Draft Order in Council laid before Parliament under Section 102(3) of the Civil Aviation Act 1982 for approval by resolution by each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

CIVIL AVIATION

The Air Navigation (Environmental Standards) Order 2001

Laid before Parliament in draft

Made - - - - 2001
Coming into force in accordance with article 1 2001

At the Court at , the day of 2001

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament, in accordance with section 102(3) of the Civil Aviation Act 1982(**1**):

Now, therefore Her Majesty, in exercise of the powers conferred upon Her by sections 60(1), (2)(a) and (b), (3)(q)(r), 61(1), 101(1)(a) and 102(1) and (2) of the said Act and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

PART I

Preliminary

Citation and commencement

1. This Order may be cited as the Air Navigation (Environmental Standards) Order 2001 and shall come into force on the tenth day after the date on which it is made.

(**1**) 1982 c. 16.

Revocation

2. The Orders specified in Schedule 1 are hereby revoked.

Interpretation

3.—(1) In this Order—

"adversely" means, for the purpose of the definition of "derived version" an increase by more than 0.3dB to any one of the noise certification levels;

"aircraft type certificate" means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for airworthiness certification;

"authorised person" means any constable and any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"derived version" means an aircraft which, from the point of view of airworthiness, is similar to the aircraft in respect of which a noise type certificate has been granted but incorporates changes in type design which may affect its noise characteristics adversely;

"jet aeroplane" means an aeroplane powered by turbo jet engines or turbo fan engines;

"Mircolight aeroplane" means an aeroplane designed to carry not more than two persons which has:

(a) a maximum total weight authorised not exceeding:

(b) 300 kg for a single seat landplane (or 390 kg for a single seat landplane in respect of which a United Kingdom permit to fly or certificate of airworthiness was in force prior to 1st January 2003),

(ii) 450 kg for a two seat landplane,

(iii) 330 kg for a single seat amphibian or floatplane, or

(iv) 495 kg for a two seat amphibian or floatplane; and

(f) either a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre or a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

"noise certificate" means a certificate issued by the CAA in accordance with article 5 or a certificate or other document issued or validated in accordance with article 4;

"noise type certificate" means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for noise certification;

"prescribed" means prescribed by regulations made by the Secretary of State under this Order;

"rated output" has the meaning specified in Part I, Chapter 1 of Volume II of Annex 16;

"smoke" means the carbonaceous materials in exhaust emissions which obscure the transmission of light;

"subsonic aeroplane" means an aeroplane which is incapable of sustaining level flight at a speed in excess of flight mach 1.0;

"supersonic aeroplane" means an aeroplane which is capable of sustaining level flight at a speed in excess of flight mach 1.0;

Volume I of Annex 16 means the third edition—July 1993 of Volume I of Annex 16 to the Chicago Convention as amended by Amendment 6 dated 4th November 1999(**2**);

(**2**) This Annex was published by the International Civil Aviation Organisation.

Volume II of Annex 16 means the second edition—July 1993 of Volume II of Annex 16 to the Chicago Convention as amended by Amendment 3 dated 20th March 1997, Amendment 4 dated 4th November 1999, Supplement dated 31st December 1994 and Amendment to Supplement dated 25th March 1999.

(2) Other expressions used in this Order and in the Air Navigation Order 2000(**3**) shall have the same meaning in this Order as they have in that Order.

PART II

Noise Certification

Requirement for noise certificate

4.—(1) This article shall apply to every aircraft of a description specified in column 1 of the Table in Schedule 2.

(2) An aircraft to which this article applies shall not land or take off in the United Kingdom unless:

(a) there is in force in respect of that aircraft a noise certificate:

(i) issued by the CAA in accordance with article 5; or

(ii) in the case of a microlight aeroplane:

(aa) issued or validated by the competent authority of the country in which the aircraft is registered, being an EEA State which applies standards which are substantially equivalent to those required for the issue of a noise certificate by the CAA; or

(bb) issued or validated by the competent authority of the country in which the aircraft is registered, being a country prescribed as one which applies standards which in the opinion of the Secretary of State are substantially equivalent to those required for the issue of a noise certificate by the CAA; or

(iii) (except in the case of a microlight aeroplane) issued or validated by the competent authority of the Contracting State in which the aircraft is registered in accordance with the Chicago Convention; and

(b) any conditions subject to which the certificate was issued or validated are complied with.

(3) The foregoing prohibition shall not apply to:

(a) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Part A of Schedule 3 to the Air Navigation Order 2000; or

(b) an aircraft landing or taking-off at a prescribed place.

Issue of noise certificate by the Civil Aviation Authority and validity of noise certificate

5. (1) (a) The CAA shall issue a noise certificate in respect of any aircraft registered in the United Kingdom described in Column 1 of the Table in Schedule 2 if it is satisfied that the aircraft complies with the applicable standards specified or referred to in Column 2 of that Table in relation to the noise made by the aircraft.

