

Subsidiary Legislation made under s.16.

## **Civil Aviation (Rules of the Air) Regulations 2014**

### **LN.2014/256**

<i>Amending enactments</i>	<i>Relevant current provisions</i>	<i>Commencement date</i>
		<b>18.12.2014</b>
LN. 2015/192	r. 3(2)(c)	15.10.2015

#### **EU Legislation/International Agreements involved:**

Regulation (EC) No 1794/2006  
Regulation (EC) No 730/2006  
Regulation (EC) No 1033/2006  
Regulation (EC) No 1265/2007  
Regulation (EU) No 255/2010  
Regulation (EU) No 1035/2011  
Regulation (EU) No 923/2012

**2009-05**

Civil Aviation

**2014/256**

**Civil Aviation (Rules of the Air) Regulations 2014**

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**ARRANGEMENT OF REGULATIONS**

Regulation

1. Title and commencement.
2. Rules of the Air.
3. Offences.
4. Penalties.
5. Revocation.
6. Savings and Transitional Provisions.

**SCHEDULE**

*In exercise of the powers conferred on it by section 16 of the Civil Aviation Act 2009 and of all other enabling powers, and in order to implement Commission 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, the Government has made the following Regulations.*

**Title and commencement.**

1. These Regulations may be cited as the Civil Aviation (Rules of the Air) Regulations 2014 and come into operation on the day of publication.

**Rules of the Air.**

2. The Rules of the Air set out in the Schedule shall have effect and may be cited as the Rules of the Air 2014.

**Offences.**

3.(1) Subject to sub-regulations (2) and (3), it is an offence to contravene, to permit the contravention of, or to fail to comply with the Rules of the Air 2014.

(2) It is lawful for the Rules of the Air 2014 to be departed from to the extent necessary for—

- (a) avoiding immediate danger;
- (b) complying with the law of any country other than Gibraltar within which the aircraft then is; or
- (c) complying with MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17 December 2014 and updated on 1 April 2015) and Regulatory Articles 2000 Series Flying Regulations (as published on 11 November 2014 and updated on 21 April 2015) published by the Military Aviation Authority on behalf of the Secretary of State, both as amended from time to time.

(3) It is lawful for the Rules of the Air 2014 to be departed from by an aircraft of which the commander is acting as such in the course of the commander's duty as a member of any of Her Majesty's naval, military or air forces.

(4) If any departure from the Rules of the Air 2014 is made for the purpose of avoiding immediate danger, the commander of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given within 10 days of

the departure to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Director.

**Penalties.**

4.(1) If any provision of the Rules of the Air 2014 or regulation 3(4) is contravened in relation to an aircraft, the operator of that aircraft and the commander shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of the Rules of the Air 2014 or regulation 3(4) was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of the Rules of the Air 2014 or regulation 3(4) by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of the Rules of the Air 2014, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) If a person contravenes regulation 3(4) that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Revocation.**

5. The Civil Aviation (Rules of the Air) Regulations 2009 are revoked.

**Savings and Transitional Provisions.**

6.(1) Proceedings for an offence under the Civil Aviation (Rules of the Air) Regulations 2009 ("the Rules of the Air 2009") that had been commenced before the commencement of these Regulations must continue under the Rules of the Air 2009 as if they had not been revoked.

(2) If proceedings for an offence committed under the Rules of the Air 2009 have not been commenced at the commencement of these Regulations—

- (a) if there is an equivalent offence under these Regulations – proceedings must be brought under these Regulations;
- (b) if there is no equivalent offence – proceedings cannot be brought.

**SCHEDULE****SECTION 1****Interpretation****Interpretation.**

1.(1) Subject to paragraph (2), in these Rules the definitions contained in the Regulations apply.

(2) In these Rules—

- (a) “anti-collision light” means—
  - (i) in relation to rotorcraft, a flashing red light;
  - (ii) in relation to any other aircraft, a flashing red or flashing white light, in either case showing in all directions;
- (b) “BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;
- (c) “Regulations” means the Civil Aviation (Air Navigation) Regulations 2009;
- (d) “SERA” means Annex 1 of the Standardised European Rules of the Air Regulation;
- (e) other expressions used in these Rules have the same meaning as in SERA (as amended from time to time).

**SECTION 2****Applicability and Compliance****Application of Rules to aircraft.**

2. These Rules, insofar as they apply to aircraft, apply to all aircraft within Gibraltar and in or over BGTW.

**Permissions.**

3. Wherever in these Rules there is provision for an authorisation or permission to be granted for the purposes of a rule by the Director, 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 any class of aircraft, person or vehicle; and
- (b) subject to such conditions as the Director thinks fit.

**SECTION 3**

**General Rules and Collision Avoidance  
Sub-section 1**

Protection of Persons and Property

**Aerobatic flights.**

4. Aerobatic flight is not permitted—

- (a) over any congested area of Gibraltar; or
- (b) within controlled airspace, other than with the consent of the appropriate air traffic control unit.

**Formation flights.**

5. For the purposes of SERA.3135 (d), military aircraft flying in formation must be flown at a distance not exceeding 1 nautical mile laterally and longitudinally and 30 metres vertically from the leading aircraft in the formation.

