



STATUTORY INSTRUMENTS

S.I. No. 355 of 2008



IRISH AVIATION AUTHORITY (AERODROMES AND VISUAL
GROUND AIDS) ORDER, 2008

(Prn. A8/1409)

IRISH AVIATION AUTHORITY (AERODROMES AND VISUAL
GROUND AIDS) ORDER, 2008

The Irish Aviation Authority, in pursuance of sections 5, 58, 59 and 60 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended, hereby orders as follows:

Short title and commencement

1. (1) This Order may be cited as the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 2008.

(2) This Order shall come into operation on the 1 day of October 2008.

Definitions

2. In this Order:

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

“the Authority” means the Irish Aviation Authority;

“aerodrome” means a defined area on land or water, including any buildings, installations, and equipment, intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft and also includes an area, whether on land or water or on a building or other structure or elsewhere, intended for use for landing or taking off by aircraft capable of descending or climbing vertically;

“aerodrome licence” means a licence granted under this Order;

“aeronautical light” means any light established for the purpose of aiding air navigation;

“aircraft” means any machine which can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“air traffic control clearance” means authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

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

(1) preventing collisions between aircraft, and on the manoeuvring area of an aerodrome between aircraft and obstructions, and

(2) expediting and maintaining an orderly flow of air traffic;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th September, 2008.*

- “air traffic control unit” includes area control centre, approach control office and aerodrome control tower;
- “apron” means a defined area, on a land aerodrome, intended to accommodate aircraft for the purposes of loading or unloading passengers or cargo, refuelling, parking or maintenance;
- “authorised officer” means an authorised officer of the company as defined in the Act;
- “balloon” means a non powered lighter-than-air aircraft;
- “cargo” includes mail and animals;
- “Category II” (Cat II) means a precision instrument approach and landing with a decision height lower than 60m (200 ft) but not lower than 30m (100 ft) and a runway visual range not less than 350m;
- “Category III” (Cat III) means, with regard to a precision instrument approach, a landing with a decision height lower than 30m (100 ft) or no decision height and a runway visual range of not less than 200m (Cat IIIA), 50m (Cat IIIB) or no limitation (Cat IIIC);
- “Chicago Convention” has the meaning assigned to it by the Act;
- “commercial transport aircraft” means an aircraft used or intended to be used by the operator for the purpose of carrying passengers or cargo for which purpose payment is required to be made, or promised, to the operator or, in a case where the carriage is effected by an air transport undertaking, whether for payment or not;
- “contracting state” means any state party to the Chicago Convention;
- “general lighthouse authority” has the same meaning as in section 634 of the Merchant Shipping Act, 1894;
- “glider” means a non-power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- “heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;
- “ILS” means an instrument landing system;
- “licensed aerodrome” means an aerodrome in respect of which a licence under Article 5 of this Order is in force;
- “manoeuvring area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;
- “MLS” means a microwave landing system;

“movement area” means that part of an aerodrome intended for the surface movement of aircraft, including the manoeuvring area and aprons;

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft during flight time;

“prescribed” means prescribed by the Authority in a direction under this Order or any other Order or by an Order under the Act;

“rotorcraft” means a power-driven, heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

“State aerodromes” has the meaning ascribed to it in the Act.

Revocations

3. The Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 2000 (S.I. No. 334 of 2000) and the Irish Aviation Authority (Aerodromes and Visual Ground Aids) (Amendment) Order, 2005 (S.I. No. 216 of 2005) are hereby revoked.

Continuance in force of existing licences and directions

4. Every licence, direction or exemption issued or in force under the appropriate provisions of the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 2000 (S.I. No. 334 of 2000) and the Irish Aviation Authority (Aerodromes and Visual Ground Aids) (Amendment) Order, 2005 (S.I. No. 216 of 2005) and in force at the time of the coming into operation of this Order shall continue in force and shall be deemed for all purposes to have been issued under this Order.

