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REGULATIONS FOR VISITING AIRCRAFT CARRYING WIRELESS TELEGRAPHY APPARATUS

1 Introduction

1.1 The purpose of this Circular is to outline the regulations covering the use of radio equipment by aircraft visiting the United Kingdom. However, it is not a replacement for the law.

1.2 The term 'visiting aircraft' means an aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom or the Isle of Man and which is for the time being within the limits of United Kingdom Airspace. However, it excludes armed forces aircraft of any state.

2 Legal Framework

2.1 The main legislation covering the use of radio equipment in visiting aircraft is:

- (a) The Wireless Telegraphy Act 2006 ('the 2006 Act');
- (b) the Wireless Telegraphy (Visiting Ships and Aircraft) Regulations 1998 ('the 1998 Regulations').

2.2 The 1998 Regulations apply to the use of wireless telegraphy apparatus on board visiting aircraft, within the limits of the United Kingdom. They were originally made using powers contained in section 6 of the Wireless Telegraphy Act 1949. The 1949 Act was replaced by the 2006 Act but section 50 of the 2006 Act contains provisions that correspond to those formerly contained in Section 6 of the 1949 Act. The provisions of Section 50 of the 2006 Act have been extended to cover Jersey, Guernsey and the Isle of Man¹.

2.3 The 1998 Regulations therefore remain in force and continue to apply to the UK, the Channel Islands and the Isle of Man.

3 Summary of the 1998 Regulations

3.1 Under the 1998 Regulations those responsible for radio on visiting aircraft:

- (a) Must not cause interference to the transmission or reception of radio;
- (b) must comply with instructions of a ground station concerning transmissions;
- (c) may make or answer a distress signal;
- (d) must permit the station to be inspected if a breach of the 1998 Regulations is suspected;
- (e) must cease or restrict the nature of its use as instructed, for such period as may be specified by an authorised person.

4 Interference

4.1 All wireless telegraphy apparatus used on board visiting aircraft must be used in a manner which does not cause interference to any radio services.

¹ The Wireless Telegraphy (Jersey) Order 2006 (SI 2006/3324), The Wireless Telegraphy (Guernsey) Order 2006 (SI 2006/3325) and the Wireless Telegraphy (Isle of Man) Order 2007 (SI 2007/278).

5 Communication with Land Stations

5.1 Visiting aircraft communicating with aeronautical ground stations within the United Kingdom must comply with the instructions given by the ground station in all matters relating to the:

- (a) Order and time of transmissions;
- (b) choice of frequency;
- (c) class of emission;
- (d) duration and suspension of communications.

6 Distress Signals

6.1 The 1998 Regulations do not restrict the use of wireless telegraphy apparatus on visiting aircraft for sending or responding to distress signals.

7 Inspection and Restrictions

7.1 Where there is reasonable cause to believe that the radio equipment on board a visiting aircraft is not complying with the 1998 Regulations, a person who is in possession or control of the equipment:

- (a) Must allow an authorised representative of the Civil Aviation Authority (CAA) or The Office of Communications (Ofcom) to inspect the radio equipment;
- (b) must not obstruct the CAA/Ofcom representative.

7.2 The CAA/Ofcom representative may require the use of the radio equipment to cease or to be restricted in order to comply with the 1998 Regulations. This could be for a set period of time or until the occurrence of an event specified by the CAA/Ofcom representative.

7.3 The CAA/Ofcom representative must be able to supply evidence of his authority for the purposes of the 1998 Regulations.

8 Penalties

8.1 A person who contravenes these regulations has committed an offence and may be liable for prosecution under the Wireless Telegraphy Act 2006. Offences under the 1998 Regulations are punishable by a fine. The courts may also order forfeit any radio equipment used in the commission of the offence. Under the 1998 Regulations, the captain of the aircraft is regarded as having authorised any use of radio on his aircraft.

9 Additional Information

9.1 Further information on the United Kingdom's policy and regulations for visiting aircraft can be obtained from:

Manager Surveillance and Spectrum Management
Civil Aviation Authority
Directorate of Airspace Policy
CAA House
45-59 Kingsway
London
WC2B 6TE

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