**Landing and taking off within congested areas and near open-air assemblies of more than 1,000 persons.**

6.(1) For the purposes of SERA.3105 an aircraft must not take off or land within a congested area except—

- (a) at Gibraltar Airport in accordance with procedures notified by the Director; or
- (b) at any other landing site in accordance with the permission of the Director.

(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 at Gibraltar Airport.

**Test flying over congested areas.**

7.(1) Subject to paragraph (2), an aircraft to which this rule applies must not fly over a congested area of Gibraltar 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 Director has given his written permission for a 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.

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

8.(1) An aircraft must not take off with tow ropes, banners or similar articles towed by it at Gibraltar Airport except in accordance with arrangements made with the air traffic control unit at Gibraltar Airport.

(2) Tow ropes, banners or similar articles towed by aircraft must not be picked up by or dropped from an aircraft at Gibraltar Airport except in accordance with arrangements made with the air traffic control unit at Gibraltar Airport.

**SUB-SECTION 2**



**Avoidance of Collisions****Avoiding aerial collisions.**

9. For the purposes of SERA.3201 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.**

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

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

**Landing and take-off.**

11.(1) Subject to paragraph (3), a flying machine or glider must not land on a runway at Gibraltar Airport if there are other aircraft on the runway.

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

(3) Paragraphs (1) and (2) do not apply if the air traffic control unit at Gibraltar Airport otherwise authorises the flying machine or glider.

**Flight within 2 nautical miles of Gibraltar Airport.**

12.(1) Paragraphs (2) and (3) apply only in relation to Gibraltar Airport within the times notified under regulation 83 of the Regulations.

(2) An aircraft must not fly, take-off or land within 2 nautical miles of Gibraltar Airport unless the commander of the aircraft has obtained the permission of the air traffic control unit at Gibraltar Airport to enable the flight to be conducted safely within that area.

(3) The commander of an aircraft flying within 2 nautical miles of Gibraltar Airport must—

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at Gibraltar Airport; 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 his position and height to the air traffic control unit at Gibraltar Airport on entering and immediately prior to leaving that area.

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

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

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

**Right of way on the ground.**

14.(1) This rule applies to flying machines and vehicles on any part of Gibraltar Airport provided for the use of aircraft and under the control of the person in charge of that part of the airport.

(2) The commander of a flying machine who is on board the flying machine must take all possible measures to ensure that the flying machine does not collide with any other aircraft or vehicle or with any obstacle.

(3) Where a flying machine is being towed on the ground and the commander of the flying machine is not on board, the person in charge of the vehicle towing the flying machine must take all possible measures to ensure that the aircraft does not collide with any other aircraft or vehicle or with any obstacle.

(4) On the apron—

- (a) vehicles, including vehicles towing aircraft, must give way to taxiing aircraft;
- (b) vehicles not towing aircraft must give way to vehicles towing aircraft; and
- (c) notwithstanding paragraphs (a) and (b), vehicles, including vehicles towing aircraft, must comply with instructions issued by the air traffic control unit at Gibraltar Airport.

**Failure of navigation and anti-collision.**

15.(1) If any light required 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 to display two black balls.**

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—

- (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.

**SUB-SECTION 3**

Signals

**Aerodrome Visual Signals and Markings.**

17. Within Gibraltar 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 Gibraltar Airport; or
- (c) at any other place which is being used by aircraft for landing or take-off,

has the meaning assigned to it in this Sub-Section.

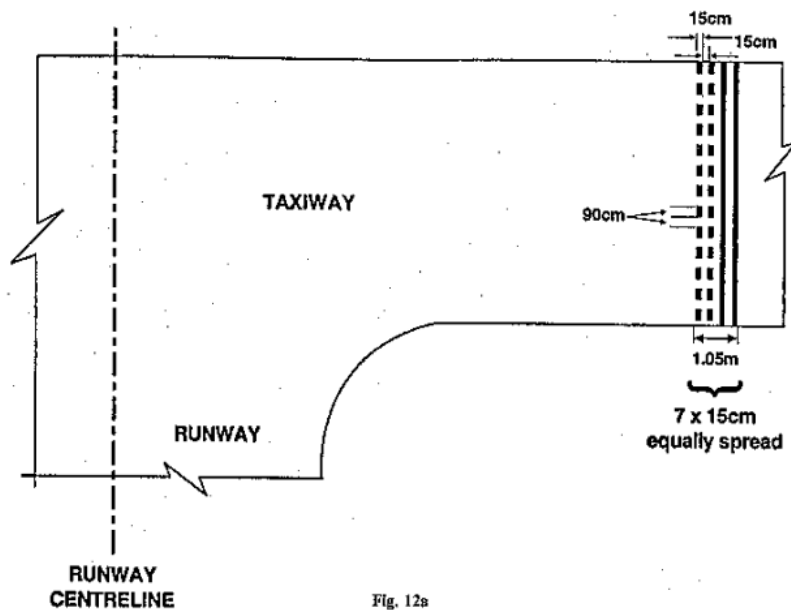
**Misuse of signals and markings.**

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.3215; 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 continuous lines, as illustrated on the right hand side of this diagram—