Place of take-off etc. of aircraft

5. (1) An aircraft shall not take-off from or land at any place in the State save at:

- (a) an aerodrome licensed under this Order;
- (b) an aerodrome otherwise prescribed as suitable by the Authority;
- (c) an aerodrome under the control of the Minister for Defence in respect of which the officer in charge of the aerodrome has given his permission for its use by that particular aircraft;
- (d) in the case of a rotorcraft or balloon, not being used for public transport, any place where the aircraft may take-off or land without undue hazard to persons or property and in respect of which the owner or occupier of that place shall have given permission for such use, except that, in the case of a rotorcraft, where that place is of an elevated construction, located on the roof of a building or a structure, it shall also be licensed by the Authority under this Order for such use by that rotorcraft;

- (e) in the case of a rotorcraft or balloon used for public transport and so authorised by the Authority, any place where the aircraft may take off or land without undue hazard to persons or property and in respect of which the owner or occupier of that place shall have given permission for such use, except that, in the case of a rotorcraft, where that place is of an elevated construction, located on the roof of a building or a structure, it shall also be licensed by the Authority under this Order for such use by that rotorcraft;
- (f) in the case of a glider, being flown under conditions approved by the Authority, any place where the glider may be operated without hazard to persons or property and, subject in respect of take-off, to the permission of the owner or occupier of the place and save in accordance with any conditions subject to which the aerodrome or other place has been licensed or prescribed as suitable or subject to which a permission has been given in respect of the aerodrome or other place.

(2) The provisions of paragraph (1) of this Article shall not apply when an emergency landing is necessary to ensure the safety of an aircraft.

(3) The Authority may, if it deems fit, impose conditions on or prohibit the operation of an aircraft at any place specified in paragraph (1) of this Article and may, by direction, require the owner, occupier or manager of a site regularly used by aircraft on lifesaving missions, such as search and rescue or for emergency medical purposes, to provide such facilities and equipment at that site as the Authority deems appropriate for purposes of air safety.

(4) A private aeroplane or an aeroplane used by a flying club, when not in use for instruction in flying, may, unless otherwise directed by the Authority, use a place which is not licensed as an aerodrome or which is not prescribed under subparagraph (b) of paragraph (1) of this Article, provided that the pilot of such an aeroplane shall:

- hold a valid pilot licence, other than a student pilot licence,
- ensure that landing and takeoff at such place can be effected without undue hazard to persons and property, and
- obtain the prior permission of the owner or occupier of that place,

and such use shall not place the owner or occupier of that place under any obligation as to the facilities provided nor is any standard stated or implied in regard to any such facilities.

Licensing of aerodromes

6. (1) The Authority may grant a licence in respect of an aerodrome in the State, subject to the requirements of the Irish Aviation Authority (Aerodrome Standards) Order, 2008 and to such requirements as are specified by the Authority, authorising its use under such conditions as the Authority thinks fit and specifies in the licence, subject to payment of the fee prescribed for the purposes of this paragraph.

(2) Without prejudice to the generality of the powers conferred by paragraph (1) of this Article, the Authority may license an aerodrome for public use if the person applying for the licence so requests. Every aerodrome so licensed shall at all times when it is available for use be so available to all persons on equal terms and conditions.

(3) The licensee of an aerodrome licensed for public use shall, while the licence remains in force, display in a prominent place at the aerodrome a copy of the licence and shall furnish to any person on request information concerning the terms of the licence.

(4) Subject to the provisions of Article 8 of this Order, an aerodrome licence issued under this Order shall remain in force for such period as may be specified in the licence, provided that the holder complies with and continues to comply with such conditions as are specified therein and it may, subject to payment of the fee prescribed for the purpose of this paragraph, be renewed from time to time by the Authority for such period as it thinks fit.

(5) The licensee of a licensed aerodrome shall ensure during the period specified in the licence that the aerodrome is maintained and used in accordance with the conditions under which the licence was issued.

(6) The licensee or the person having charge of a licensed aerodrome shall notify the Authority without delay of any changes to the aerodrome or its aviation-related facilities.

(7) The licensee or person having charge of a licensed aerodrome shall take immediate action to prevent the use of that aerodrome should any circumstances arise which might render such use hazardous to aircraft and shall report any non-compliance with the licence conditions or the Irish Aviation Authority (Aerodrome Standards) Order, 2008 or any directions prescribed thereunder or under this Order by the Authority. Such action shall include immediate notification to the Authority of the circumstances concerned and the displaying on the ground at the aerodrome of the appropriate signals or markings specified in Part V of the Irish Aviation Authority (Rules of the Air) Order, 2004 (S.I. No. 72 of 2004).

