

STATUTORY INSTRUMENTS

S.I. No. 855 of 2004

IRISH AVIATION AUTHORITY

(AIR TRAFFIC SERVICE SYSTEMS) ORDER, 2004

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IRISH AVIATION AUTHORITY
(AIR TRAFFIC SERVICE SYSTEMS) ORDER, 2004

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The Irish Aviation Authority, in exercise of the powers conferred on it by 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 (Amendment) Act, 1998 (No. 24 of 1998), the Aviation Regulation Act, 2001 (No. 1 of 2001) and the State Airports Act, 2004 (No. 32 of 2004) hereby orders as follows:

Title and Commencement

1. (1) This Order may be cited as the Irish Aviation Authority (Air Traffic Service Systems) Order, 2004.
- (2) This order shall come into operation on the 1st day of March 2005.
- (3) This Order shall not apply to air traffic service systems operated by and under the control of the Minister for Defence.

Definitions

2. (1) 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 radio station”, for the purposes of this Order, means a radio station using one or more ground based aeronautical telecommunications systems, including radio and radar navigational and approach aids, which are required to conform to the applicable international standards, recommended practices and procedures for air navigation services as specified in Annex 10 (Aeronautical Telecommunications) to the Chicago Convention as amended or replaced from time to time and published by the International Civil Aviation Organisation;

“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;

“air traffic service systems”, for the purposes of this Order, means ground based equipment and systems as listed in the Schedule to the Order, including an aeronautical radio station, used or intended to be used in connection with the provision of air traffic services to an aircraft in flight or on the ground and which requires an approval under this Order but excluding a public electronic communications network;

“the Authority” means the Irish Aviation Authority;

“authorised officer of the company” means any person, or any person belonging to a class of persons, authorised in writing by the Authority to exercise the powers conferred on an authorised officer of the company by this Order;

“certificate of compliance” means a document issued by the Authority certifying that the facilities listed thereon as provided by the licensee subject to the provisions of this Order are adequate for the achievement and maintenance of a satisfactory level of air navigation safety, provided that any such facility is operated and maintained to approved standards;

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

“the Convention” means the Chicago Convention;

“licensed aerodrome” means an aerodrome in respect of which the Authority has granted a licence authorising its use under such conditions as it thinks fit, and specified in the licence.

(2) **Revocations**

- (i) The Irish Aviation Authority (Aeronautical Radio and Radar Equipment) Order, 2001 (S.I. No. 565 of 2001) is hereby revoked;
- (ii) Notwithstanding the revocation of the Irish Aviation Authority (Aeronautical Radio and Radar Equipment) Order, 2001 (S.I. No. 565 of 2001), every direction given and every certificate of compliance issued or validated under that Order and in force at the commencement of this Order shall continue in force and shall be deemed for all purposes to have been given, issued or validated under this Order until withdrawn or amended or until the expiry of any period of validity specified therein.

Regulation of Radio and Radar Equipment

3. Nothing in these Regulations shall remove any obligation to ensure that any radio equipment held or used in an air traffic service system shall be licensed by the Commission for Communications Regulation under the Wireless Telegraphy Acts, 1926 to 1996 and the Communications Regulation Act, 2002, or any Regulations made by said Commission under those Acts.

Approval of Air Traffic Service Systems

4. (1) A person shall not cause or permit an air traffic service system to be established or used in the State otherwise than under and in accordance with an approval issued by the Authority to the person in charge of the system concerned.
- (2) An approval may be granted by the Authority pursuant to paragraph (1) when it is satisfied:
 - (a) as to the intended purpose of the system and the suitability of the system for its intended purpose;
 - (b) that the equipment thereof is of a type the specification of which is approved by the Authority in relation to the purpose for which it is to be used and is compliant with the applicable Standards of Annexes to the Convention;
 - (c) as to the competence of the person or persons using or proposing to use the system or for the operation thereof;
- (3) The Authority may license or approve a person to operate an air traffic service system or to provide particular services associated with the approved system subject to such requirements as are specified by the Authority.
- (4) The person in charge of an air traffic service system, the purpose of which is to provide air traffic services, including communications, navigational aid or surveillance services by radio or radar to an aircraft in flight or making an approach to land at or landing at an aerodrome, shall not cause or permit that air traffic service system to provide such services unless the air traffic service system is:
 - (a) installed, modified, maintained and operated in a manner approved by the Authority, and
 - (b) where required by the Authority, flight checked for correct functioning by a person approved by the Authority for that purpose on such occasions as the Authority may require.
- (5) The person in charge of an air traffic service system at an aerodrome for which a licence for public use has been granted by the Authority shall cause to be notified to the Authority in relation to that air traffic service system the type and hours of operation of any service which is available for use by an aircraft, and in approving the purpose for which an air traffic service system is to be used at any other aerodrome, the Authority may, if it thinks fit, require the person in charge of that air traffic service system to cause such information as aforesaid to be notified to it.

