

CIVIL AVIATION RULES OF THE AIR AND AIR TRAFFIC CONTROL

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CIVIL AVIATION RULES OF THE AIR AND AIR TRAFFIC CONTROL

under regulation 56 (1) of the Civil Aviation (Air Navigation) Regulations

[Commencement: 1st December, 1965]

1. Short title

These Rules may be cited as the Civil Aviation Rules of the Air and Air Traffic Control.

PART I

Interpretation

2. Interpretation

(1) In these Rules, unless the context otherwise requires—

“**aerodrome traffic zone**”, in relation to any aerodrome, means the airspace extending from the aerodrome to a height of 2,000 feet above the level of the aerodrome and within a distance of 3,000 yards of its boundaries, except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of these Rules as being the controlling aerodrome;

“**Air Navigation Regulations**” means the Civil Aviation (Air Navigation) Regulations;

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

“anti-collision light” means a flashing red light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

“cloud ceiling”, in relation to an aerodrome, means the distance measured vertically from the notified elevation of that aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one half of the sky so visible;

“flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“ground visibility” means the horizontal visibility at ground level;

“IFR flight” means a flight conducted in accordance with the Instrument Flight Rules of Part VI of these Rules;

“instrument meteorological conditions” means weather precluding flight in compliance with the visual flight rules;

“manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding any parts of the aerodrome set aside for the embarkation and disembarkation of passengers, the loading and unloading of cargo, or the maintenance or parking of aircraft;

“night” means the time between sunset and sunrise, sunset and sunrise being determined at surface level;

“runway” means an area, whether or not paved, which is provided for the take-off or landing of aircraft;

“VFR flight” means a flight conducted in accordance with the Visual Flight Rules of Part V of these Rules;

“visual meteorological conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(2) Subject to the provisions of paragraph (1) of this rule, expressions used in these Rules shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Regulations.

[L.N. 15 of 1966.]

(3) The Interpretation Act shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of the National Assembly.

[L.F.N. 2004 Cap. 123.]

PART II

General

3. Application of Rules to aircraft

These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of rule 31 of these Rules, apply in relation to—

- (a) all aircraft within Nigeria; and
- (b) all aircraft registered in Nigeria, wherever they may be.

4. Misuse of signals and markings

(1) A signal or marking to which a meaning is given by these Rules or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules, and, except with lawful authority, shall not make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any naval, military or air force aircraft.

5. Reporting hazardous conditions

The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

6. Low flying

(1) Subject to the provisions of subrules (6) and (7) of this rule, an aircraft other than a helicopter shall not fly over any congested area of a city, town or settlement below—

- (a) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit; or
- (b) a height of 1,500 feet above the highest fixed object within 2,000 feet of the aircraft, whichever is the higher.

(2) A helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit.

(3) Except with the permission in writing of the Minister and in accordance with any conditions therein specified, a helicopter shall not fly over a congested area of a city, town or settlement below a height of 1,500 feet above the highest fixed object within 2,000 feet of the helicopter.

(4) An aircraft shall not fly—

- (a) over, or within 1,000 yards of, any assembly in the open air of more than 1,000 persons assembled for the purpose of witnessing or participating in any organised event, except with the permission in writing of the Minister and in accordance with any conditions therein specified and with the consent in writing of the organisers of the event; or
- (b) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit:

Provided that where a person is charged with an offence under the Air Navigation Regulations by reason of a contravention of this subrule, it shall be a good defence to prove that the flight of the aircraft over, or within 1,000 yards of, the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly.

[L.N. 15 of 1966.]

(5) An aircraft shall not fly closer than 500 feet to any person, vessel, vehicle or structure.

(6) (a) The alternatives in subrules (1) (b) and (3) of this rule shall not apply to an aircraft flying—

- (i) on a route notified for the purposes of this rule; or
- (ii) on a special VFR flight as defined in rule 24 of these Rules in accordance with instructions given for the purposes of that rule by the appropriate air traffic control unit.

(b) Subrules (1), (4) and (5) of this rule shall not apply to an aircraft in the service of the Nigerian Police Force.

(c) Subrules (1), (4) and (5) of this rule shall not apply to the flight of an aircraft over or within 1,000 yards of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race or contest or an exhibition of flying, if the aircraft is taking part in such race, contest, or exhibition or is engaged in a flight arranged by or made with the consent in writing of, the organisers of the event.