The provisions of this Article are applicable by the Authority to the State aerodromes. An aerodrome shall not be used by a commercial transport aircraft, other than a rotorcraft, unless it is a public licensed aerodrome. A licensed aerodrome shall not be used by an aircraft except subject to and in accordance with the terms and conditions of the aerodrome licence. A licensed aerodrome may be used, with the permission of the licensee, by non-commercial aircraft of a class or category agreed by the Authority under conditions different to those of the standard licence conditions at times outside the published opening hours of that aerodrome, subject to such additional conditions, if any, imposed by the Authority as a corollary to the standard licence conditions.

Use of aerodromes by aircraft

7. The person, having charge of any aerodrome which is open to public use and open to use by aircraft registered in the State upon payment of charges, shall cause the aerodrome and all air navigation facilities provided thereat to be available for use by aircraft registered in other contracting states on the same terms and conditions as for use by aircraft registered in the State.

Application for aerodrome licence

8. An applicant for the issue or renewal of an aerodrome licence shall furnish in writing to the Authority such particulars relating to the aerodrome as the Authority may require in connection with the application and such reports, charts or documents as may be required in support thereof.

Revocation, suspension or alteration of an aerodrome licence

9. (1) The Authority may, on grounds being shown to it, which in its opinion are sufficient, revoke, suspend or amend any aerodrome licence issued or deemed to have been issued under this Order.

(2) The Authority may, if it thinks fit, provisionally suspend or amend any aerodrome licence issued or deemed to have been issued under this Order pending an inquiry or consideration of any representations made to it in respect of that suspension or amendment.

(3) The Authority shall give notice to the person or organisation concerned of its intention under paragraphs (1) or (2) of this Article and the reasons therefor and shall state in the notice that representations in relation to the proposed action may be made in writing to the Authority before a specified date (which shall be not less than 2 weeks after the date of the notice).

(4) The Authority shall consider any representations made to it pursuant to paragraph (3) before finally suspending, varying, limiting or revoking a licence, authorisation, approval or certificate under paragraphs (1) or (2) of this Article or enlarging or reducing the period of a suspension or amendment under paragraph (2).

(5) The Authority may, at any time, if it deems fit, remove any such endorsement, limitation, suspension or variation and may grant or issue, with or without an endorsement, a replacement licence, or authorisation in lieu of any licence or authorisation which it has suspended, varied or revoked.

Obstruction of authorised officers

10. A person shall not wilfully obstruct or impede an authorised officer acting in the exercise of his powers or the performance of his duties under this Order.

Copy of aerodrome licence

11. The Authority may, on being satisfied that the original of an aerodrome licence has been lost or destroyed, issue a copy thereof in replacement therefor on payment of the fee (if any) prescribed for the purposes of this article.

Surrender of aerodrome licence

12. The licensee or any person having possession or custody of an aerodrome licence which has been revoked, suspended or amended under this Order shall surrender it on demand to the Authority.

Production of aerodrome licence

13. The licensee or any person having charge of a licensed aerodrome, on being required by an authorised officer to produce or cause to be produced for inspection by the authorised officer the aerodrome licence for the aerodrome, shall produce or cause to be produced that licence.

Right of access to aerodromes

14. An authorised officer, or any person who is authorised under the provisions of the Act or of an order or direction made thereunder to demand the production of particular documents or to inspect or detain aircraft, shall have the right of access at all reasonable times:

(1) to any aerodrome, for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document relating thereto, or for the purpose of detaining any aircraft under the above provisions, or

(2) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document relating thereto, or for the purpose of detaining the aircraft.

Right of access of military aircraft to aerodromes

15. A State aircraft shall have at all reasonable times the right of access to any licensed aerodrome subject to the conditions of the licence relating to such aerodrome.

Access to and movement on an aerodrome

16. (1) No person or vehicle shall go on to the movement area of an aerodrome without the permission of the person in charge of the aerodrome and except in accordance with any conditions subject to which the permission is granted.

