated time of landing, 80 per cent. of the landing distance available on:

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions.

(17) For the purposes of sub-paragraph (16) the distance required to land from a height of 50 feet above the threshold of the runway shall be taken to be that appropriate to:

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) a level surface in the case of runways usable in both directions or the average slope of the runway in the case of runways usable in only one direction; and either

- (e) still air conditions in the case of the most suitable runway for a landing in still air conditions; or
- (f) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

## Schedule 2

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### Helicopter performance

#### 1 Weight and performance of public transport helicopters carrying out

##### Performance Class 1 operations

For the purposes of article 45(1), a helicopter registered in the United Kingdom when carrying out Performance Class 1 operations shall not fly for the purpose of public transport unless the weight of the helicopter at the commencement of take-off is such that the following requirements are met:

- (a) the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made; and
- (b) the landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site of intended destination and at any alternate site.

#### 2 Weight and performance of public transport helicopters carrying out

##### Performance Class 2 operations

- (1) For the purposes of article 45(1) but subject to sub-paragraph (3), a helicopter registered in the United Kingdom when carrying out Performance Class 2 operations shall not fly for the purposes of public transport if the cloud ceiling or visibility prevailing at the departure site and forecast for the estimated time of landing at the site of intended destination and at any alternate site are less than 500 feet and 1,000 metres respectively and shall not fly for the purpose of public transport at any other time unless all of the requirements referred to in sub-paragraph (2) are met.
- (2) The requirements referred to in sub-paragraph (1) are that the weight of the helicopter at the commencement of take-off shall be such that:
  - (a) the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made; and
  - (b) the landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site at which it is intended to land and at any alternate site.
- (3) This paragraph shall not apply to a helicopter flying under and in accordance with the terms of a police air operator's certificate.

### **3 Weight and performance of public transport helicopters carrying out Performance Class 3 operations**

- (1) For the purposes of article 45(1) but subject to sub-paragraph (3), a helicopter registered in the United Kingdom when carrying out Performance Class 3 operations shall not fly for the purposes of public transport at night or out of sight of the surface or when the cloud ceiling or visibility prevailing at the departure site and forecast for the estimated time of landing at the site of intended destination are less than 600 feet and 1,000 metres respectively and shall not fly for the purpose of public transport at any other time unless all of the requirements referred to in subparagraph (2) are met.
- (2) The requirements referred to in sub-paragraph (1) are that the weight of the helicopter at the commencement of take-off shall be such that:
  - (a) the weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made; and
  - (b) the landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site of intended destination and at any alternate site.
- (3) This paragraph shall not apply to a helicopter flying under and in accordance with the terms of a police air operator's certificate.

## SECTION 5

# Restriction of Flying

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### The Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 2008<sup>a</sup>

**Made:** 1st May 2008

**Coming into Force:** 1st June 2008

The Secretary of State for Transport deems it necessary in the public interest to restrict flying in the Scottish Highlands and certain approaches to the Scottish Highlands and, in exercise of her powers under article 96 of the Air Navigation Order 2005b makes the following Regulations:

- 1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 2008 and come into force on 1st June 2008.
- 2 The Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 1981<sup>c</sup> are revoked.
- 3
  - (1) In Regulations 4, 5 and 6 all times referred to are local time.
  - (2) The notified authority referred to in Regulation 7 is the Low Flying Booking Cell at RAF Wittering or such other authority as may be notified in its place.
- 4 Subject to Regulation 7, between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft must not fly at or below a height of 5,000 feet above mean sea level within the area bounded by straight lines joining successively the following points:

583000N	0032700W
582524N	0032509W
580345N	0041234W
580300N	0043000W
580000N	0043700W
574700N	0042500W
573900N	0043000W

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a S.I. 2008/1239

b S.I. 2005/1970 to which there are amendments not relevant to these Regulations.

c S.I. 1981/1171.

583000N	0032700W
573800N	0044500W
573000N	0043800W
571800N	0045200W
571100N	0045300W
570900N	0050000W
570000N	0050200W
565400N	0050500W
565600N	0054700W
571300N	0053500W
575000N	0054300W
580000N	0051500W
583000N	0044900W
583000N	0043000W
582500N	0043000W
583000N	0042000W
583000N	0032700W.

- 5 Subject to Regulation 7, between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft must not fly at or between 750 feet and 5,000 feet above mean sea level within the area bounded by straight lines joining successively the following points:

575000N	0054300W
574004N	0054050W
573840N	0055739W
570000N	0055644W
570000N	0061504W
574715N	0061637W
575000N	0054300W.

6

- (1) Subject to paragraph (2) and Regulation 7, between 1500 and 2300 hours each day on or between Monday and Thursday, an aircraft must not fly below 2,000 feet above mean sea level within either of the following areas bounded respectively by straight lines joining successively the following points:

582218N	0033224W
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582218N	0033224W
581434N	0031929W
581121N	0032654W
581900N	0033940W
582218N	0033224W; or
574900N	0040606W
574500N	0040254W
574234N	0041056W
573900N	0043000W
574700N	0042500W
574900N	0040606W.

- (2) An aircraft may fly within an area specified in paragraph (1) if it is flying in accordance with an authorisation to cross the area given by the person in charge of Tain Range Danger Area on the notified frequency.
- 7 An aircraft may fly within an area specified in Regulation 4, 5 or 6 if it is flying in accordance with an authorisation given by the notified authority.

Signed by authority of the Secretary of State

**Jim Fitzpatrick**

Parliamentary Under Secretary of State, Department for Transport

1 May 2008

**The Air Navigation (Restriction of Flying) (Scampton) Regulations 2000<sup>a</sup>****Made: 20 December 2000****Coming into force: 3 January 2001**

Whereas the Secretary of State for the Environment, Transport and the Regions deems it necessary in the public interest to restrict flying in the vicinity of Scampton, by reason of the intended training flights by the Red Arrows team and having been informed that the Red Arrows team is permanently relocating to Scampton:

Now, therefore, the Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by Article 85 of the Air Navigation Order 2000<sup>b</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

- 1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Scampton) Regulations 2000 and shall come into force on 3 January 2001.
- 2 The Air Navigation (Restriction of Flying) (Scampton) Regulations 1996<sup>c</sup> are hereby revoked.
- 3 At any time when Scampton Airfield is notified as being open for use by aircraft, no aircraft shall fly below a height of 9,500 ft above mean sea level over any part of the area bounded by a circle having a radius of 5 nautical miles centred at 531828N 0003303W (Scampton), unless the commander of an aircraft has been informed by the air traffic control unit at Waddington that no training flights are intended to be made over that area by the Red Arrows team during the period when the aircraft in question is to be over the area.

Signed by authority of the Secretary of State for the Environment,  
Transport and the Regions

Head of Civil Aviation Division  
Department of the Environment  
Transport and the Regions

December 2000

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a SI 2000/3390  
b SI 2000/1562  
c SI 1996/209

**2016 No. 1003**

**CIVIL AVIATION**

**The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2016**

*Made* - - - - *6th October 2016*

*Coming into force* - - *10th October 2016*

The Secretary of State has decided that it is necessary in the public interest to restrict flying in the vicinity of certain nuclear installations specified in the Schedule for reasons of public safety.

The Secretary of State makes the following Regulations in exercise of the powers conferred by article 239 of the Air Navigation Order 2016(a).

**Citation and commencement**

1. These Regulations may be cited as the Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2016 and come into force on 10th October 2016.

**Revocations**

2. The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2007(b) and the Air Navigation (Restriction of Flying) (Nuclear Installations) (Amendment) Regulations 2008(c) are revoked.

**Restricted airspace**

3.—(1) This regulation applies to each of the nuclear installations specified in Column 1 of the Schedule, each of which for the purpose of these Regulations comprises an area bounded by a circle of the radius specified in Column 2 of the Schedule, opposite its name in Column 1, and centred on the position specified in Column 3 of the Schedule.

(2) Subject to regulations 4 to 12, no aircraft is to fly over a nuclear installation to which these regulations apply below the height above mean sea level specified in Column 4 of the Schedule opposite its name in Column 1.

**Permitted flight in restricted airspace**

4.—(1) Regulation 3 does not prohibit a flight over a nuclear installation specified in paragraph (2) for the purpose of landing at, or taking off from, the helicopter landing area at the installation

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(a) S.I. 2016/765.  
(b) S.I. 2007/1929, amended by S.I. 2008/3169.  
(c) S.I. 2008/3169.

with the permission of the person in charge of the installation and in accordance with any conditions to which that permission is made subject.

(2) Paragraph (1) applies to the nuclear installations at Barrow-in-Furness, Berkeley, Burghfield, Dungeness, Hartlepool, Heysham, Hunterston, Hinkley Point, Oldbury, Sellafield, Sizewell, Torness and Wylfa.

**5.** Regulation 3 does not prohibit a flight by a helicopter over the nuclear installation at Devonport for the purpose of landing at, or taking off from, any ship within the Devonport Dockyard with the permission of Flag Officer Sea Training and in accordance with any conditions to which that permission is made subject.

**6.** Regulation 3 does not prohibit a flight over the nuclear installation at Dungeness which—

- (a) has taken off from, or is intending to land at, London Ashford (Lydd) Airport,
- (b) is flying in accordance with normal aviation practice, and
- (c) which remains at least 1.5 nautical miles from the position specified in Column 3 of the Schedule opposite the entry for Dungeness in Column 1.

**7.** Regulation 3 does not prohibit a flight by a helicopter flying within the Bridgewater Bay Danger Area(a) over the nuclear installation at Hinkley Point which—

- (a) is made with the permission of the person in charge of that Area, and in accordance with any conditions to which that permission is made subject, and
- (b) which remains at least 1 nautical mile from the position specified in Column 3 of the Schedule opposite the entry for Hinkley Point in Column 1.

**8.** Regulation 3 does not prohibit a flight over the nuclear installation at Rosyth within the route notified as the Kelty Lane for the purpose of making an approach to land at, or a departure from, Edinburgh Airport.

**9.** Regulation 3 does not prohibit a flight over the nuclear installation at Springfields—

- (a) at a height of not less than 1,600 feet above mean sea level for the purpose of making an approach to land, or carrying out a missed approach procedure, at Blackpool Airport, or
- (b) in airspace lying south of a straight line drawn from 534644N 0024454W to 534513N 0025044W for the purpose of landing at, or departing from, Warton Aerodrome.

**10.** Regulation 3 does not prohibit a flight over the nuclear installation at Wylfa, at a height of not less than 2000 feet above mean sea level whilst operating under and in accordance with a clearance from the air traffic control unit at RAF Valley.

**11.** Regulation 3 does not prohibit a flight over the nuclear installation at Hartlepool, at a height of not less than 1800 feet above mean sea level whilst conducting an instrument approach procedure at Durham Tees Valley Airport.

**12.** Regulation 3 does not prohibit a flight over the nuclear installation at Coulport/Faslane by a helicopter for the purpose of landing at, or taking off from, any ship within the HM Naval Base Clyde which is made with the permission of the Duty Naval Base Officer, Faslane, and in accordance with any conditions to which that permission is made subject.

Signed by authority of the Secretary of State for Transport

6th October 2016

*Kate Jennings*  
Head of Aviation Policy  
Department for Transport

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(a) The Bridgewater Bay Danger Area is notified in the United Kingdom Aeronautical Information Publication as Danger Area EG D119.

## SCHEDULE

Regulation 3(1)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<b>Name of Nuclear Establishment</b>	<b>Radius in nautical miles</b>	<b>Position (centre of circle)</b>	<b>Height in feet above mean sea level</b>
Aldermaston	1.5	512203N 0010847W	2400
Barrow-in-Furness	0.5	540635N 0031410W	2000
Berkeley	2	514134N 0022936W	2000
Burghfield	1	512424N 0010125W	2400
Capenhurst	2	531550N 0025708W	2200
Coulport/Faslane	2	560331N 0045159W	2200
Devonport	1	502317N 0041114W	2000
Dounreay	2	583435N 0034434W	2100
Dungeness	2	505449N 0005717E	2000
Hartlepool	2	543807N 0011049W	2000
Heysham	2	540147N 0025452W	2000
Hinkley Point	2	511233N 0030749W	2000
Hunterston	2	554317N 0045338W	2000
Oldbury	2	513852N 0023415W	2000
Rosyth	0.5	560147N 0032703W	2000
Sellafield	2	542505N 0032944W	2000
Sizewell	2	521250N 0013707E	2000
Springfields	2	534634N 0024815W	2100
Torness	2	555806N 0022431W	2100
Wylfa	2	532458N 0042852W	2100

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose restrictions on flying in the airspace in the vicinity of certain nuclear installations for reasons of public safety. This has been agreed by the Civil Aviation Authority and the Department for Transport.