(d) Subrule (5) of this rule shall not apply to—

- (i) any aircraft while it is landing or taking off in accordance with normal aviation practice;
- (ii) any glider while it is hill-soaring.

(7) Nothing in this rule shall prohibit any aircraft from—

- (a) taking off, landing or practising approaches to landing; or
- (b) flying for the purpose of checking navigational aids or procedures in accordance with normal aviation practice at a Government or licensed aerodrome in Nigeria or at any aerodrome in any other state; or

- (c) flying in such a manner as may be necessary for the purpose of saving life:

Provided that in the case of practising approaches to landing as aforesaid such practising is confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

- (8) Nothing in this rule shall apply to any captive balloon or kite.

7. Simulated instrument flight

- (1) An aircraft shall not be flown in simulated instrument flight conditions unless—

- (a) the aircraft is fitted with dual controls which are functioning properly;
- (b) an additional pilot (in this rule called “a safety pilot”) is carried in a second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft;
- (c) if the safety pilot’s field of vision is not adequate both forward and to each side of the aircraft, a third person, being a competent observer, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

(2) For the purposes of subrules (1) of this rule, the expression “**simulated instrument flight**” means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

8. Practice instrument approaches

Within Nigeria an aircraft shall not carry out instrument approach practise when flying in visual meteorological conditions unless—

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practise; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

PART III

Lights and other signals to be shown by aircraft

9. Lights and other signals to be shown by aircraft

(1) For the purposes of this Part of these Rules, the horizontal plane of a light shown by an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this Part of these Rules, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside that aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

10. Display of lights of aircraft

(1) By night an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights:

Provided that nothing in this subrule shall prevent the display of an anti-collision light.

(2) A flying machine on a land aerodrome in Nigeria at which aircraft normally land or take off at night shall, unless it is stationary on a part of the aerodrome set aside for the embarkation or disembarkation of passengers, the loading or unloading of cargo or the maintenance or parking of aircraft, display by night the lights which it would be required to display if it were flying, or the lights specified in rule 12 (2) (a) or 12 (2) (c) of these Rules.

11. Failure of navigation lights

If in Nigeria, in the event of the failure of any light which is required by these Rules to be displayed in flight, the light cannot be immediately repaired or replaced, the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

12. Flying machines

(1) A flying machine when flying at night shall display lights as follows—

(a) in the case of a flying machine registered in Nigeria having a maximum total weight authorised of more than 12,500 lb., if it was first registered in any country—

(i) before 1 July 1963, it shall display, before 1 July 1965, either the system of lights specified in subrule 2 (b) of this rule or that specified in subrule (2) (d), excluding subparagraph (ii); and after 30 June 1965, the system of lights specified in subrule (2) (b);

(ii) on or after 1 July 1963, the system of lights specified in subrule (2) (b) of this rule;

(b) in the case of a flying machine registered in Nigeria having a maximum total weight authorised of 12,500 lb. or less, any one of the following systems of lights—

(i) that specified in subrule (2) (a) of this rule; or

- (ii) that specified in subrule (2) (b); or
- (iii) that specified in subrule (2) (d), excluding subparagraph (ii);
- (c) in the case of any other flying machine one of the systems of lights specified in subrule (2) of this rule.

(2) The systems of lights referred to in subrule (1) of this rule are as follows—

- (a)
 - (i) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
 - (ii) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and
 - (iii) a white light of at least three candles showing through angles 70° from dead astern to each side in the horizontal plane, all being steady lights;
- (b)
 - (i) lights specified in paragraph (a) of this subrule; and
 - (ii) an anti-collision light;
- (c) the lights specified in paragraph (a) of this subrule, but all being flashing lights flashing together;
- (d) the lights specified in paragraph (a) of this subrule, but all being flashing lights flashing together in alternation with one or both of the following—
 - (i) a flashing white light of at least twenty candles showing in all directions;
 - (ii) a flashing red light of at least twenty candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(3) If the lamp showing either the red or the green light specified in subrule (2) (a) of this rule is fitted more than six feet from the wing tip, a lamp may, notwithstanding the provisions of rule 9 (1) of these Rules, be fitted at the wing tip to indicate its position, showing a steady light of the same colour through the same angle.