(b) For the purposes of sub-paragraph (a) the applicant for a certificate shall furnish such evidence and submit the aircraft to such flying trials and other tests as the CAA may require.

(**3**) S.I.2000/1562, to which there are amendments not relevant to this Order.

(2) Except in respect of a microlight aeroplane, the CAA shall issue every noise certificate subject to a condition as to the maximum total weights at which the aircraft may land or take-off and may issue such a certificate subject to such other conditions relating to standards as to noise as it thinks fit.

(3) Subject to paragraph (4) and article 16, a noise certificate issued under this article shall remain in force without limit of time.

(4) A noise certificate issued under this article shall cease to be valid for the purposes of article 4:

(a) if the aircraft or any part of it is modified in any way which affects the ability of the aircraft to comply with the noise standards required by this Order, except if such modification is in a manner and with material of a type approved by the CAA for the purposes of this Part of this Order either generally or in relation to a class of aircraft or to a particular aircraft;

(b) until the satisfactory completion of any inspection or test of the aircraft required by the CAA to be made for the purpose of ascertaining whether the aircraft continues to comply with the noise standards required by this Order.

(5) For the purposes of determining the noise standard applicable to an aircraft where the interval between:

(a) the application for a type certificate and the first issue of a certificate of airworthiness for an aircraft of that type, or

(b) the application for a change of type design and the first issue of a certificate of airworthiness for an aircraft of that type as modified,

exceeds 5 years, the date on which the application for a type certificate or a change of type design was made shall, unless the CAA in a particular case otherwise directs, be deemed to be 5 years before the date of the first issue of the certificate of airworthiness.

Information to be included in flight manual

(a) (a) This article shall apply to any aircraft (other than a microlight aeroplane) first registered in the United Kingdom on or after 1st August 1986 in respect of which by virtue of this Order a noise certificate is required to be carried.

(b) An aircraft to which this article applies shall not fly unless the flight manual in respect of that aircraft includes the information specified in Part II, Chapter 1 of Volume I of Annex 16.

Exemptions in respect of Part II of this Order

7. The CAA, after consultation with the Secretary of State, may exempt from any of the provisions of this Part of this Order any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

PART III

Emissions Certification

Fuel venting requirements

8.—(1) This article shall apply to—

(a) every jet aircraft in respect of which a certificate of airworthiness was first issued on or after 18th February 1982; and

(b) every aircraft to which paragraph (1)(a) does not apply but which is powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 18th February 1982.

(2) Subject to article 12, an aircraft to which this article applies shall not land or take-off in the United Kingdom unless it individually or is of a type which has been certified in accordance with article 11 as complying with the requirements relating to fuel venting specified in paragraph (3) and it is fitted with the engines specified in the emissions certification issued under article 11.

(3) The requirements referred to in paragraph (2) are that the aircraft is individually or is of a type which, when fitted with the type of engine specified in the emissions certification designed and constructed to prevent the intentional discharge into the atmosphere of liquid fuel from the fuel nozzle manifolds resulting from the process of engine shutdown following normal flight or ground operations.

Smoke emission requirements

9.—(1) This article shall apply to—

(a) every subsonic aeroplane powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 1st January 1983; and

(b) every supersonic aeroplane powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 18th February 1982.

(2) Subject to article 12, an aeroplane to which this article applies shall not land or take-off in the United Kingdom unless every engine of the description contained in paragraph (1) which is fitted to the aeroplane is of a type which has been certified in accordance with article 11 as complying with requirements relating to smoke emission specified in paragraph (3).

(3) The requirements referred to in paragraph (2) are—

(a) for turbojet engines or turbofan engines fitted to subsonic aeroplanes those specified in Part III, Chapter 2 of Volume II of Annex 16; and

(b) for turbojet engines or turbofan engines fitted to supersonic aeroplanes those specified in Part III, Chapter 3 of Volume II of Annex 16.

Unburned hydrocarbons, carbon monoxide and oxides of nitrogen emission requirements

10.—(1) Subject to paragraph (4) this article shall apply to—

(a) every turbojet engine and every turbofan engine intended for the propulsion of aeroplanes only at subsonic speeds the rated output of which is greater than 26.7 kilonewtons and the date of manufacture of which was on or after 1st January 1986;

(b) every turbojet engine and every turbofan engine intended for the propulsion of aeroplanes at supersonic speeds, the date of manufacture of which was on or after 18th February 1982; and

(c) every aeroplane which is powered by one or more than one turbojet engine or turbofan engine described in sub-paragraphs (a) or (b).

(2) Subject to paragraph (4) and article 12, an aeroplane to which this article applies shall not land or take-off in the United Kingdom unless every engine of the description contained in paragraph (1)(a) or paragraph (1)(b) which is fitted to the aeroplane is of a type which has been certified in accordance with article 11 as complying with the requirements specified in paragraph (3) relating to the emission of unburned hydrocarbons, carbon monoxide and oxides of nitrogen.

(3) The requirements referred to in paragraph (2) are—