In relation to regulation 3(2), the term ‘aircraft’ includes aircraft as classified by Part 1 of Schedule 4 to the Air Navigation Order 2016. It also includes, by virtue of article 23 of that Order, any small balloon, any kite weighing not more than two kilograms, any small unmanned aircraft and any parachute including a parascending parachute.

Full details of the Statutory Instrument will be promulgated in the United Kingdom Aeronautical Information Publication. The zones will also be depicted on related aeronautical charts.

Further enquiries of the Civil Aviation Authority may be made to Mr R E J Gratton, Principal Airspace Regulator, Safety and Airspace Regulation Group, telephone number 020 7453 6586.

**The Air Navigation (Restriction of Flying) (Prisons) Regulations 2001<sup>a</sup>****Made: 18th April 2001****Coming into force: 11th May 2001**

Whereas the Secretary of State, for a reason affecting the public interest, deems it necessary in the public interest to restrict flying in the vicinity of certain prisons specified in the Second Schedule hereto:

Now therefore the Secretary of State, in exercise of the powers conferred on him by article 85 of the Air Navigation Order 2000<sup>b</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

- 1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Prisons) Regulations 2001 and shall come into force on 11th May 2001.
- 2 The Regulations specified in the First Schedule hereto are hereby revoked.
- 3
  - (1) This regulation applies to each of the prisons specified in column 1 of the Second Schedule hereto, each of which for the purpose of this regulation shall be taken to comprise either an area bounded by a circle of the radius specified in column 2 of the said Schedule opposite its name centred on the position so specified in column 3 of the said Schedule or in the case of Belmarsh and Frankland the area described in column 2 of the said Schedule.
  - (2) Subject to paragraph (3), no helicopter shall fly over a prison to which this regulation applies below such height above mean sea level as is specified in column 4 of the said Schedule opposite its name.
  - (3) Nothing in this regulation shall prohibit:
    - (a) (deleted);
    - (b) flight by any helicopter operated by or on behalf of a police force for any area of the United Kingdom; or
    - (c) in relation to the high security prison at Belmarsh; flight by any helicopter flying in accordance with the Instrument Flight Rules and in accordance with instructions given by the air traffic control unit at London City airport.
    - (d) in relation to the prison at Maghaberry, flight by any aircraft for the purpose of landing at or taking off from Belfast International Airport, being

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a SI 2001/1657

b SI 2000/1562; to which there are amendments not relevant to these Regulations.

an aircraft which is under the control of the air traffic control unit at that Airport.

Signed by authority of the Secretary of State for the Environment,  
Transport and the Regions

**Ian McBrayne**

Head of Civil Aviation Division

Department of the Environment, Transport and the Regions

18th April 2001

## The First Schedule

### Revocations

#### Regulation 2

Regulations revoked	References
The Air Navigation (Restriction of Flying) (High Security Prisons) Regulations 1989	S.I. 1989/2118
The Air Navigation (Restriction of Flying) (High Security Prisons) (Amendment) Regulations 1991	S.I. 1991/1679
The Air Navigation (Restriction of Flying) (High Security Prisons) (Amendment No. 2) Regulations 1992	S.I. 1992/1876
The Air Navigation (Restriction of Flying) (High Security Prisons) (Amendment No. 3) Regulations 1993	S.I. 1993/2123

## The Second Schedule

#### Regulation 3

Column 1 Name of High Security Prison	Column 2 Radius in Nautical Miles or Description of Area	Column 3 Position	Column 4 Height in Feet
Belmarsh	513020N 0000529E, thence by a straight line to 512943N 0000454E; thence in an anti clockwise direction by an arc of a circle having a radius of 0.5 nautical miles and centred on 512951N 0000541E to 513020N 0000529E		2,000
Full Sutton	2	535837N 0005224W	2,000
Frankland	544859N 0013617W; thence clockwise by an arc of a circle having a radius of 2 nautical miles whose centre is at 544820N 0013301W to 544741N 0012945W;		2,200

Column 1 Name of High Security Prison	Column 2 Radius in Nautical Miles or Description of Area	Column 3 Position	Column 4 Height in Feet
	thence by a straight line to 544544N 0013054W; thence clockwise by an arc of a circle having a radius of 2 nautical miles whose centre is at 544623N 0013410W; to 544702N 0013726W; thence by a straight line to 544859N 0013617W		
Long Lartin	2	520627N 0015119W	2,200
Maghaberry	2	N5430.88 W00611.10	2,000
Manchester	1	532934N 0021450W	1,700
Shots	2	554950N 0034935W	2,800
Wakefield	1.3	534057N 0013034W	1,600
Whitemoor	2	523430N 0000446E	2,000
Woodhill	1.5	520049N 0004813W	2,400

**The Air Navigation (Restriction of Flying) (Highgrove House) Regulations 1991<sup>a</sup>**

Whereas the Secretary of State for Transport, for a reason affecting the public interest deems it necessary in the public interest to restrict flying in the vicinity of Highgrove House:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred on him by article 74 of the Air Navigation Order 1989<sup>b</sup> and of all other powers enabling him in that behalf, hereby makes the following regulations:

- 1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Highgrove House) Regulations 1991 and shall come into force on 7th March 1991.
- 2 Helicopters and microlight aeroplanes shall not fly below 2000 feet above mean sea level within the area bounded by a circle having a radius of 1.5 nautical miles centred on N5137.30 W00210.75 (Highgrove House):  
Provided that nothing in this regulation shall apply to a flight by any helicopter:
  - (a) in the service of the Gloucestershire Constabulary;
  - (b) belonging to or exclusively employed in the service of Her Majesty; or
  - (c) visiting Highgrove House at the invitation of the person in charge of the household at Highgrove House, where the Gloucestershire Constabulary have been informed in advance of such visit.

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a SI 1991/44

b SI 1989/2004 to which there are amendments not relevant to these Regulations

## **The Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005**

**Coming into force: 1 April 2005**

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in the area specified in the Schedule hereto:

Now, therefore, the Secretary of State for Transport, in exercise of the powers conferred upon him by article 85 of the Air Navigation Order<sup>a</sup> hereby makes the following Regulations:

### **1 Citation and commencement**

These Regulations may be cited as the Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005 and shall come into force on 1 April 2005.

### **2 Flight within specified area**

Except with the permission in writing of the Civil Aviation Authority and in accordance with any conditions therein specified a helicopter shall not fly over the area specified in the Schedule below such height as would enable it to alight clear of the area in the event of failure of a power unit.

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a S.I.2000/1562 to which there are amendments not relevant to these Regulations

## Schedule

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### Regulation 2

#### The Specified Area

The area bounded by straight lines joining successively the following points:

- Kew Bridge (N5129.18 W00017.17);
- The Eastern extremity of Brent Reservoir (N5134.30 W00014.02);
- Gospel Oak Station (N5133.27 W00008.97);
- The South East corner of Springfield Park (N5134.12 W00003.20);
- Bromley-by-Bow Station (N5131.47 W00000.65);
- The South West corner of Hither Green (N5126.72 W00000.63);
- Herne Hill Station (N5127.18 W00006.07);
- Wimbledon Station (N5125.23 W00012.27);
- The North West corner of Castelnau Reservoir (N5128.87 W00014.03);
- Kew Bridge (N5129.18 W00017.17):

excluding so much of the bed of the River Thames as lies within that area between the ordinary high water marks on each of its banks.

## The Air Navigation (Restriction of Flying) (Hyde Park) Regulations 2004

**Coming into force: 28<sup>th</sup> October 2004**

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in airspace in the vicinity of Hyde Park, London:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by article 85 of the Air Navigation Order 2000<sup>a</sup>, hereby makes the following Regulations:

**1** These Regulations may be cited as the Air Navigation (Restriction of Flying) (Hyde Park) Regulations 2004 and shall come into force on 28th October 2004.

**2**

- (1) Subject to paragraph (2), no aircraft shall fly below 1400 feet above mean sea level within the area bounded by:
- (a) straight lines joining the following points:  
513212N 0000911W;  
and 513020N 0000648W;
  - (b) the clockwise arc of a circle having a radius of 0.55 nautical miles centred at 513000N 0000730W between 513020N 0000648W and 513001N 0000637W;
  - (c) straight lines joining the following points:  
513001N 0000637W;  
and 512917N 0000634W;
  - (d) the clockwise arc of a circle having a radius 0.55 nautical miles centred at 512915N 0000726W between 512917N 0000634W and 512917N 0000819W;
  - (e) straight lines joining the following points:  
512917N 0000819W;  
and 512939N 0001132W;
  - (f) the clockwise arc of a circle having a radius 0.55 nautical miles centred at 513011N 0001123W between 512939N 0001132W and 513028N 0001209W;
  - (g) straight lines joining the following points:  
513028N 0001209W;  
and 513208N 0001038W;

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a S.I. 2000/1562; to which there are amendments not relevant to these Regulations.

- (h) the clockwise arc of a circle having a radius 0.55 nautical miles centred at 513151N 0000952W between 513208N 0001038W and 513212N 0000911W;
- (2) Paragraph (1) shall not apply to:
- (a) any aircraft in the service of the Chief Officer of Police for the Metropolitan Police District;
  - (b) any aircraft flying in accordance with a Special Flight Notification issued by the appropriate air traffic control unit;
  - (c) any helicopter flying on Helicopter Route 4; and
  - (d) any aircraft flying in accordance with an Enhanced Non-Standard Flight clearance issued by the appropriate air traffic control unit.

## The Air Navigation (Restriction of Flying) (Isle of Dogs) Regulations 2004

### Coming into force: 28th October 2004

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in airspace in the vicinity of Isle of Dogs, London:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by article 85 of the Air Navigation Order 2000<sup>a</sup>, hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (Isle of Dogs) Regulations 2004 and shall come into force on 28th October 2004.

### 2

(1) Subject to paragraph (2), no aircraft shall fly below 1400 feet above mean sea level within the area bounded by:

- (a) straight lines joining the following points:  
513035N 0000025W; 512954N 0000033W; and 512938N 0000022W;
- (b) the clockwise arc of a circle having a radius of 0.3 nautical miles centred at 512931N 0000049W between 512938N 0000022W and 512921N 0000113W;
- (c) straight lines joining the following points:  
512921N 0000113W; and 513000N 0000154W;
- (d) the clockwise arc of a circle having a radius of 0.55 nautical miles centred at 513018N 0000110W between 513000N 0000154W and 513035N 0000025W;

(2) Paragraph (1) shall not apply to:

- (a) any aircraft in the service of the Chief Officer of Police for the Metropolitan Police District;
- (b) any aircraft flying in accordance with a Special Flight Notification issued by the appropriate air traffic control unit;
- (c) any helicopter flying on Helicopter Route 4;
- (d) any aircraft flying in accordance with an Enhanced Non-Standard Flight clearance issued by the appropriate air traffic control unit; and
- (e) any aircraft approaching to, or departing from, London (City) Airport.

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a S.I. 2000/1562; to which there are amendments not relevant to these Regulations.

**The Air Navigation (Restriction of Flying) (City of London) Regulations 2004****Coming into force: 28th October 2004**

Whereas the Secretary of State for Transport deems it necessary in the public interest to restrict flying in airspace in the vicinity of the City of London:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by article 85 of the Air Navigation Order 2000<sup>a</sup>, hereby makes the following Regulations:

1 These Regulations may be cited as the Air Navigation (Restriction of Flying) (City of London) Regulations 2004 and shall come into force on 28th October 2004.

**2**

(1) Subject to paragraph (2), no aircraft shall fly below 1400 feet above mean sea level within the area bounded by straight lines joining the following points:

513125N 0000547W;  
513118N 0000439W; and  
513043N 0000418W;  
513016N 0000433W;  
513037N 0000704W;  
513108N 0000653W; and  
513125N 0000547W.

