



STATUTORY INSTRUMENTS.

S.I. No. 266 of 2019



IRISH AVIATION AUTHORITY (STANDARDISED RULES OF THE AIR)
ORDER, 2019

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Irish Aviation Authority (Standardised Rules of the Air) Order, 2019

The Irish Aviation Authority, in pursuance of section 58 of the Irish Aviation Authority Act 1993 (No. 29 of 1993), and section 4(2) of the European Communities (European Aviation Safety Agency) Regulations 2003, hereby orders as follows:

1. (1) This Order may be cited as the Irish Aviation Authority (Standardised Rules of the Air) Order, 2019.

(2) This Order shall come into operation on the 18th day of June, 2019.

(3) In this Order:

“direction” means a direction issued by the Authority;

“prescribed” means prescribed by a direction given by the Authority under this Order or under any other Order or by a direction or Order issued pursuant to a provision of the Act.

“Standardised European Rules of the Air” are those issued under the EASA Regulations.

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

“the Authority” means the Irish Aviation Authority;

“the EASA Regulation” has, unless the contrary intention appears, the same meaning in these Regulations as it has in the European Communities (European Aviation Safety Agency) Regulations 2003 (as amended);

2. In this Order a reference to an enactment or order shall, unless the context otherwise requires, be construed as a reference to the enactment or order as amended, as extended by or under any subsequent enactment or order.

3. Directions under this Order may be published in the Aeronautical Information Publication (Ireland) including its amendments and supplements or given in the form of Notices to Airmen (NOTAMs), Aeronautical Information Circulars or Aeronautical Notices or by notice sent by registered post or other means directly to the person or organisations affected.

4. This Order shall, save where the contrary intention appears, apply to all aircraft when in or over the State and to aircraft registered in the State wherever they may be but, in relation to aircraft registered in the State, when in or over the territory of another state, this Order shall apply only insofar as its provisions do not conflict with any rules made by that other state relating to flights over its territory.

5. (1) The pilot-in-command of an aircraft shall, whether manipulating the controls or not, be responsible for the operation of the aircraft in compliance with this Order except that he may depart from a provision of this Order in circumstances where such departure is necessary in the interests of safety.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st June, 2019.*

(2) Before beginning a flight, the pilot-in-command of an aircraft shall become familiar with all available information appropriate to the intended operation. Pre-flight action for flights away from the vicinity of an aerodrome, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements and an alternative course of action if the flight cannot be completed as planned.

(3) The pilot-in-command of an aircraft shall have final authority as to the disposition of the aircraft while in command.

6. (1) If it appears to the Authority or an authorised officer that an aircraft has been or is intended or is likely to be flown from any place within the State in such circumstances that the flight was or would be in contravention of the Act or any of the Orders or Directions thereunder, including this Order, or was or would be a cause of danger to persons or property, the Authority or the authorised officer, may investigate any incident or circumstances concerned and may direct the aircraft operator of the aircraft or the person designated by the aircraft operator to act as pilot-in-command of the aircraft not to make the flight and the Authority or authorised officer may take such steps as are necessary to detain that aircraft.

(2) For the purpose of paragraph (1) of this Article an authorised officer may enter and inspect any aircraft and shall have the powers of section 65(2) of the Act for the purposes of any investigation necessary.

(3) In this article “authorised officer” has the meaning ascribed to it by the Act and “aircraft operator” has the meaning ascribed to it by the EASA Regulations.

7. (1) Control zones, control areas, controlled airspace (and associated classifications) and flight information regions shall be such as may be prescribed from time to time.

(2) Aircraft shall not be flown in airspace designated as a prohibited area or airspace in which there are flight restrictions, the particulars of which have been duly notified by the Authority, except in accordance with the conditions of the restrictions or by permission of the Authority.

(3) The Authority may impose such restrictions as may be prescribed on the flying of aircraft over or in the vicinity of any district or place within the State and aircraft shall not fly in contravention of any such restrictions.

(4) The Authority may prescribe prohibited areas of airspace within which the flight of aircraft is prohibited.

(5) The Authority may prescribe danger areas of airspace within which the safety of aircraft cannot be assured.

(6) Any restriction imposed under paragraphs (2) and (3) of this Rule shall apply to such areas and for such periods as may be prescribed for the purposes of this Rule.

8. The Authority may prescribe points in the State between or over which aircraft arriving in the State from outside the State or leaving the State shall pass.

9. Nothing in this Order shall operate or have effect to:

(1) confer on any person the right to land in any place as against the owner thereof or any other person having any right thereto or any estate or interest therein; or

(2) derogate from or prejudice the right or remedies at law or in equity of any person in respect of any injury to persons or property caused by any aircraft.

10. The Authority may give directions for carrying out the purposes of the EASA Regulations or this Order. Subject to the EASA Regulations, the Authority may exempt a person or an aircraft from any provision of this Order subject to any conditions specified which shall be complied with by that person or the pilot in command of that aircraft.

11. Nothing in this Order shall be construed as preventing a departure from a provision of this Order to such extent as may be necessary to avoid immediate danger.

12. (1) The Irish Aviation Authority (Rules of the Air) Order, 2004 (S.I. No. 72 of 2004) is hereby revoked;

(2) Notwithstanding the revocation of the Irish Aviation Authority (Rules of the Air) Order, 2004 (S.I. No. 72 of 2004) any direction made, or permission given under that Order and in effect on the date of the coming into operation of this Order, shall continue in effect and shall be deemed for all purposes to have been made under this Order.



Present when the common seal of the Irish Aviation Authority
was affixed hereto
18 June 2019

MICHAEL MCGRAIL,
Director

PETER KEARNEY,
Director

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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