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

(2) Outside the notified hours of watch of that unit the markings referred to in paragraph (1) signify the position closest to the runway beyond which no part of a flying machine or vehicle may 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), two yellow parallel lines 1.2m apart with yellow horizontal bars being 3m apart from each other, as illustrated on the right hand side of this diagram—

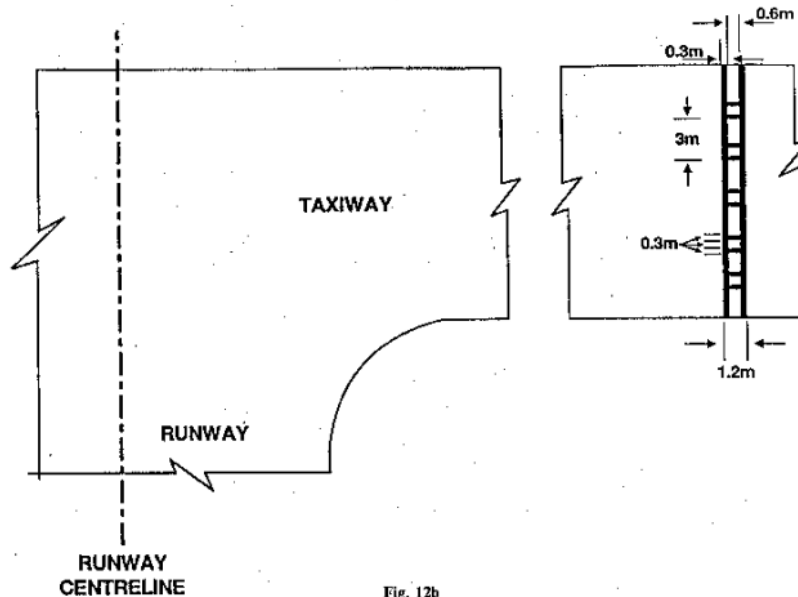
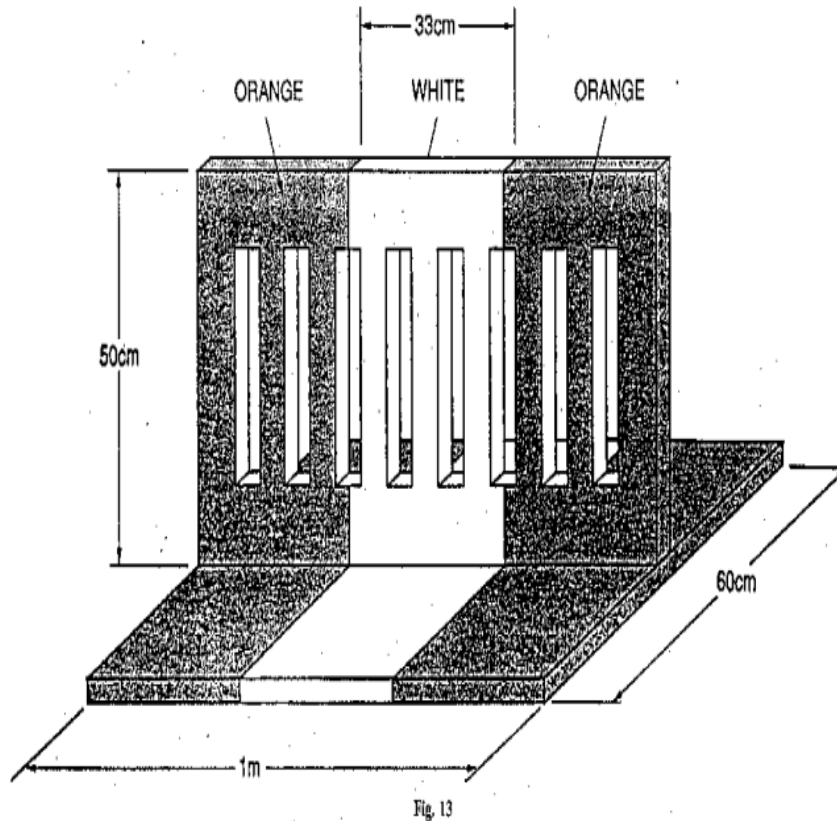


Fig. 12b

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

(4) Outside the notified hours of watch of that unit 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 this diagram—



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

#### SECTION 4

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

##### Classification of airspaces and rules for flight.

20. All aircraft must be flown in accordance with the requirements for flight in airspace that has been notified in accordance with the airspace classifications and flight rules specified in SERA.6001 and in Appendix 4 of SERA.

##### Use of radio navigation aids.

21.(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 the air traffic control unit at Gibraltar Airport.

**Air traffic control clearance in Class D or Class E airspace.**

22.(1) An aircraft without radio equipment must not fly in Class D airspace during the notified hours of watch of the air traffic control unit at Gibraltar Airport unless it has been authorised 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 may not fly in Class E airspace during the notified hours of watch of the air traffic control unit at Gibraltar Airport unless it has been authorised by that 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 notified 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.
  - (d) comply with any conditions or requirements specified by the air traffic control unit at Gibraltar Airport.