(2) Paragraph (1) shall not apply to:

- (a) any aircraft in the service of the Chief Officer of Police for the Metropolitan Police District;
- (b) any aircraft flying in accordance with a Special Flight Notification issued by the appropriate air traffic control unit;
- (c) any helicopter flying on Helicopter Route 4; and
- (d) any aircraft flying in accordance with an Enhanced Non-Standard Flight clearance issued by the appropriate air traffic control unit.

**The Air Navigation (Restriction of Flying) (London Stansted Airport) (No. 2) Regulations 2009**

Expired.

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a SI 2000/1562; to which there are amendments not relevant to these Regulations.

**SECTION 6****The Civil Aviation Authority Regulations 1991**

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**Arrangement of Regulations**

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**Part I General**

- 1 Citation and commencement
- 2 Revocation
- 3 Interpretation
- 4 Service of documents
- 5 Publication by the Authority

**Part II Functions Conferred on the Authority by or under Air Navigation Orders**

- 6 Regulation of the conduct of the Authority
- 7 Reasons for decision
- 8 Inspection of aircraft register
- 9 Dissemination of reports of reportable occurrences
- 10–14 Substitution of a public use aerodrome licence for an ordinary aerodrome licence or of an ordinary aerodrome licence for a public use aerodrome licence

**Part III Air Transport Licensing**

- 15 Regulation of the conduct of the Authority
- 16 Application for the grant, revocation, suspension or variation of licences
- 17 Revocation, suspension or variation of licences without application being made
- 18 Variation of schedules of terms
- 19 Environmental cases
- 20 Objections and representations
- 21 Consultation by the Authority
- 22 Furnishing of information by the Authority
- 23 Preliminary meetings

- 24 Preliminary hearings of allegations of behaviour damaging to a competitor
- 25 Hearings in connection with licences
- 26 Procedure at hearings
- 27 Appeals to the Secretary of State
- 28 Appeals from decisions after preliminary hearings of allegations of behaviour damaging to a competitor
- 29 Decisions on appeals
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### **Part IIIA References in Respect of an Air Traffic Services Licence**

- 31A Determination by the Authority
- 31B Representations
- 31C Hearings in connection with licence
- 31D Procedure at hearings
- 31E Determination by Authority and appeal to the Secretary of State
- 31F Decision by Secretary of State on appeal

### **Part IV Other Functions of the Authority**

- 32 Participation in civil proceedings

The Secretary of State for Transport, in exercise of his powers under sections 2(3), 7(1) and (2), 11(2), 64(3), 65(1) and (6), 66(1) and (4), 67(1), (2) and (5), 84(1), 85(1) and 102(1) and (2) of and paragraph 15 of Schedule 1 to the Civil Aviation Act 1982<sup>a</sup> and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals under section 10 of the Tribunals and Inquiries Act 1971<sup>b</sup>, hereby makes the following Regulations:

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a 1982 c.16; section 7(2) was amended by the Criminal Justice Act 1982 (c.48), sections 40 and 46.

b 1971 c.62.

## PART I

# General

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### 1 Citation and commencement

These Regulations may be cited as the Civil Aviation Authority Regulations 1991 and shall come into force on 1st September 1991.

### 2 Revocation

The Regulations specified in the Schedule hereto are hereby revoked.

### 3 Interpretation

(1) In these Regulations unless the context otherwise requires:

‘the Act’ means the Civil Aviation Act 1982;

‘the Authority’ means the Civil Aviation Authority;

‘decision date’ and ‘transcript date’ have the meanings respectively assigned to them in regulation 26(8);

‘environmental application’ and ‘environmental proposal’ have the meanings respectively assigned to them in regulation 19(1);

‘hearing’ or ‘preliminary hearing’ means a hearing or preliminary hearing at which oral evidence or argument may be heard and ‘to hear’ shall be construed accordingly;

‘operating licence’ means an operating licence granted by the CAA under Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community;

‘ordinary aerodrome licence’ means an aerodrome licence granted under an Air Navigation Order which does not include a public use condition;

‘party’ in relation to a case before the Authority means for the purposes of Part II of these Regulations, a person having the right to be heard pursuant to regulation 13(1) and, for the purposes of Part III of these Regulations, a person having the right to be heard pursuant to regulation 25(1);

‘party’ in relation to an appeal to the Secretary of State means any of the persons specified in regulation 27(3)(c) and (d);

'the person concerned' means, in relation to the registration of aircraft, the applicant for registration or the person in whose name the aircraft is registered, as the case may be, and in relation to a certificate, licence, approval, authorisation, validation or rating, the holder or former holder of or applicant for the certificate, licence, approval, authorisation, validation or rating, as the case may be; and in relation to making air traffic directions or airspace policy directions, the person who has been directed;

'personnel licence' means a licence authorising a person to act as a member of a flight crew, an aircraft maintenance engineer, an air traffic controller, a student air traffic controller or an aerodrome flight information service officer;

'public use aerodrome licence' means an aerodrome licence granted under an Air Navigation Order which includes a public use condition;

'public use condition' means a condition included in an aerodrome licence granted under an Air Navigation Order that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions;

'rating' means a rating on a personnel licence;

'reportable occurrence' has the same meaning as in Article 94(2) of the Air Navigation Order 1989<sup>a</sup>;

'statement of policies' means the publication of the Authority referred to in section 69 of the Act;

'statutory duties' means the duties of the Authority set out in sections 4 and 68 of the Act;

'to substitute an ordinary aerodrome licence for a public use aerodrome licence' means to vary a public use aerodrome licence by removing the public use condition and 'to substitute a public use aerodrome licence for an ordinary aerodrome licence' means to vary an ordinary aerodrome licence by adding a public use condition.

- (2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations.
- (3) Any period of time specified in these Regulations by reference to days, working days or months:
  - (a) where such period is expressed to begin after a particular date, shall begin on the first day after that date, and shall be inclusive of the last day unless that day falls on a Saturday, Sunday, Christmas Day, Good Friday or any

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a Now revoked and replaced by the Air Navigation Order 2000

other day appointed by law to be a bank holiday in any part of the United Kingdom, in which case the period shall run to the immediately following working day; and

- (b) where such period is expressed to run to or expire before a particular date or event, the period shall be calculated to expire on the last working day before the particular date or the date of that event.
- (4) In computing any period of time specified in these Regulations by reference to hours or working days the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded, and for that purpose any day which is appointed by law to be a bank holiday in any part of the United Kingdom shall be treated as a bank holiday.
- (5) (Deleted)

#### **4 Service of documents**

- (1) Subject to regulation 31A(5)(d) anything required to be served on any person under these Regulations or under section 66(4) or 84(1) of the Act shall be set out in a notice in writing which may be served either:
  - (a) by delivering it to that person;
  - (b) by leaving it at his proper address;
  - (c) by sending it by post to that address; or
  - (d) by sending it to him at that address by telex or other similar means which produce a document containing a text of the communication, in which event the document shall be regarded as served when it is received;

and where the person is a body corporate the document may be served upon the secretary of that body.

- (2) For the purposes of this regulation the proper address of any person shall, in the case of a body corporate, be the registered or principal office of that body and in any other case be the last known address of the person to be served.

#### **5 Publication by the Authority**

Subject to regulation 31A(5)(b) any notice or other matter (not being a schedule of terms referred to in regulation 18) required by these Regulations, or by section 11(2), 64(3), 65(1) or (6) or 85(1) of the Act, to be published shall be published by the Authority in its Official Record.

**PART II****Functions Conferred on the Authority by or under Air Navigation Orders**

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**6 Regulation of the conduct of the Authority**

- (1) The functions conferred on the Authority by or under Air Navigation Orders with respect to:
- (a) registration of aircraft;
  - (b) certification of operators of aircraft;
  - (c) certification of airworthiness of aircraft;
  - (d) noise certification;
  - (e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;
  - (f) personnel licensing;
  - (g) licensing of aerodromes;
  - (h) validation of any certificate or licence;
  - (i) approval of equipment and approval or authorisation of persons;
  - (j) approval of schemes for the regulation of the flight times of aircraft crew;
  - (k) receiving reports of reportable occurrences;
  - (l) making air traffic directions;
  - (m) making airspace policy directions;

are hereby prescribed for the purposes of section 7(2) of the Act.

- (2) Subject to paragraphs (8) and (9) of this regulation, a decision with respect to any of the matters referred to in paragraph (1) of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, validate, refuse to validate, revoke, suspend, vary or refuse to vary a certificate, licence, approval, authorisation or rating, or make an air traffic direction or an airspace policy direction may be made on behalf of the Authority only by a member or employee of the Authority.

- (3) Subject to paragraphs (8), (9) and (10) of this regulation, where –
- (a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the United Kingdom; or
  - (b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the Authority shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Authority.

- (4) Subject to paragraphs (8), (9) and (10) of this regulation, where it is proposed to:

- (a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the United Kingdom; or
- (b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating or make an air traffic direction or an airspace policy direction under an Air Navigation Order otherwise than on the application of the holder;

the Authority shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Authority a request that the case be decided by the Authority and not by any other person on its behalf.

- (5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure, request that the Authority determine whether the test or examination was properly conducted.

- (6)

- (a) The function of deciding a case where such a request as is referred to in paragraph (3), (4) or (5) of this regulation has been duly served on the Authority is hereby prescribed for the purposes of section 7(1) of the Act: and for the purpose of making any decision in such a case a quorum of the Authority shall be one member.
- (b) The Authority shall sit with such technical assessors to advise it as the Authority may appoint, but the Authority shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing the test or examination which is to be the subject of the Authority's decision.

- (7) Where a request under paragraph (3), (4) or (5) has been duly served, the Authority shall, before making a decision:
- (a) consider any representations which may have been served on it by the person concerned within 21 days after the date of service of the notice under that paragraph given by the Authority; and
  - (b) where the person concerned has requested the opportunity to make oral representations in his representations under sub-paragraph (a) above, afford him an opportunity to make such representations and consider them.
- (7A)
- (a) Where an oral hearing is held it shall be held in public except where the Authority is satisfied that, in the interests of morals, public order, national security, juveniles or the protection of the private lives of the parties a private hearing is required, or where it considers that publicity would prejudice the interests of justice.
  - (b) Any person which the Authority, with the consent of the parties, permits to attend the hearing is entitled to do so, whether or not the hearing is in private.
- (8) Nothing in this regulation shall:
- (a) prevent the Authority or any person authorised so to act on behalf of the Authority from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect under an Air Navigation Order or making a provisional air traffic direction pending inquiry into or consideration of the case;
  - (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;
  - (c) apply where the Authority refuses to register or cancels or amends the registration of an aircraft or refuses to grant or validate, grants or validates in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval, authorisation or rating pursuant to a direction given by the Secretary of State.

- (9) Nothing in paragraphs (2), (3) or (4) of this regulation shall apply:
- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;
  - (b) where pursuant to its duty under section 5 of the Act, the Authority refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.
- (10) Nothing in paragraphs (3) or (4) of this regulation shall apply where the Authority –
- (a) refuses an application by the holder of an aerodrome licence for the substitution of an ordinary aerodrome licence for a public use aerodrome licence; or
  - (b) proposes, otherwise than on the application of the licence holder, to substitute a public use aerodrome licence for an ordinary aerodrome licence.

## **7 Reasons for decisions**

Where the Authority makes a decision pursuant to regulation 6(6) it shall be the duty of the Authority to serve a statement of its reasons for the decision on the person concerned.

## **8 Inspection of aircraft register**

The Authority shall, at all reasonable times and upon payment to it of any applicable charge under section 11 of the Act for inspecting the register, make the register of aircraft available for inspection by any person.

## **9 Dissemination of reports of reportable occurrences**

The Authority shall make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is:

- (a) the operator or member of the flight crew of any aircraft;
- (b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of parts or equipment therefor;
  - (i) the provider of an air traffic control service;
- (c) the aeronautical authority of a country other than the United Kingdom, or the representative in the United Kingdom of such an authority;

- (d) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;
- (e) engaged in preparing a programme about civil aviation for television or radio;
- (f) engaged in the study of civil aviation for any academic purpose; or
- (g) any other person whose functions include the furthering of the safety of civil aviation:

Provided that the Authority shall not be required to make available any report or summary thereof to any person if it is satisfied that to do so will not further the safety of civil aviation.