Requirements as regards Records of Air Traffic Service Systems

5. (1) The person in charge of an air traffic service system, the purpose of which is to provide navigational aid by radio or radar to an aircraft in enroute flight or making an approach to land at or landing at an aerodrome, shall, in respect of the air traffic service systems operated by or under the responsibility of that person:
- (a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modifications thereof, and
 - (b) preserve the written record for the life of the equipment or such longer period as the Authority may in a particular case direct and shall, within a reasonable time, and not more than 30 days after being requested to do so by an authorised person, produce such record to that person.
- (2) The person in charge of an air traffic service system which is used for the provision of an air traffic control service shall provide equipment which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft either alone or in common with other aircraft or received from any aircraft by the air traffic control service and of primary and secondary radar surveillance systems data used as an aid to that service.
- (3) The equipment provided in compliance with paragraph (2) of this Article shall be:
- (a) of a type the specification of which is approved by the Authority in relation to the particular air traffic service system,
 - (b) installed, modified and maintained in a manner approved by the Authority, and
 - (c) in operation at all times when the air traffic service system concerned is in operation for providing an air traffic control service.
- (4) The person in charge of an air traffic service system shall ensure that each record made by the equipment provided in compliance with paragraph (2) of this Article includes:
- (a) the identification of the air traffic service system or aeronautical radio station concerned,
 - (b) the date or dates on which the record was made,
 - (c) the means of determining the time at which each message or signal was transmitted,
 - (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received, and
 - (e) the time at which the record started and finished.

- (5) In the event of the equipment provided in compliance with paragraph (2) of this Article ceasing to be capable of recording the matters required by this Article to be included in the record, the person in charge of an air traffic service system shall ensure that action is taken immediately to repair or replace that recording equipment with equipment capable of complying with paragraph (2) of this Article for the period of time the equipment provided in compliance with paragraph (2) of this Article ceases to be capable of recording the matters required by this Article to be included in the record, the person in charge of the air traffic service system shall ensure a written record is kept in which the particulars specified in paragraph (4) of this Article are recorded together with a summary of communications exchanged between the air traffic service system and aircraft.
- (6) The person in charge of an air traffic service system shall preserve any record made in compliance with this Article for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Authority may in a particular case direct, and shall, within a reasonable time and not more than 30 days after being requested to do so by an authorised officer, produce such record to that officer.
- (7) A person required by this Article to preserve any record by reason of his being the person in charge of the air traffic service system shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his personal representative: provided that if another person becomes the person in charge of the air traffic service system the previous person in charge or his representative shall deliver the record to that other person and it shall be the duty of that other person to deal with the record delivered as if he were the previous person in charge.

Fees

6. An application to the Authority for an approval 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.

Certification

7. (1) The Authority shall cause to be issued a Certificate of Compliance in respect of every approval under Article 4 of this Order. The Certificate of Compliance shall be valid for one year and will be renewable on the basis of payment of the correct fee and the equipment remaining compliant and will include the name of the aerodrome, where relevant, and the licensee.
- (2) The Authority may, on grounds being shown to it which in its opinion are sufficient, revoke, suspend or amend a Certificate of Compliance.
- (3) The licensee or any person having possession or custody of a Certificate of Compliance which has been revoked, suspended or amended under this Order shall surrender it on demand to the Authority.

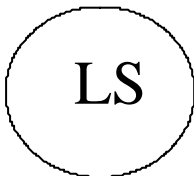
Inspection of Air Traffic Service Systems and their Equipment and Records

8. An authorised officer shall have the right of access at all reasonable times to any air traffic service system for the purpose of inspecting it and any equipment or record therein and for the purpose of testing or observing the operation of any such equipment.

Directions

9. (1) The Authority may give directions, in respect of such matters and things as may be specified in the directions, for carrying out the purposes of the Order and may, by direction, exempt a person from a requirement of this Order subject to such conditions as may be specified by the Authority in relation to such exemption and which conditions shall be complied with by a person to whom they apply.
- (2) Directions under this Order may be given in the form of Aeronautical Notices or Aeronautical Information Circulars or by individual 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

SCHEDULE

**Equipment and Systems Forming All or Part of an Air Traffic Service System
to be Regulated under the Order**

1. Communications systems used to communicate with aircraft, vehicles or personnel operating on an aerodrome including voice communications control systems and VHF/UHF/radiotelephony transmitters, receivers and antennae.
2. Systems associated with broadcast services such as Automated Terminal Information Services and VOLMET including VHF transmitters and antennae and the message preparation or generation equipment.

3. Radar transmitter and receiver equipment including surveillance, data-processing and display systems and equipment and related or dependent elements such as maintenance arrangements or runway incursion detection systems.
4. Direction Finding and associated processing and display equipment.
5. Equipment and associated monitoring and control systems for the following:
 - Instrument Landing Systems
 - Instrumented Runway Visual Range
 - Microwave Landing Systems
 - Non-Directional Beacons
 - VHF Omni-directional Range Beacons
 - Distance Measuring Equipment
6. Data processing and communications equipment used for air traffic management messaging including OnLine Data Interchange, Aeronautical Fixed Telecommunications Network and flight data processing systems including flight strip printers. Approval will be limited to gaining assurance of data integrity aspects only.
7. Alarm and safety alerting systems and devices where not included in the above systems and equipment.
8. Information display systems such as general air traffic information displays and closed circuit television systems. Approval will be limited to gaining assurance of safety related data integrity only.
9. Aerodrome Ground Lighting control and monitoring systems unless these are subject to approval under an aerodrome licence.
10. Any other specific item or class of equipment or system deemed by the Authority in a particular instance to be safety related and used to support the provision of an air traffic service system.
11. Runway Visual Range Measuring equipment unless this is subject to approval under an aerodrome licence.

EXPLANATORY NOTE

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

This Order provides for the regulation by the Authority of air traffic service systems and equipment used to provide communications, navigational aid and surveillance services to aircraft so as to ensure compliance with international standards and recommended practices. The Order does not apply to such systems and equipment under the control of the Minister for Defence. This Order revokes the Irish Aviation Authority (Aeronautical Radio and Radar Equipment) Order, 2001 (S.I. No. 565 of 2001).