(2) No vehicle shall go on to or move on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit and except in accordance with any conditions subject to which such permission is granted.

(3) Any permission granted for the purpose of this Article may be granted in respect of persons or vehicles generally or in respect of any particular person or vehicle or any class of person or vehicle.

(4) The permission given and the conditions imposed pursuant to paragraph (2) of this Article shall be complied with by the vehicle or persons concerned.

(5) The movement of persons or vehicles, including towed aircraft, on the manoeuvring area of an aerodrome shall be controlled by the aerodrome air traffic control unit as necessary to avoid hazard to aircraft landing, taxiing or

taking off. Two-way radiotelephony communication facilities shall be provided for the control of vehicles on the manoeuvring area, except where communication by a system of visual signals is deemed to be adequate.

Right of way on the ground at aerodromes

17. (1) This Article shall apply to aircraft and vehicles on any part of the movement area of an aerodrome.

(2) Notwithstanding any air traffic control clearance, it shall remain the duty of the pilot-in-command of an aircraft to take all possible measures to ensure that the aircraft does not collide with any other aircraft or with any vehicle and to ensure as far as possible that injury to persons or damage to objects does not result from jet-efflux or propeller wake effects from that aircraft.

(3) (a) Vehicles and vehicles towing aircraft shall give way to aircraft which are taking off, landing or taxiing;

(b) Vehicles shall give way to other vehicles towing aircraft;

(c) Vehicles shall give way to other vehicles as required by local aerodrome instructions;

(d) Notwithstanding the provisions of (a) (b) and (c) of this paragraph, vehicles and vehicles towing aircraft shall comply with instructions issued by the aerodrome air traffic control unit.

(4) Subject to the provisions of paragraph (2) of this Article, in the case of danger of collision between two aircraft:

(a) if the two aircraft are approaching head-on or approximately so each shall alter its course to the right;

(b) if the two aircraft are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless well clear of it;

(c) the aircraft which is being overtaken shall have the right of way and the overtaking aircraft shall keep out of the way of the other aircraft by altering its course to the left until that other aircraft has been passed and is clear notwithstanding any change in the relative positions of the two aircraft.

(5) Subject to the provisions of subparagraph (b) of paragraph (3) of this Article, a vehicle shall:

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;

(b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

(6) Emergency vehicles proceeding to the assistance an aircraft in distress shall be afforded priority over all other surface movement traffic.

Low visibility operations at aerodromes

18. In conditions where low visibility procedures are in operation:

(1) Persons and vehicles operating on the manoeuvring area of an aerodrome shall be restricted to the essential minimum in number and particular regard shall be given to the requirements to protect the ILS/MLS sensitive areas when Category II or Category III precision instrument operations are in progress;

(2) Subject to the provisions of Paragraph 5 of Article 16 of this Order, the minimum separation between vehicles and taxiing aircraft shall be as prescribed by or otherwise as accepted by the Authority, taking into account the aids available; and

(3) When ILS and MLS Category II or Category III precision instrument operations are taking place to the same runway continuously, the more restrictive ILS or MLS critical or sensitive areas shall be protected.

Aeronautical lights

19. (1) A person shall not establish, maintain or alter an aeronautical light except with the permission of the Authority and in accordance with any conditions which may be prescribed or subject to which the permission is granted.

(2) In the case of an aeronautical light, which is or may be visible from any waters within an area of a general lighthouse authority, the Authority shall not give its permission or prescribe or impose conditions in relation to the permission for the purposes of this Article save after consultation with that authority.

(3) A person shall not wilfully or negligently damage or interfere with any aeronautical light associated with the operation of an aerodrome for the purposes of the safety of aircraft using that aerodrome or otherwise established and maintained by or with the permission of the Authority.

Dangerous lights

20. (1) A person shall not exhibit any light which:

(a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or

(b) by reason of its liability to be mistaken for an aeronautical light is liable to endanger aircraft.

(2) If any light which appears to the Authority to be such a light as aforesaid is exhibited, the Authority may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person to take such steps as may be specified in the notice for extinguishing or effectively screening the light and for preventing the exhibition thereafter of any similar light.

(3) The notice may be served either personally or by post or by affixing it in some conspicuous place near the light to which it relates.