**10 Substitution of a public use aerodrome licence for an ordinary aerodrome licence or of an ordinary aerodrome licence for a public use aerodrome licence**

- (1) The Authority shall refuse to consider an application for the substitution of an ordinary aerodrome licence for a public use aerodrome licence unless:
  - (a) the application is made by the holder of the licence;
  - (b) it contains a statement of the grounds on which the application is made; and
  - (c) the application is accompanied by any applicable charge under section 11 of the Act.
- (2) The Authority shall refuse to consider an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence unless:
  - (a) it is made by:
    - (i) the holder of the licence;
    - (ii) any other holder of an aerodrome licence granted under an Air Navigation Order;
    - (iii) the holder of any air operator's certificate granted under an Air Navigation Order;
    - (iv) the holder of any air transport licence granted under the Act or of any operating licence; or
    - (v) the operator of any aircraft who satisfies the Authority that an aircraft operated by him has, during the 12 months immediately preceding the date on which the application is made, been granted or refused permission to land at or take off from the aerodrome to which the licence relates;

- (b) it contains a statement of the grounds on which the application is made;
  - (c) the application is accompanied by any applicable charge under section 11 of the Act; and
  - (d) if made by someone other than the holder of the ordinary aerodrome licence, a copy of the application has been served on the holder within 24 hours after it has been served on the Authority.
- (3) The Authority shall as soon as may be after an application has been served upon it in accordance with this regulation publish such particulars of the application as it thinks necessary for indicating the substance of the application and shall make a copy of the application available at its principal office for inspection by any person at any reasonable time:

Provided that nothing herein shall require the Authority to publish an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence which is made by the holder of the licence.

- (4) If the Authority proposes to substitute a public use aerodrome licence for an ordinary aerodrome licence it shall serve on the holder of that licence particulars of the proposal and of the reasons for it and shall publish those particulars and reasons.

## 11

Any person may serve on the Authority an objection to or representation about an application or proposal published pursuant to regulation 10 if –

- (a) he does so within 21 days after the date of publication;
- (b) he serves a copy of his objection or representation on the applicant and on the holder of the aerodrome licence to which the application or proposal relates within 24 hours after it has been served on the Authority; and
- (c) he states the grounds of his objection or representation.

## 12

Before the date fixed for the hearing of a case pursuant to regulation 13, the Authority shall serve on any person who has the right to be heard in connection with the case or whom the Authority proposes to hear a copy of, or a summary of, any information in the possession of the Authority which has been provided in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that before serving such information which has been provided by any other person (not being a person who has provided information in connection with the case but does not wish to be heard), the Authority shall consult that person and shall not serve any information which in its opinion relates to the commercial or financial affairs

of the person who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient of disclosure to him, is unwarranted.

**13**

- (1) Before any decision is made on an application or proposal published pursuant to regulation 10 the following persons shall have a right to be heard:
  - (a) the applicant;
  - (b) the holder of any air transport licence or operating licence;
  - (c) the holder of any air operator's certificate granted under an Air Navigation Order;
  - (d) the holder of any aerodrome licence granted under an Air Navigation Order;
  - (e) such persons (being persons who wish to be heard and who have served objections or representations pursuant to regulation 11 expressing the views of operators of aircraft described in regulation 10(2)(a)(v)) as appear to the Authority to be representative of those who have served such objections or representations:

Provided that no person (other than the applicant and the holder of the licence to which the decision will relate) shall have a right to be heard unless he has served an objection or representation pursuant to regulation 11 and in so doing has stated that he wishes to be heard.

- (2) Notwithstanding that a person does not have a right to be heard, the Authority may, if it thinks fit, hear him:

Provided that no person shall be heard pursuant to this paragraph unless he has served an objection or representation pursuant to regulation 11.

- (3) No hearing shall be held pursuant to this regulation unless the Authority has served on all persons having a right to be heard and whom it proposes to hear in connection with the case not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing.

**14**

- (1) The function of making a decision on an application or proposal published pursuant to regulation 10 is hereby prescribed for the purposes of section 7(1) of the Act, and for the purposes of making such a decision and of conducting a hearing pursuant to regulation 13 a quorum of the Authority shall be two members:

Provided that the quorum shall be one member, if the persons having the right to be heard in connection with the case have so consented.

- (2) Hearings shall be conducted by the Authority, sitting with such employees of the Authority acting as advisers as it thinks fit.
- (3) At a hearing every party to the case may appear in person or be represented by any other person whom he may have authorised to represent him and may produce oral and written evidence and may examine any other party to the case, any person whom the Authority hears pursuant to regulation 13(2) and any witnesses produced by any such party or person: the Authority may, to such extent as it thinks fit, permit any person heard by it pursuant to regulation 13(2) to exercise at the hearing the rights set out in this paragraph of a party to the case.
- (4) Any person who has served an objection or representation pursuant to regulation 11 but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.
- (5) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case.
- (6) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.
- (7) All the proceedings at a hearing of the Authority in connection with the case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price:

Provided that:

- (a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after

the expiry of one year from the day of publication of its decision of the case; and

- (b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.
- (8) The Authority shall furnish a statement of its reasons for the decision to the parties to the case and to any person whom it has heard in connection with the case:
- (9) Provided that no statement of reasons need be furnished when an application is granted on the application of the holder of the licence to which the decision relates and no objections or representations have been served pursuant to regulation 11.
- (10) The Authority may exclude from its statement of reasons furnished to any person (hereinafter referred to as 'the relevant person') any matter if it considers it necessary to do so for the purpose of withholding from the relevant person information which in the opinion of the Authority relates to the commercial or financial affairs of another person and cannot be disclosed to the relevant person without disadvantage to the other person which, by comparison with the advantage to the public and the relevant person of disclosure to him, is unwarranted.
- (11) The Authority may publish in such manner as it thinks fit particulars of, and its reasons for, any decision taken by it with respect to an application published pursuant to regulation 10.

## PART III

# Air transport licensing

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### 15 Regulation of the conduct of the Authority

- (1) The function of making a decision to:
- (a) grant, revoke, suspend or vary other than provisionally an air transport licence or a route licence in a case where an objection has been served pursuant to regulation 20;
  - (b) grant or vary other than provisionally a licence in terms other than those requested by the applicant;
  - (c) refuse to grant a licence;
  - (d) hold or refuse to hold a preliminary hearing;
  - (e) provisionally vary a licence where representations have been served pursuant to regulation 24(2);
  - (f) revoke or suspend an operating licence otherwise than at the request of the holder; or
  - (g) refuse to grant an operating licence

is hereby prescribed for the purposes of section 7(1) of the Act.

- (2) For the purposes of making any such decision as is referred to in paragraph (1)(a) to (c), (f) and (g) of this regulation and of conducting a hearing pursuant to regulation 26(1) a quorum of the Authority shall be two members unless –
- (a) the Authority has dispensed with publication of the application or proposal in accordance with the proviso to regulation 16(3) or to regulation 17(2);
  - (b) the decision is to suspend the licence in accordance with regulation 17(3);
  - (c) the Authority has, in accordance with regulation 20(1), specified less than 21 days for serving an objection to or representation about the application or proposal;
  - (d) the Authority has, in accordance with the proviso to regulation 25(3) given the persons having a right to be heard and whom it proposes to hear in connection with the case less than 14 days' notice of the date of the hearing; or

- (e) the persons having the right to be heard in connection with the case have consented to a quorum of the Authority being one member; in which case the quorum shall be one member.
- (3) For the purposes of making such a decision as is referred to in paragraph (1)(d) or (e) of this regulation and of conducting a preliminary hearing pursuant to regulation 24 a quorum of the Authority shall be one member.
- (4) Any other decision to grant, revoke, suspend or vary an air transport licence or a route licence and any other decision to grant, revoke or suspend an operating licence may be made on behalf of the Authority only by a member or employee of the Authority.
- (5) The functions conferred upon the Authority by sections 64 to 67 of the Act are hereby prescribed for the purposes of section 7(2) thereof.

## **16 Application for the grant, revocation, suspension or variation of licences**

- (1) The Authority may refuse to consider an application for the grant, revocation, suspension or variation of an air transport licence or a route licence unless:
  - (a) subject to regulation 24, in the case of an application for the grant of a licence it has been served on the Authority not less than 6 months before the beginning of the period for which the licence is proposed to be in effect, and in any other case it has been served on the Authority not less than 6 months before the date on which it is proposed that the revocation, suspension or variation shall take effect;
  - (b) in the case of an application for the grant of a licence, the application contains all the particulars specified by the Authority in accordance with section 65(1) of the Act; and
  - (c) the application is accompanied by any applicable charge under section 11 of the Act.
- (2) The Authority shall refuse to consider an application for the revocation, suspension or variation of an air transport licence or a route licence made by a person other than the holder of the licence unless a copy of the application has been served on the holder within 24 hours after it has been served on the Authority.
- (3) The Authority shall as soon as may be after an application for the grant, revocation, suspension or variation of an air transport licence or a route licence has been served upon it in accordance with this regulation publish such particulars of the application as it thinks necessary for indicating the substance of the application, and shall make a copy of the application available at its principal office for inspection by any person at any reasonable time:

Provided that, except in the case of an environmental application,

- (a) the Authority may dispense with publication in any case where it is satisfied that for reasons of urgency it is desirable to do so and it is of the opinion that to do so is unlikely to prejudice the interests of any persons of a description specified in regulation 25(1);
- (b) the Authority may dispense with publication in the case of an application:
  - (i) for the grant of a licence for not more than four flights in any one direction between the same two places;
  - (ii) made by its holder for the revocation or suspension of a licence;
  - (iii) for the variation of a licence if in its opinion to do so is unlikely to prejudice the interests of any persons of a description specified in regulation 25(1).
- (c) If within 12 months after the date on which objections to and representations about an application for the grant, variation, suspension or revocation of an air transport licence or a route licence must have been served on the Authority pursuant to regulation 20, the Authority has neither made a decision on the application nor given notice pursuant to regulation 25(3) of the date, time and place of the hearing of such application, it shall as soon as may be republish such particulars of the application as it thinks necessary for indicating the substance of the application and shall republish such particulars at 12 monthly intervals thereafter until such time as a decision has been made on the application or notice has been given as aforesaid pursuant to regulation 25(3).
- (d) The Authority may direct that an application shall be treated as being such number of separate applications as it may specify in the direction, and the application shall be treated accordingly.
- (e) Any person of a description specified in regulation 25(1)(b) to (d) may apply to the Authority for the variation, suspension or revocation of an air transport licence or a route licence but, except as provided in regulation 18(3), no person may apply for the variation of such a schedule of terms as is mentioned in regulation 18.

## **17 Revocation, suspension or variation of licences without application being made**

- (1) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend, or vary an air transport licence (other than in pursuance of an application made to it in that regard) on the ground that it is not or is no longer satisfied as to the matters specified in paragraph (a) or (b) of section 66(3) of the Act, it shall:

- (a) serve on the holder of the licence not less than 21 days' notice of its intention to publish particulars of the proposal together with the reasons for its proposal;
- (b) consider any representations which may be made to it by the holder of the licence before the expiration of the said notice; and
- (c) as soon as may be after the expiration of the said notice or at such earlier time as the Authority and the holder of the licence may agree, publish particulars of the proposal unless it has abandoned the proposal:

Provided that the Authority may:

- (i) with the consent of the holder of the licence, dispense with publication of its proposal to revoke or suspend the licence;
  - (ii) dispense with publication of its proposal to vary the licence if it is satisfied that the variation is unlikely to prejudice the interests of any persons of a description specified in regulation 25(1).
- (2) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend or vary an air transport licence on grounds other than those referred to in paragraph (1) of this regulation and otherwise than in pursuance of an application made to it in that regard, or proposes to revoke, suspend or vary a route licence otherwise than in pursuance of an application made to it in that regard, it shall publish particulars of the proposal and of the reasons for it, unless –
- (a) the Secretary of State has directed the Authority to revoke, suspend or vary the licence as proposed or the proposal is made pursuant to a direction made by the Secretary of State under regulation 29(1) to re-hear the case;
  - (b) the Authority's duty under section 31(2) of the Airports Act 1986a (being a duty so to perform its air transport licensing functions as to secure that any traffic distribution rules in force under section 31 of the said Act are complied with) requires it to revoke, suspend or vary the licence as proposed;
  - (c) except in the case of an environmental proposal, the Authority is satisfied that to dispense with publication is unlikely to prejudice the interests of any person of a description specified in regulation 25(1) and the holder of the licence consents to the proposal not being published.

