

STATUTORY INSTRUMENTS

S.I. No. 856 of 2004

IRISH AVIATION AUTHORITY

(AIR TRAFFIC CONTROL STANDARDS) ORDER, 2004

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IRISH AVIATION AUTHORITY**(AIR TRAFFIC CONTROL STANDARDS) ORDER, 2004****S.I. No. 856 of 2004**

The Irish Aviation Authority in pursuance of Sections 5, 14, 58, 59 and 60 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended by the Air Navigation and Transport Act, 1998 (No. 24 of 1998) and the Aviation Regulation Act, 2001 (No. 1 of 2001) hereby orders:

1. (1) This Order may be cited as the Irish Aviation Authority (Air Traffic Control Standards) Order, 2004.

(2) This Order shall come into effect on the 1st day of March, 2005.

2. In this Order:

“the Act” means the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended;

“aerodrome” has the meaning assigned to it in the Act and includes an aerodrome licensed in accordance with the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 2000 (S.I. No. 334 of 2000);

“aeronautical information system” means the integrated aeronautical information package as defined in the Tenth Edition of Annex 15 to the Convention (International Standards and Recommended Practices – Aeronautical Information Services) at Amendment 31;

“air traffic control service” means a service provided for the purpose of:

- (a) preventing collisions between aircraft, and on the manoeuvring area, between aircraft and obstructions, and
- (b) expediting and maintaining an orderly flow of air traffic;

“the Chicago Convention” has the meaning ascribed to it in the Act;

“the Convention” means the Chicago Convention;

“flight information service” means a service provided by a person qualified in accordance with the Personnel Licensing Order for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

“the Personnel Licensing Order” means the Irish Aviation Authority (Personnel Licensing) Order, 2000 (S.I. No. 333 of 2000) as amended;

“the person in charge of an aerodrome” means, in the case of a licensed aerodrome, the licensee and, in the case of any other aerodrome, the owner or lessee of the property concerned.

Provision of Air Traffic Services

3. In the case of an aerodrome in respect of which there is equipment for providing a holding aid, let-down aid or approach aid by radio communication or signals or by radar, the person in charge of that aerodrome shall:
 - (a) inform the Authority and the users of that aerodrome in advance by means of the aeronautical information system of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person; and
 - (b) during any period and at such times as are notified, cause an air traffic control service to be provided at that aerodrome;
 - (c) ensure that any call sign, where the aerodrome has been provided with a means of two-way radio communication, is not used for a purpose other than that for which the call sign has been notified.
4.
 - (1) A person in charge of the provision of an air traffic control service shall not provide such a service in respect of an aerodrome or generally in respect of airspace specified in section 14 of the Act or in respect of an area of airspace within that airspace otherwise than under and in accordance with the terms of an air traffic control approval certificate granted to that person by the Authority;
 - (2) The Authority may grant an air traffic control approval certificate if it is satisfied that the applicant is competent, having regard to that applicant's organisation, staffing, equipment and systems and their maintenance and other arrangements to provide such a service which is safe for use by aircraft;
 - (3) An air traffic control approval certificate may be granted subject to such conditions and requirements as the Authority thinks fit and shall, unless suspended or revoked, remain in force for the period specified in the approval certificate;
 - (4) The holder of an approval certificate under this article to provide an air traffic control service at any place shall not:
 - (a) permit a person to act as an air traffic controller in the provision of the service unless that person is the holder of a current air traffic controller licence appropriately rated for the service to be provided at that place in accordance with the Personnel Licensing Order, if required by that Order;
 - (b) provide an air traffic control service unless that service is provided in accordance with:
 - the Standards specified in the [Thirteenth] Edition of Annex 11 to the Convention (International Standards and Recommended Practices – Air Traffic Services), and
 - such of the Recommended Practices of Annex 11 as are required pursuant to a direction under this Article and Article 7 of this Order, and
 - insofar as possible the other Recommended Practices of Annex 11, and

- such procedures as are specified in a manual of air traffic services, incorporating the Standards and Recommended Practices specified above, in respect of that place.
- (5) The manual of air traffic services referred to in sub-paragraph (b) of paragraph 4 above shall be produced to the Authority on request and shall incorporate such amendments and additions as the Authority may from time to time require.

Fees

5. An application to the Authority for an approval certificate pursuant to Article 4 of this Order shall be in writing and shall be accompanied by the appropriate fee which shall be determined from time to time by the Authority.

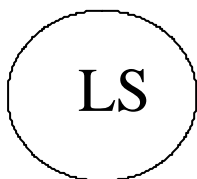
Directions for the provision of Air Traffic Services

6. (a) The Authority may, in the interests of safety, direct the person in charge of an aerodrome or, more generally, a person in charge of the provision of air traffic services that there shall be provided in respect of that aerodrome or a specified area of airspace such an air traffic control service, a flight information service or a means of two-way radio communication as the Authority considers appropriate and specifies in such a direction;
- (b) The Authority may specify in a direction under this Order the periods during which, the manner in which and the area of airspace within which, such service or such means shall be provided;
- (c) The person who has been directed in accordance with paragraph (a) or (b) of this Article shall cause such a service or means to be provided in accordance with that direction.

Directions under the Order

7. (1) The Authority may give directions for carrying out the purposes of this Order and may exempt a person from any provision of this Order subject to any conditions specified which shall be complied with by that person;
- (2) Directions under this Order may be given in the form of Aeronautical Notices or Aeronautical Information Circulars or by notice sent by registered post to the person affected.

**Given under the common seal of the Irish Aviation Authority this
15th day of December, 2004.**



Frank Conway Director

Neil Branagan Director

EXPLANATORY NOTE

(This Note is not part of the Order and does not purport to be a legal interpretation)

This Order formalises the requirement to provide air traffic control services in the State in accordance with an approval certificate issued by the Authority and in accordance with the Standards of and as far as possible and where required, the Recommended Practices of Annex 11 to the Chicago Convention. It also introduces a provision to enable the Authority to require such services by direction at an aerodrome or in specified airspace where the Authority considers they should be provided in the interests of safety.