(4) Where any person on whom a notice is served under this Article refuses or, without reasonable cause, fails to comply with any of the directions contained therein, such person shall be deemed to have acted in contravention of this Article.

(5) Upon the failure of any person on whom a notice has been served under this Article to extinguish or effectively to screen, within seven days from the date of the service of such notice, the light to which such notice relates, an authorised officer may enter upon the place where such light is and forthwith extinguish such light.

(6) An authorised officer may do such matters and things as may be reasonably necessary for the purpose of extinguishing any light as authorised by this Article and may recover as a simple contract debt in any court of competent jurisdiction from the person on whom a notice relating to such light was served under this Article the expenses incurred by that officer in extinguishing such light and in doing any matter or thing the doing of which was reasonably necessary for that purpose.

(7) In the case of a light which is or may be visible from any navigable waterway over which a general lighthouse authority exercises jurisdiction the powers of an authorised officer under this Article shall not be exercised save after consultation with the lighthouse authority.

Forgery of licences

21. A person shall not:

(1) forge or fraudulently alter or procure to be forged or fraudulently altered or assist in forging or fraudulently altering an aerodrome licence,

or

(2) fraudulently use any such licence which has ceased to be in force or which to their knowledge has been forged, revoked or suspended or which has been altered otherwise than in accordance with this Order.

False representation

22. A person shall not make, procure to be made, or assist in making false representations for the purpose of procuring the issue, renewal or alteration of an aerodrome licence for any reason or for any person.

Directions or Exemptions under this Order

23. (1) The Authority may give directions for carrying out the purposes of this Order and may exempt any person or aerodrome from a provision of this Order subject to such conditions as are specified in the exemption, which conditions shall be complied with by the person concerned.

(2) Directions under this Order may be given in the form of Notices to Aerodrome Licensees or Managers, Notices to Airmen (otherwise known as NOTAMS), Aeronautical Notices or Aeronautical Information Circulars or by notice sent by registered post to the person or organisation affected.

Savings of rights of land-owners

24. Nothing in this Order shall operate or have effect as:

(1) Conferring on any person the right to land an aircraft in any place as against the owner thereof or other persons having any right thereto or any estate or interests therein; or

(2) Derogating from or prejudicing the rights or remedies at law or in equity of any person in respect of any injury to persons or property caused by an aircraft.

Enforcement of directions

25. A person or organisation shall comply with a direction given by the Authority or with an instruction given by an authorised officer, under any provision of this Order, where such a direction or such an instruction is applicable to that person or organisation and shall, for the purposes of this Order, be deemed to have contravened that provision in the event of a failure to comply with such a direction or instruction.

Penalties

26. If a provision of this Order is contravened in relation to an aircraft:

(1) in case the operator of the aircraft did not contravene the provision, the pilot-in-command of the aircraft, and

(2) in case the pilot-in-command of the aircraft did not contravene the provision, the operator of the aircraft,

shall, without prejudice to the liability of any other person under this Order in relation to the contravention, be deemed to have contravened that provision unless it is proven that the contravention occurred without the consent or connivance of that person and that all due diligence was exercised by that person to prevent the contravention.



GIVEN under the common seal of the Irish Aviation Authority,
5 September 2008

ANNE NOLAN.
Director.

CLAIRE O DONOGHUE
Director.

EXPLANATORY NOTE

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

The principal purpose of this Order is to bring up to date the provisions in respect of aerodromes which were contained in the previous Order, the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 2000 (S.I. 334 of 2000), and the provisions of the Irish Aviation Authority (Aerodromes and Visual Ground Aids) (Amendment) Order, 2005 (S.I. No. 216 of 2005) and to take account of a new Aerodrome Standards Order, 2008. The definition of a “balloon” is provided

The Order includes, as before, a provision that an aerodrome shall not be used by public transport aircraft unless it is a public licensed aerodrome and a provision that a licensed aerodrome shall not be used by aircraft except subject to and in accordance with the terms and conditions of the licence.

[The title of the Order includes the words “Visual Ground Aids” so as to cover aeronautical lights and surface markings and signals.]

BAILE ÁTHA CLIATH
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€3.81



Wt. (B26408). 385. 9/08. Cahill. Gr. 30-15.