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a 1986 c.31.

- (3) The Authority may suspend an air transport licence notwithstanding that it has not complied with the requirements of paragraph (1) or (2) of this regulation if it has served on the holder of the licence not less than 6 working days' notice of its proposal to suspend the licence, together with its reasons for the proposal, and if, after considering any representations which may be made to it by the holder of the licence before the expiration of such notice it is not, or is no longer, satisfied as mentioned in section 66(3) (a) or (b) of the Act.
- (4) Before reaching a decision that it has reason to believe that the holder of an air transport licence or a route licence is neither a United Kingdom national nor such a body as is mentioned in section 65(3)(b) of the Act, the Authority shall:
  - (a) serve on the holder of the licence not less than 21 days' notice of its intention to consider the matter; and
  - (b) consider any representations which may be made to it by the holder of the licence before the expiration of the said period.

## **18 Variation of schedules of terms**

- (1) If the Authority establishes any schedule of terms and includes in any air transport licence or a route licence a term that the holder of the licence shall comply with terms set out in that schedule as varied from time to time by the Authority, the Authority may at any time propose to vary that schedule or any part thereof, and any such proposal shall for the purposes of these Regulations be treated as a proposal for the variation of every air transport licence or a route licence which contains such a term as aforesaid relating to that schedule or that part of that schedule, as the case may be.
- (2) When any air transport licence or a route licence contains such a term as aforesaid relating to a schedule, the Authority shall publish that schedule and any variation to it in its Official Record or otherwise.
- (3) An application for the variation of the schedule of terms set out in a document published by the Authority and entitled the United Kingdom Cabotage Air Passenger Tariff may be made by the holder of any air transport licence or a route licence which includes a term requiring the holder of the licence to comply with that schedule of terms as varied from time to time by the Authority, and any such application shall for the purposes of these Regulations be treated as an application for the variation of every air transport licence or a route licence which contains such a term as aforesaid.
- (4) The Authority shall maintain a list of the names and addresses of all persons who hold a licence which includes such a term as is referred to in paragraph (3) of this regulation and shall serve copies of that list on any person who so demands.

## 19 Environmental cases

- (1) For the purposes of this part of these Regulations, 'environmental application' and 'environmental proposal' mean respectively an application and a proposal for the grant or variation of an air transport licence, being a licence which authorises, or which if granted would authorise, the holder to operate –
- (a) a helicopter at a height of less than 3000 feet above the surface for the greater part of the distance which it flies over land; or
  - (b) any aircraft in circumstances which, in the opinion of the Authority, will or may cause an exceptional amount of noise, vibration, pollution or other disturbance;

but do not include:

- (i) any such application or proposal which is not, in the opinion of the Authority, an application or proposal relating to a licence to operate a regular and frequent service; or
  - (ii) any such proposal made by the Authority to vary a licence on the ground that it is not or is no longer satisfied as to the matters specified in paragraph (a) or (b) of section 66(3) of the Act.
- (2) If the Authority receives an environmental application or makes an environmental proposal it shall designate the case as an environmental case and publish notice of the designation.

## 20 Objections and representations

- (1) Any person may serve on the Authority an objection to or representation about an application or proposal for the grant, revocation, suspension or variation (other than the provisional variation) of an air transport licence or a route licence if he does so:
- (a) where an application or proposal is published within such period (being, subject to paragraph (2) of this regulation, not more than 21 days nor less than 7 days) as the Authority may specify when publishing the application or proposal;
  - (b) where the application or proposal is not published, but he has been notified by the Authority that the application or proposal has been made and will not be published, within 3 working days after being so notified:

Provided that nothing herein shall:

- (i) permit the Authority to specify a period of less than 21 days for the service of objections or representations unless it is satisfied that for reasons of urgency it is desirable to do so;

- (ii) permit the Authority to specify a period of less than 21 days for the service of objections or representations in a case where it has made a proposal pursuant to regulation 17, unless it has proposed to –
  - revoke, suspend or vary an air transport licence or a route licence in accordance with a direction given by the Secretary of State.
  - (Deleted)
- (2) If the Authority receives an environmental application or makes an environmental proposal it shall specify 42 days from the date of publication of the notice of designation pursuant to regulation 19 as the period for service of objections or representations on grounds of noise, vibration, pollution or other disturbance.
- (3) Where the person making the objection or representation is the holder of an air transport licence or a route licence he shall, within 24 hours after it has been served on the Authority, serve a copy of it on:
  - (a) the applicant;
  - (b) any other person who is the holder of the licence to which the application or proposal relates; and
  - (c) any person whom the Authority is obliged by regulation 21 to consult in respect of the application or proposal;

and where the person making the objection or representation is not the holder of an air transport licence or a route licence, the Authority shall within 7 days after the day on which the objection or representation has been served on the Authority serve a copy of it on the said persons, indicating whether the person making the objection or representation wishes to be heard pursuant to regulation 25.

- (4) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application within 3 working days after being required so to do.
- (5) References in this regulation to publication include references to republication pursuant to regulation 16(4), but when an application is republished, nothing in this regulation shall require a person who has served an objection to or representation about the application when it was previously published to re-serve that objection or representation.

## 21 Consultation by the Authority

The Authority shall not grant, refuse to grant, revoke, suspend or vary any air transport licence or a route licence authorising flights to, from or within:

- (a) (Deleted)

- (b) the Isle of Man, without consulting the Isle of Man Department of Highways, Ports and Properties; or
- (c) Gibraltar, without consulting the Secretary of State;

and subject to regulation 26(5) such consultations shall be completed before the date fixed for the hearing of the case pursuant to regulation 25:

Provided that consultation as aforesaid shall not be required in a case where:

- (i) the application or licence in question is for not more than four flights in any one direction between the same two places;
- (ii) the Authority is acting in pursuance of its duty under section 65(2) or (3) or 66(3) of the Act;
- (iii) the Authority's duty under section 31(2) of the Airports Act 1986 requires it to refuse to grant or to revoke, suspend or vary the licence; or
  - the Authority is acting in pursuance of its duty under section 69A(4) of the Act.

## **22 Furnishing of information by the Authority**

Before the date fixed for the hearing of a case pursuant to regulation 25, the Authority shall serve on any person who has the right to be heard in connection with the case or whom the Authority proposes to hear or is required to consult pursuant to regulation 21 a copy of, or a summary of, any information in the possession of the Authority which has been provided in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that:

- (i) the Authority shall not serve any such information which has been provided by the Secretary of State if the Secretary of State has certified to the Authority that it would not be in the public interest for it to be disclosed;
- (ii) before serving such information which has been provided by any other person (not being a person who has provided information in connection with the case but does not wish to be heard) the Authority shall consult that person and shall not serve any information which in its opinion relates to the commercial or financial affairs of the person who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted.

## 23 Preliminary Meetings

- (1) Before the date fixed for the hearing of a case pursuant to regulation 25, the Authority may hold a preliminary meeting to discuss the conduct of the case.
- (2) The Authority shall give to every party to the case and to every person whom the Authority proposes to hear in connection with the case and to any person consulted by the Authority pursuant to regulation 21 who has responded in writing notice of the date, time and place of the preliminary meeting and any such person may attend in person or be represented by any person whom he may have authorised to represent him.
- (3) Preliminary meetings shall be conducted on behalf of the Authority only by a member or employee of the Authority.

## 24 Preliminary hearings of allegations of behaviour damaging to a competitor

- (1) This regulation applies where the holder of any air transport licence or a route licence (hereinafter in this regulation referred to as 'the applicant'):
  - (a) has applied to the Authority for the variation of an air transport licence or a route licence held by another person (hereinafter in this regulation referred to as 'the respondent') for the purpose of restraining the respondent from engaging in behaviour damaging to the applicant's business;
  - (b) has included in his application a statement giving particulars of the behaviour complained of and of the extent to which the applicant's business is being or is likely to be damaged thereby;
  - (c) has asked for a preliminary hearing of the application with a view to the respondent's air transport licence or a route licence being provisionally varied pending a hearing pursuant to regulation 25; and
  - (d) has served a copy of his application on the respondent on the same day as he has served it on the Authority.
- (2) The respondent shall, within 5 working days after the date of service of the application, serve on the Authority and on the applicant any representations he may wish the Authority to take into account in determining whether to hold a preliminary hearing.
- (3) The Authority shall within 10 working days after the date of service of the application notify the applicant, the respondent and any person it is obliged by regulation 21 to consult in respect of the application of the date (which shall be within 20 working days after the date of service of the application), time and place of the preliminary hearing or of the fact that it has decided not to hold a preliminary hearing.

- (4) Notice of the date, time and place of a preliminary hearing shall be of such length as is reasonably practicable and shall be given by such means (whether oral or written) as the Authority thinks fit.
- (5) The Authority shall hold a preliminary hearing only if, having considered the terms of the application and of any representations served on it pursuant to paragraph (2) of this regulation, it is of the opinion that –
  - (a) there is prima facie evidence that the behaviour complained of by the applicant is being engaged in by the respondent and that behaviour has or is likely to have the effect of seriously damaging the business of the applicant; and
  - (b) having regard to its statutory duties, its statement of policies and to the urgency of the matter such a hearing is warranted.
- (6) The applicant and the respondent shall have a right to be heard at a preliminary hearing and the Authority may hear such other persons as it thinks fit.
- (7) Regulations 21, 22 and 26(1), (4), (6) and (7) shall apply in relation to a preliminary hearing as they apply in relation to a hearing pursuant to regulation 25.
- (8) At a preliminary hearing the applicant and the respondent shall have the same rights as a party to a case in a hearing pursuant to regulation 25 and the Authority may, to such extent as it thinks fit, permit any other person whom it decides to hear to exercise the same rights.
- (9) Where any person whom the Authority is obliged by regulation 21 to consult in respect of the application attends the preliminary hearing the Authority shall give him opportunity at the preliminary hearing to make observations on the evidence and arguments advanced by the applicant and the respondent and by any other person whom the Authority has decided to hear: and where any such observations are made the Authority shall give the applicant, the respondent and any other person it has decided to hear opportunity at the preliminary hearing to respond to them.
- (10) Within 5 working days after the end of the preliminary hearing the Authority shall notify the applicant and the respondent and any person it is obliged by regulation 21 to consult in respect of the application –
  - (a) whether or not it has decided provisionally to vary the respondent's licence;
  - (b) if so, the terms of the provisional variation; and
  - (c) the date, time and place of the hearing to be held pursuant to regulation 25;

and shall furnish its reasons for the decision, as required by section 67(2) of the Act within 10 working days after the end of the preliminary hearing.

- (11) The only decision which may be taken by the Authority after a preliminary hearing is a decision provisionally to vary or to refuse provisionally to vary the respondent's air transport licence or a route licence: and if the Authority provisionally varies the respondent's licence it shall in so doing provide that the provisional variation will cease to have effect when the decision reached by the Authority following a hearing pursuant to regulation 25 takes effect.

## **25 Hearings in connection with licences**

- (1) Before any decision to grant, refuse to grant, revoke, suspend or vary (other than provisionally) an air transport licence or a route licence is made, the following persons shall have a right to be heard:
- (a) the applicant;
  - (b) the holder of an operating licence, any air transport licence or a route licence;
  - (c) the holder of any air operator's certificate granted under an Air Navigation Order;
  - (d) the holder of any aerodrome licence granted under an Air Navigation Order;
  - (e) such persons (being persons who wish to be heard and who have served objections or representations pursuant to regulation 20 expressing the views of passengers or shippers of cargo) as appear to the Authority to be representative of those who have served such objections or representations;
  - (f) where the Authority has designated the case as an environmental case pursuant to regulation 19, such persons (being persons who wish to be heard and who have served objections or representations on grounds of noise, vibration, pollution or other disturbance pursuant to regulation 20(2)) as appear to it to be representative of those who have served such objections or representations:

Provided that:

- (i) no person (other than the applicant and the holder of the licence to which the decision will relate) shall have a right to be heard unless he has served an objection or representation pursuant to regulation 20 and (unless he is a person of a description specified in subparagraph (e) or (f) of this regulation) in so doing has stated that he wishes to be heard;

- (ii) no person shall be heard before a decision is made by the Authority in a case where the Secretary of State has directed that the licence be granted, refused, revoked, suspended or varied or where the Authority's duty under section 31(2) of the Airports Act 1986 or under section 69A(4) of the Act requires that the licence be refused, revoked, suspended or varied.
- (2) Notwithstanding that a person does not have the right to be heard, the Authority may, if it thinks fit, hear him:

Provided that no person shall be heard pursuant to this paragraph:

- (i) unless he has served an objection or a representation pursuant to regulation 20;
  - (ii) in a case where such a direction as is referred to in proviso (ii) to paragraph (1) of this regulation has been given.
- (3) No hearing shall be held pursuant to this regulation unless the Authority has served on all persons having a right to be heard and whom it proposes to hear in connection with the case and on any person who has been consulted by the Authority pursuant to regulation 21 and who has responded in writing not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing:

Provided that in cases where the Authority is satisfied that for reasons of urgency it is desirable to do so, a hearing may be held without such notice having been served, published and exhibited as aforesaid if the Authority has given notice of the date, time and place of the hearing, being notice of such length and by such means (whether oral or written) as it thinks fit, to the applicant and any person of a description specified in paragraph (1) of this regulation whose interests are in the opinion of the Authority likely to be prejudiced by the granting of the application and to any person consulted by the Authority pursuant to regulation 21.

- (4) Two or more cases may be heard together, if the Authority thinks fit, but a party to one case shall not on that account be deemed to be a party to any other case.

## **26 Procedure at hearings**

- (1) Hearings shall be conducted by the Authority, sitting with such employees of the Authority acting as advisers as it thinks fit.

- (2) At a hearing every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral and written evidence and may examine any other party to that case, any person whom the Authority hears pursuant to regulation 25(2) and any witnesses produced by any such party or person: the Authority may, to such extent as it thinks fit, permit any person heard by it pursuant to regulation 25(2) to exercise at the hearing the rights set out in this paragraph of a party to the case.
- (3) Any person who has served an objection or representation pursuant to regulation 20 but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.
- (4) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case.
- (5) Where any person consulted by the Authority pursuant to regulation 21 has responded in writing and that person or a person acting on behalf of that person attends the hearing the Authority shall give him opportunity at the hearing to make observations on the evidence and arguments advanced by the parties to the case and by any persons heard by the Authority pursuant to regulation 25(2), and where any such observations are made the Authority shall give the parties to the case, and any person heard pursuant to regulation 25(2), opportunity at the hearing to respond to them.
- (6) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.
- (7) All the proceedings at a hearing of the Authority in connection with a case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price:

Provided that:

- (a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its decision of the case; and

- (b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.
- (8) When the Authority provides to a person having a right of appeal pursuant to regulation 27(1) –
- (a) notification in writing of its decision of the case, the notification shall specify a date, being not less than 3 working days after the date on which a copy of the notification was available for collection by or despatch to that person (which date is hereinafter referred to as ‘the decision date’);
  - (b) a mechanical recording or transcript of the record of proceedings in the case pursuant to a request made by that person within 7 days after the decision date, the recording or transcript shall be accompanied by a statement specifying a date, being not less than 3 working days after the date on which the recording or transcript was available for collection by or despatch to that person (which date is hereinafter referred to as ‘the transcript date’); and the Authority shall as soon as may be thereafter publish the decision date and the transcript date.

## **27 Appeals to the Secretary of State**

- (1) Every party to a case before the Authority (not being a person having a right to be heard by virtue only of regulation 25(1)(e) or (f)) shall have a right of appeal to the Secretary of State in accordance with the provisions of this regulation from the Authority’s decision with respect to an air transport licence or an application for a licence.
- (2) An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the appellant and clearly identifying the case to which it relates and stating the grounds on which the appeal is based and the arguments on which the appellant relies.
- (3) The appellant shall serve the notice of appeal on:
  - (a) the Secretary of State;
  - (b) the Authority;
  - (c) each of the parties to the case before the Authority;
  - (d) each person whom, pursuant to regulation 25(2), the Authority had decided to exercise its discretion to hear in connection with the case, whether that person was heard or not; and
  - (e) any person consulted by the Authority, pursuant to regulation 21, in connection with the case.

- (4) Subject to paragraph (9) of this regulation, the notice of appeal shall be served within 21 days after the decision date or, if the appellant has made such a request as is referred to in regulation 26(8) and has within 24 hours after making his request to the Authority served notice on each of the persons referred to in paragraph (3)(a), (c), (d) and (e) of this regulation that he has done so, not later than 21 days from the transcript date.
- (5) Any person having the right to appeal against a decision of the Authority may require it to furnish him with the names and addresses of the persons of the description specified in paragraph (3)(c), (d) or (e) of this regulation.
- (6) Subject to paragraph (9) of this regulation, any party to the appeal (other than the appellant) and any person who has been served with notice of the appeal pursuant to paragraph 3(e) of this regulation may within 14 days after service thereof serve on the Secretary of State a submission giving reasons why the Authority's decision should or should not be upheld and shall within such period serve copies of any such submission on the Authority, the appellant and the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.
- (7) Subject to paragraph (9) of this regulation, within 28 days after receiving notice of an appeal, the Authority shall serve on the Secretary of State any submission it may wish to make in connection with the appeal, including, if it thinks fit, an amplification and explanation of the reasons for its decision, and shall, within such period, serve copies of any such submission on the appellant and on the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.
- (8) Subject to paragraph (9) of this regulation, within 14 days after the expiry of the period of 28 days referred to in the preceding paragraph of this regulation, the appellant may serve on the Secretary of State a reply to any submission made pursuant to paragraph (6) or (7) of this regulation and shall within such period serve copies of any such reply on the Authority and on the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.
- (9) (Deleted)
- (10) Before deciding an appeal the Secretary of State may:
  - (a) ask the appellant, any other person who has made a submission pursuant to the preceding paragraphs of this regulation, or the Authority, to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable him to determine the appeal, and the Secretary of State shall as the case may be give the appellant, the other parties to the appeal and the

Authority an opportunity of replying to such amplification, explanation or answer;

- (b) obtain from the Authority any information which is in the possession of the Authority but which, pursuant to paragraph (ii) of the proviso to regulation 22 the Authority did not furnish to any person having the right to be heard by the Authority in connection with the case: the Secretary of State shall give the Authority and the person who provided the information to the Authority an opportunity of making written submissions in connection with any information so obtained: a copy of any submission of the Authority made pursuant to this subparagraph shall be served only on the person who provided the information to the Authority and a copy of any submission of that person or body made pursuant to this subparagraph shall be served only on the Authority.

- (11) In the appeal proceedings no person may submit to the Secretary of State evidence which was not before the Authority when it decided the case.

## **28 Appeal from decisions after preliminary hearings of allegations of behaviour damaging to a competitor**

- (1) Regulation 27 shall apply in relation to appeals from decisions of the Authority after preliminary hearings of allegations of behaviour damaging to a competitor as it applies in relation to any other case but with the modifications herein set out.
- (2) Those modifications are:
  - (a) in paragraph (1) the reference to every party shall be taken as a reference to the applicant and the respondent;
  - (b) in paragraph (3) the reference in subparagraph (c) to each of the parties shall be taken as a reference to the applicant or respondent, as the case may be, and the reference in subparagraph (d) to regulation 25(2) shall be taken as a reference to regulation 24(6);
  - (c) in paragraph (4) the first reference to 21 days shall be taken as a reference to 5 working days and the reference to the decision date shall be taken as a reference to the date upon which the Authority furnished reasons for its decision; and all the subsequent words in that paragraph (which relate to a request for a transcript and a time from the transcript date) shall be deleted;
  - (d) in paragraph (6) the reference to 14 days shall be taken as a reference to 5 working days;
  - (e) in paragraph (7) the reference to 28 days shall be taken as a reference to 8 working days;

- (f) in paragraph (8) for 'within 14 days after the expiry of the period of 28 days' there shall be substituted 'within 4 working days after the expiry of the period of 8 working days'.

## 29 Decisions on appeals

- (1) The Secretary of State may if he thinks fit uphold the decision of the Authority or direct it to re-hear the case which is the subject of the appeal or to reverse or vary its decision.
- (2) The Secretary of State shall notify the Authority, the appellant and the persons who have been served with the notice of appeal pursuant to regulation 27(3) of his decision and of the reasons for it and the Authority shall publish the Secretary of State's notification.
- (3) Where the Secretary of State directs the Authority to re-hear a case he shall at the same time notify the Authority and persons referred to in paragraph (2) of this regulation whether the Authority's decision is to have effect pending the further decision of the Authority.
- (4)
  - (a) Subject to paragraph (5) of this regulation, in determining an appeal the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs or any part thereof;
  - (b) any costs required by an order under the foregoing subparagraph to be taxed may be taxed in the county court on such scale as may be directed by the order;
  - (c) any sum payable by virtue of an order under subparagraph (a) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court;
  - (d) the powers of the county court under the foregoing provisions of this paragraph may be exercised by the District Judge, or in Northern Ireland by the clerk of the Crown and Peace.
- (5)
  - (a) In determining an appeal where the appellant resides or has his registered or principal office in Scotland the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the expenses incurred by him in connection with the appeal, or the taxed amount of those expenses or any part thereof;

- (b) any expenses required by an order under the foregoing subparagraph to be taxed may be taxed by the Auditor of the Court of Session on such a scale as may be directed by the order;
  - (c) any award of expenses by the Secretary of State under the foregoing provisions of this paragraph may be enforced in like manner as a recorded decree arbitral.
- (6) An appeal to the Secretary of State shall not preclude him from consulting the competent authorities of any country or territory outside the United Kingdom for the purposes of section 6(2)(a) to (d) of the Act (which relates to national security, relations with other countries and territories and similar matters) notwithstanding that the consultation may relate to matters affecting the appeal.
- (7) The failure of any person (other than the appellant in serving notice of appeal on the Secretary of State within the time prescribed in regulation 27(4)) to serve any notice, submission or reply, or copies thereof or to furnish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the decision of the Secretary of State; and the Secretary of State may, and shall if he considers that any person may have been prejudiced, take such steps as he thinks fit before deciding the appeal to cure the irregularity.

### **30 Transfer of licences**

- (1) Subject to the provisions of this regulation:
- (a) if the sole holder of an air transport licence or a route licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative;
  - (b) if in connection with the reconstruction of any body corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate), or such part thereof as includes the provision of carriage by air for reward of passengers or cargo, is transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.
- (2) The person required by paragraph (1) of this regulation to be treated as the holder of the licence may apply to the Authority:
- (a) if he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest); and

- (b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.
- (3) The application shall state the grounds on which it is based and shall be served on the Authority within 21 days after the date on which the applicant first became entitled to make it; and if no application as aforesaid is made within that period the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.
- (4) The application shall, for the purposes of these Regulations be treated as if it were an application for the variation of the licence, and the provisions of regulations 27 and 29 as to appeals shall apply accordingly.
- (5) The Authority shall not grant an application for the transfer of a licence to, or the substitution of the name of, any person if
  - (a) in the case of an air transport licence it would be bound under section 65(2) of the Act, and
  - (b) in the case of an air transport licence or a route licence it would be bound under section 65(3) or 69A(4) of the Act,to refuse that application if it were an application for the grant of a licence to that person.
- (6) For the purposes of this regulation 'legal personal representative' means a person constituted executor, administrator or other representative of a deceased person by probate, administration or other instrument.

### **31 Surrender of licences**

If revocation or variation of an air transport licence or a route licence has taken effect, the Authority may require any person who has the licence in his possession or control to surrender it for cancellation or variation, as the case may be and any person who fails, without reasonable cause, to comply with any such requirement, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**PART IIIA****References in Respect of an Air Traffic Services Licence**

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**31A Determination by the Authority**

- (1) Where, pursuant to a condition of an air traffic services licence, any matter or question may be referred for determination by one or more Members of the Authority pursuant to these Regulations and such a matter or question is referred, it shall be determined in accordance with the provisions of this Part of these Regulations.
- (2) The function of the Authority under section 7(5) of the Transport Act 2000 with respect to the modification of a licence, to the extent it gives rise to a matter or question referred for determination by one or more members of the Authority, is hereby prescribed for the purpose of section 7(2) of the Act.
- (3) For the purpose of making any determination in such a case a quorum of the Authority shall be two Members.
- (4) The Authority shall sit with such technical assessors to advise it as the Authority may appoint, but the Authority shall not appoint as an assessor any person who participated in the development of any notice or counter-notice in relation to the matter or question to be determined.

For the purposes of this Part of these Regulations:

- (a) “an air traffic services licence” means a licence granted pursuant to Section 6 of the Transport Act 2000;
- (b) where the Authority is required to publish any information it may do so electronically or otherwise;
- (c) where the Authority is required to make any information available at its principal office for inspection it may do so electronically or otherwise;
- (d) anything which is required to be served on the Authority may be served electronically by sending it to an e-mail address which it has published for the purpose or in accordance with regulation 4.

**31B Representations**

- (1) The Authority shall within one calendar month after a reference has been made serve notice of the reference on the licence holder and publish such particulars of the reference as it thinks necessary for indicating the substance of the reference, and shall make a copy of the reference available at its principal office for inspection by any person at any reasonable time.

- (2) The licence holder or any other person may serve on the Authority a representation about a reference if he does so within 21 days of, in the case of the licence holder the date of service of notice or, in the case of any other person, publication of the reference by the Authority.
- (3) The Authority shall make a copy of any representation which has been served on the Authority available at its principal office for inspection by any person at any reasonable time and shall serve a copy of any representations received from persons other than the licence holder on the licence holder.

### **31C Hearings in connection with licences**

- (1) Where a matter or question referred to in regulation 31A(1) has been referred the Authority shall, before making a determination:
  - (a) consider any representations which may have been served on it by the licence holder or any other person within the time permitted by regulation 31B(2);
  - (b) consider any written submissions served pursuant to regulation 31D(3); and
  - (c) conduct a hearing in accordance with regulation 31D and consider any representations made and evidence submitted at such a hearing.
- (2) The following persons shall have a right to be heard at the hearing held pursuant to paragraph (1)(c):
  - (a) the licence holder; and
  - (b) such persons (being persons who wish to be heard and who have served
  - (c) representations within the time permitted by regulation 31B(2)) as appear to the Authority to be users of services provided by the licence holder or to be representative of such persons.
- (3) Notwithstanding that a person does not have the right to be heard, the Authority may, if it thinks fit, hear him.
- (4) No hearing shall be held pursuant to this regulation unless the Authority has served on the licence holder and any other person whom it proposes to hear in connection with the case not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the reference to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing.

**31D Procedure at hearings**

- (1) Hearings shall be conducted by the Authority.
- (2) At a hearing any person entitled to be heard may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral and written evidence and may examine any other person whom the Authority hears pursuant to regulation 31C and any witnesses produced by any such person.
- (3) Any person who has served a representation within the time permitted by regulation 31B(2) but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.
- (4) Where an oral hearing is held it shall be held in public unless, having regard to the subject matter of the hearing and any representations from the licence holder the Authority directs that the hearing or any part of the hearing shall take place in private.
- (5) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its determination to cure the irregularity, whether by the giving of notice or otherwise.
- (6)
  - (a) Subject to sub-paragraph (b) all the proceedings at a hearing of the Authority in connection with a case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price.
  - (b)
    - (i) The Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its determination of the case.
    - (ii) A mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any person heard by the Authority at those proceedings.

**31E Determination by Authority and Appeal to the Secretary of State**

- (1) Where the Authority makes a determination pursuant to this Part of these Regulations the Authority shall serve a notice of its determination and a statement of its reasons for the determination on the licence holder.
- (2)
  - (a) Where the relevant condition of an air traffic services licence provides in respect of a matter or question that the decision of the Authority shall be definitive there shall be no appeal to the Secretary of State.
  - (b) Where the relevant condition of an air traffic services licence provides in respect of a matter or question that the licence holder may appeal to the Secretary of State, he may do so in accordance with this regulation.
- (3)
  - (a) An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the licence holder and clearly identifying the matter or question to which it relates and stating the grounds on which the appeal is based and the arguments on which the licence holder relies.
  - (b) The licence holder shall serve the notice on the Secretary of State and a copy on the Authority within 14 days of receipt by the licence holder of the notice of determination and statement of reasons pursuant to paragraph (1).
- (4) The Authority shall within one calendar month after receiving notice of appeal publish such particulars of the appeal as it thinks necessary to indicate the substance of the appeal.
- (5) Within 14 days after receiving notice of an appeal, the Authority shall serve on the Secretary of State any submission it may wish to make in connection with the appeal including, if it thinks fit, an amplification and explanation of the reasons for its determination, and shall, within such period, serve a copy of any such submission on the licence holder.
- (6) Within 14 days after publication of the notice of the appeal by the Authority any person who appeared at the hearing before the Authority may serve on the Secretary of State a submission giving reasons why the Authority's determination should or should not be upheld and shall within such period serve copies of any such submission on the Authority and the licence holder.
- (7) Within 14 days after receipt of any submission made pursuant to the preceding two paragraphs the licence holder may serve on the Secretary of State a reply and shall within such period serve a copy of any such reply on the Authority.

- (8) Before deciding an appeal the Secretary of State may ask the licence holder, the Authority or any other person who appeared at the hearing held by the Authority to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable him to determine the appeal, and the Secretary of State shall as the case may be give the licence holder, the Authority and any other person who appeared at the hearing held by the Authority an opportunity of replying to such amplification, explanation or answer.
- (9)
- (a) Where any person is obliged to serve on the Authority any notice, representation, submission or other material pursuant to this regulation the Authority shall as soon as may be after receipt thereof make a copy available at its principal office for inspection by any person at any reasonable time.
- (b) The Authority shall also make a copy of any representation, submission or other material which it is obliged to serve on the licence holder or the Secretary of State pursuant to this regulation available at its principal office for inspection by any person at any reasonable time.
- (10) In the appeal proceedings none of the Authority, the licence holder or any other person may submit to the Secretary of State evidence which was not before the Authority when it decided the case.

### **31F Decision by Secretary of State on appeal**

- (1) The Secretary of State may if he thinks fit uphold the determination of the Authority in whole or in part or reverse or vary the whole or any part of its determination.
- (2) The Secretary of State shall notify the Authority and the licence holder of his decision and of the reasons for it and the Authority shall publish the Secretary of State's notification.
- (3) The failure of any person (other than the licence holder in serving notice of appeal on the Secretary of State within the time prescribed in regulation 31E(3)(b)) to serve any notice, representation, submission or reply, or copies thereof or to furnish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the decision of the Secretary of State; and the Secretary of State may, and shall if he considers that any person may have been prejudiced, take such steps as he thinks fit before deciding the appeal to cure the irregularity.

## PART IV

# Other functions of the Authority

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### 32 Participation in civil proceedings

- (1) The function of the Authority of being a party to civil proceedings is hereby prescribed for the purposes of section 7(2) of the Act.
- (2) In any civil proceedings to which the Authority is or becomes a party, the Authority shall disclose to the Court and any other party to the proceedings information in its possession which, apart from section 23(1) of the Act, it would have been under a duty to disclose for the purpose of those proceedings.

## Schedule

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### Revocation

#### Regulation 2

(1) Regulations revoked	(2) Regulations revoked
The Civil Aviation Authority Regulations 1983	1983/550
The Civil Aviation Authority (Amendment) Regulations 1987	1987/379
The Civil Aviation Authority (Amendment) Regulations 1989	1989/1826
The Civil Aviation Authority (Amendment) Regulations 1990	1990/9

#### Table of Comparison

The following Table shows, in relation to each regulation of the Civil Aviation Authority Regulations 1983, as amended, the regulations of the 1991 Regulations in which it is reproduced.

1983 Regulations as amended	1991 Regulations
1	1
2	2
3	3
4	4
5	5
6	6
7	7

1983 Regulations as amended	1991 Regulations
8	8
9	9
9A	10
9B	11
9C	12
9D	13
9E	14
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
18A	24
19	25
20	26
21	27
21A	28
22	29
23	30
24	31
25	32

**SECTION 7****The Air Navigation (Dangerous Goods) Regulations 2002**

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**Made:** 11<sup>th</sup> November 2002

**Coming into force:** 2<sup>nd</sup> December 2002

**Arrangement of Regulations****Part I Preliminary**

- 1 Citation and commencement
- 2 Revocation
- 3 Interpretation

**Part II Requirements for Carriage of Dangerous Goods**

- 4 Requirement for approval of operator
- 5 Prohibition of carriage of dangerous goods

**Part III Operator's Obligations**

- 6 Provision of information by the operator to crew etc
- 7 Acceptance of dangerous goods by the operator
- 8 Method of loading by the operator
- 9 Inspections by the operator for damage, leakage or contamination
- 10 Removal of contamination by the operator

**Part IV Shipper's Responsibilities**

- 11 Shipper's responsibilities

**Part V Commander's Obligations**

- 12 Commander's duty to inform air traffic services

**Part VI Training**

- 13 Provision of training

**Part VII Provision of Information to Passengers and in Respect of Cargo**

- 14 Provision of information to passengers  
15 Provision of information in respect of cargo

**Part VIII Documents and Records, Enforcement Powers and General**

- 16 Keeping of documents and records  
17 Production of documents and records  
18 Powers in relation to enforcement of the Regulations  
19 Occurrence reporting  
20 Dropping articles for agricultural, horticultural, forestry or pollution control purposes  
21 Police aircraft

**Schedule**

Schedule Regulations Revoked

The Secretary of State for Transport, in exercise of the powers conferred by articles 60(1) and 129(5) of the Air Navigation Order 2000<sup>a</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

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a S.I. 2000/1562, to which there are amendments not relevant to these Regulations.

## PART I

# Preliminary

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### 1 Citation and commencement

These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations 2002 and shall come into force on 2nd December 2002.

### 2 Revocation

The Regulations specified in the Schedule hereto are hereby revoked.

### 3 Interpretation

(1) In these Regulations:

‘acceptance check list’ means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

‘cargo aircraft’ means any aircraft which is carrying goods or property but not passengers and for the purposes of these Regulations the following are not considered to be passengers:

- (a) a crew member;
- (b) an operator’s employee permitted to be carried by, and carried in accordance with the instructions contained in the Operations Manual;
- (c) an authorised representative of a competent national aviation authority;
- (d) a person with duties in respect of a particular shipment on board;

‘dangerous goods’ means any article or substance which is identified as such in the Technical Instructions;

‘dangerous goods accident’ means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

‘dangerous goods incident’ means an occurrence, other than a dangerous goods accident, which:

- (a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or

- (b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

‘dangerous goods transport document’ means a document which is specified by the

Technical Instructions and contains information about those dangerous goods;

‘freight container’ means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device;

‘handling agent’ means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

‘ID number’ means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

‘non-United Kingdom operator’ means an aircraft operator who holds an air operator’s certificate issued otherwise than by the CAA;

‘overpack’ means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

‘package’ means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

‘packaging’ means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

‘proper shipping name’ means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

‘serious injury’ means an injury which is sustained by a person in an accident and which:

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation;

'Technical Instructions' means the 2015-2016 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as amended by Corrigendum No. 1 dated 20<sup>th</sup> November 2014, approved and published by decision of the Council of the International Civil Aviation Organisation;

'UN number' means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

'unit load device' means any type of container or pallet designed for loading onto an aircraft but does not include a freight container for radioactive materials or an overpack; and

'United Kingdom operator' means an aircraft operator who holds an air operator's certificate issued by the CAA.

(2)

(a) Other expressions used in these Regulations shall have the same respective meanings as in the Air Navigation Order 2000.

(3) For the avoidance of doubt any reference in the Technical Instructions or these Regulations to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft shall for the purpose of these Regulations be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

**PART II****Requirements for carriage of dangerous goods**

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**4 Requirement for approval of operator**

- (1) An aircraft shall not carry or have loaded onto it any dangerous goods unless;
  - (a) the operator is approved under this regulation; and
  - (b) such goods are carried or loaded in accordance with:
    - (i) any conditions to which such approval may be subject; and
    - (ii) in accordance with the Technical Instructions.
- (2) An approval under this regulation:
  - (a) shall be granted by the CAA if it is satisfied the operator is competent to carry dangerous goods safely;
  - (b) shall be in writing; and
  - (c) may be subject to such conditions as the CAA thinks fit.

**5 Prohibition of carriage of dangerous goods**

- (1) Subject to paragraphs (2) and (3) a person shall not:
  - (a) deliver or cause to be delivered for carriage in, or
  - (b) take or cause to be taken on board;

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.
- (2) Subject to paragraph (3), these Regulations shall not apply to those dangerous goods specified in the Technical Instructions as being:
  - (a) for the proper navigation or safety of flight;
  - (b) to provide, during flight, medical aid to a patient;
  - (c) to provide, during flight, veterinary aid or a humane killer for an animal;
  - (d) to provide, during flight, aid in connection with search and rescue operations;
  - (e) permitted for carriage by passengers or crew members; or

(f) intended for use or sale during the flight in question.

(3)

(a) The goods specified in paragraph (2) shall only be carried provided they comply with the following sub-paragraphs and Part 8 and the applicable provisions in paragraphs 1.1.3 and 2.2 of Part 1 of the Technical Instructions.

(b) The goods specified in sub-paragraph (2)(a) shall only be carried if:

(i) they are required to be carried on an aircraft by or under the Air Navigation Order 2000 or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not, in either case, such goods are required to be carried or intended to be used on that particular flight;

(ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions;

(c) The goods specified in sub-paragraph (2)(b) and (2)(c) shall only be carried if:

(i) they are or may be required for use during the flight;

(ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods onto the aircraft in the intervening period before the commencement of that subsequent flight; or

(iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight;

(d) The goods specified in sub-paragraph (2)(e) shall only be carried by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions;

(e) The goods specified in sub-paragraph (2)(f) shall only be carried if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement, they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.

## PART III

# Operator's obligations

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### 6 Provision of information by the operator to crew etc.

(1)

(a) The operator of an aircraft flying for the purposes of public transport shall ensure that all appropriate manuals, including the Operations Manual, contain information about dangerous goods so that ground staff and crew members can carry out their responsibilities in regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.

(b) Where applicable, the operator shall ensure such information is also provided to his handling agent.

(2) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that, before the flight begins, the commander of the aircraft is provided with:

(a) written information about the dangerous goods as specified in paragraph 4.1 of Part 7 of the Technical Instructions; and

(b) information for use in responding to an in-flight emergency as specified in paragraph 4.8 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft which is involved in an aircraft accident or an aircraft incident in the United Kingdom shall notify the CAA without delay of any dangerous goods carried as cargo on the aircraft.

### 7 Acceptance of dangerous goods by the operator

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until such package, overpack or freight container has been inspected to determine that:

(a) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions;

(b) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions;

(c) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions;

- (d) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions;
  - (e) the package, overpack or freight container is not leaking or damaged so that the contents may escape.
- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.
- (3)
- (a) For the purpose of each of the inspections required by paragraphs (1) and (2) an acceptance check list shall be used and the results of the inspection shall be recorded thereon.
  - (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

## **8 Method of loading by the operator**

- (1) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions.
- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions.
- (3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers.

**9 Inspections by the operator for damage, leakage or contamination**

- (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device.
- (2) The operator of an aircraft in which dangerous goods are to be carried shall ensure a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it.
- (3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft.
- (4) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.
- (5) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

**10 Removal of contamination by the operator**

- (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.
- (2) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

## PART IV

# Shipper's responsibilities

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### 11 Shipper's responsibilities

- (1) Before consigning any dangerous goods for carriage by air the shipper shall ensure that:
  - (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;
  - (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;
  - (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;
  - (d) the goods are packed according to paragraphs 2.2 and 2.4 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3 and 4.4 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;
  - (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in paragraph 2.4 of Part 1, chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions;
  - (f) the package is in a fit condition for carriage by air;
  - (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.2 of Part 5 of the Technical Instructions;
  - (h) a dangerous goods transport document:
    - (i) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and

- (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods:
  - aa. are fully and accurately described;
  - bb. are correctly classified, packed, marked and labelled; and
  - cc. are in a proper condition for carriage by air;
- (iii) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph (h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 4.3 and 4.4 of Part 5 of the Technical Instructions.

## PART V

# Commander's obligations

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### **12 Commander's duty to inform air traffic services**

The commander of an aircraft carrying dangerous goods as cargo shall, in the event of an inflight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

## PART VI

# Training

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### 13 Provision of training

- (1) The shipper, and any agent thereof, shall ensure that before a consignment of dangerous goods is offered by him for carriage by air all persons involved in its preparation have received training as specified in Chapter 4 of Part 1 and paragraph 1.5 of Part 5 of the Technical Instructions, to enable them to carry out their responsibilities with regard to the carriage of dangerous goods by air.
- (2)
  - (a) A United Kingdom operator, and any agent thereof, shall ensure that all relevant staff involved with the carriage of passengers or cargo by air have received training which complies with sub-paragraphs (c) and (d).
  - (b) The operator of an aircraft shall ensure that the staff of his handling agent have received that training.
  - (c) The training shall be as specified in Chapter 4 of Part 1 and paragraph 4.9 of Part 7 of the Technical Instructions.
  - (d) The training has been granted a training approval under paragraph (8).
- (3)
  - (a) The agent for a non-United Kingdom operator shall ensure that all relevant staff involved with the carriage of passengers or cargo by air have received training which complies with sub-paragraphs (b) and (c).
  - (b) The training shall be as specified in Chapter 4 of Part 1 and paragraph 4.9 of Part 7 of the Technical Instructions.
  - (c) The training has been granted a training approval under paragraph (8).
- (4) The content of training programmes shall be as specified in Chapter 4 of Part 1 of the Technical Instructions.
- (5) Initial and recurrent training programmes shall be established and maintained by or on behalf of the shipper and any agent thereof, the operator of an aircraft if it is a United Kingdom operator and the agent of the operator whether the operator is a United Kingdom operator or a non-United Kingdom operator in accordance with paragraph 4.1 of Part 1 of the Technical Instructions and recurrent training shall take place not less than every two years.

- (6) Records of training shall be maintained as specified in paragraph 4.2 of Part 1 of the Technical Instructions.
- (7) No person shall offer or provide training required by this part of these Regulations unless:
  - (i) he has been granted a training instructor approval under paragraph (9); and
  - (ii) the training has been approved under paragraph (8); or
- (b) he is employed by a shipper or an agent thereof and the training is offered or provided to other employees of that shipper or agent; or
- (c) he is employed by a United Kingdom operator or by an agent of a United Kingdom operator or of a non-United Kingdom operator;
  - (i) the training has been approved under paragraph (8); and
  - (ii) the training is offered or provided to other employees of that United Kingdom aircraft operator or agent.
- (8) A training approval under this regulation shall be:
  - (a) granted by the CAA if it is satisfied that the form and content of the training is adequate for its purpose;
  - (b) in writing; and
  - (c) subject to such conditions as the CAA thinks fit, and may in particular include a condition requiring that the training be provided by a person who holds a training instructor approval granted by the CAA under paragraph (9).
- (9) A training instructor approval under this regulation shall be:
  - (a) granted by the CAA if it is satisfied that the person is competent to carry out the training specified in the approval granted under paragraph (8);
  - (b) in writing; and
  - (c) subject to such conditions as the CAA thinks fit.

**PART VII****Provision of information to passengers and in respect of cargo**

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**14 Provision of information to passengers**

- (1) An airport operator and the operator of an aircraft flying for the purpose of public transport of passengers or his agent shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of public transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose:
  - (a) at each of the places at an airport where tickets are issued;
  - (b) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and
  - (c) at any location where a passenger may be checked in.
- (2) The operator of an aircraft flying for the purpose of the public transport of passengers or his agent shall ensure that passengers are warned as to the type of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them either by providing information with each passenger ticket, sufficient in prominence for this purpose, or by some other appropriate means such that passengers receive a warning in addition to that required by paragraph (1).
- (3) Any person who, in the United Kingdom, makes available flight accommodation shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of public transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose at any place where flight accommodation is offered for sale.

**15 Provision of information in respect of cargo**

The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

**PART VIII****Documents and records, enforcement powers and general**

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**16 Keeping of documents and records**

- (1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 7(2) and the written information to the commander required by regulation 6(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.
- (2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months:
  - (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 7(2);
  - (b) the record of any acceptance check list completed in accordance with regulation 7(3); and
  - (c) the written information to the commander as required by regulation 6(2)(a).
- (3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

**17 Production of documents and records**

- (1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person:
  - (a) the written approval referred to in regulation 4(1);
  - (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 7(2);
  - (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 7(3); and
  - (d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in regulation 6(2)(a).

- (e) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

## **18 Powers in relation to enforcement of the Regulations**

- (1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.
- (2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.
- (3)
  - (a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the CAA considers necessary in all the circumstances and shall be disposed of in such manner as the CAA considers appropriate in all the circumstances.
  - (b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively:
    - (i) for use as evidence at a trial for an offence; or
    - (ii) for forensic examination or for investigation in connection with an offence.
- (4)
  - (a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the CAA for the item to be released to him.
  - (b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.
  - (c) The function of deciding a case where such an application as is referred to in subparagraph (a) has been made is hereby prescribed for the purposes of section 7(1) of the Civil Aviation Act 1982: and for the purpose of

making any decision in such a case a quorum of the CAA shall be one member.

- (d) Where the CAA is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings it shall arrange for the goods concerned to be returned to the applicant.
- (5) Where further retention of goods is, in the opinion of the CAA no longer necessary and no application has been made under paragraph (4) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the CAA.

## **19 Occurrence reporting**

- (1) A United Kingdom operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage, wherever it occurs, is reported to the CAA.
- (2) A non-United Kingdom operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage which occurred in the United Kingdom is reported to the CAA.
- (3) A report required under paragraph (1) or (2) shall contain such of the following information as is appropriate to the occurrence:
  - (a) date of the occurrence;
  - (b) location of the occurrence, flight number and flight date;
  - (c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket;
  - (d) proper shipping name (including the technical name, if applicable);
  - (e) UN/ID number;
  - (f) class or division in accordance with the Technical Instructions and any subsidiary risk(s);
  - (g) type of packaging and the packaging specification marking;
  - (h) quantity of dangerous goods;
  - (i) name and address of the shipper or passenger;
  - (j) suspected cause of the occurrence;
  - (k) action taken;

- (l) any other reporting action taken;
  - (m) name, title, address and contact number of the reporter;
  - (n) any other relevant details.
- (4)
- (a) Subject to sub-paragraph (b) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the CAA may approve, and by the quickest available means to the CAA within 72 hours of the occurrence coming to the knowledge of the person making the report.
  - (b) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the CAA in writing, or in such other form as the CAA may approve, and by the quickest available means within 72 hours of the information coming into his possession.
- (5) Nothing in this regulation shall require a person to report any occurrence which he has reported under article 117 of the Air Navigation Order 2000 or which he has reason to believe has been or will be reported by another person to the CAA in accordance with that article.

## **20 Dropping articles for agricultural, horticultural, forestry or pollution control purposes**

Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

## **21 Police aircraft**

Nothing in these Regulations other than regulation 4(1)(a) shall apply to the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Signed by authority of the Secretary of State for Transport

**John Spellar**

Minister of State,  
Department for Transport

11th November 2002

## Schedule

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### Regulations revoked – regulation 2

	References
The Air Navigation (Dangerous Goods) Regulations 1994	S.I. 1994/3187
The Air Navigation (Dangerous Goods) (Amendment) Regulations 1996	S.I. 1996/3100
The Air Navigation (Dangerous Goods) (Second Amendment) Regulations 1997	S.I. 1997/2666
The Air Navigation (Dangerous Goods) (Third Amendment) Regulations 1998	S.I. 1998/2536
The Air Navigation (Dangerous Goods) (Fourth Amendment) Regulations 2001	S.I. 2001/918