13. Gliders

A glider, while flying at night, shall display either a steady red light of at least five candles, showing in all directions, or lights in accordance with subrules (2) and (3) of rule 12 of these Rules.

14. Free balloons

A free balloon, while flying at night, shall display a steady red light of at least five candles, showing in all directions, suspended not less than fifteen feet and not more than thirty feet below the basket, or if there is no basket, below the lowest part of the balloon.

15. Captive balloons and kites

(1) A captive balloon or kite, while flying at night at a height exceeding 200 feet above the surface, shall display lights as follows—

- (a) a group of two steady lights consisting of a white light placed twelve feet above a red light, both being of at least five candles and showing in all directions, the white light being placed not less than fifteen feet or more than thirty

feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite;

- (b) on the mooring cable, at intervals of not more than 1,000 feet measured from the group of lights referred to in paragraph (a) of this paragraph, groups of two lights of the colour and power and in the relative positions specified in that paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base;
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 80 feet; so however that—
 - (i) one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; and
 - (ii) the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon, while flying by day at a height exceeding 200 feet above the surface, shall have attached to its mooring cable at intervals of not more than 600 feet measured from the basket, or, if there is no basket from the lowest part of the balloon, tubular streamers not less than sixteen inches in diameter and six feet in length, and marked with alternate bands of red and white twenty inches wide.

(3) A kite flown in the circumstances referred to in subrule (2) of this rule, shall have attached to its mooring cable either—

- (a) tubular streamers as specified in subrule (2) of this rule; or
- (b) at intervals of not more than 300 feet measured from the lowest part of the kite, streamers of not less than 32 inches long and one foot wide at their widest part and marked with alternate bands of red and white four inches wide.

16. Airships

(1) Except as provided in subrule (2) of this rule, an airship, while flying at night, shall display the following steady lights—

- (a) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane;
- (b) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and
- (d) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(2) An airship, while flying at night, shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights—

- (a) the white lights referred to in paragraphs (a) and (d) of subrule (1) of this rule;

- (b) two red lights, each of at least five candles and showing in all directions suspended below the control car so that one is at least twelve feet above the other and at least 25 feet below the control car; and
- (c) if the airship is making way but not otherwise, the green and red lights referred to in paragraphs (b) and (c) of subrule (1) of this rule:

Provided that an airship, while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in subrule (1) of this rule.

(3) An airship, while moored within Nigeria by night, shall display the following lights—

- (a) when moored to a mooring mast, at or near the rear; a white light of at least five candles showing in all directions;
- (b) when moored otherwise than to a mooring mast—
 - (i) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane;
 - (ii) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least twelve feet above the other and at least 25 feet below the control car.

(5) For the purpose of this rule—

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;
- (b) an airship shall be deemed to be making ways when it is not moored and is in motion relative to the air.

PART IV

General flight rules

17. Weather reports and forecasts

(1) Immediately before an aircraft flies, the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain, in order to determine whether instrument meteorological conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than five nautical miles or the cloud ceiling is less than 1,500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

18. Rules for avoiding aerial collisions

(1) *General*—

- (a) notwithstanding that the flight is being made with air traffic control clearance, it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft;
- (b) an aircraft shall not be flown in such proximity to other aircraft as to create danger of collision;
- (c) aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so;
- (d) an aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it;
- (e) an aircraft which has the right of way under this rule shall maintain its course and speed,

and for the purposes of this rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) *Converging*—

- (a) subject to the provisions of subrules (3) and (4) of this rule, an aircraft in the air shall give way to other converging aircraft as follows—
 - (i) flying machines shall give way to airships, gliders and balloons;
 - (ii) airships shall give way to gliders and balloons;
 - (iii) gliders shall give way to balloons;
- (b) subject to the provisions of paragraph (a) of this subrule, when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way;

Provided that mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) *Approaching head-on.* When two aircraft are approaching head-on or approximately so in the air and there is danger of collision, each shall alter its course to the right.

(4) *Overtaking.* An aircraft which is being overtaken in the air shall have the right of way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in Nigeria may alter its course to the right or to the left.

(5) *Landing.* An aircraft while landing or on final approach to land shall have the right of way over other aircraft in flight or on the ground or water.

(6) *Two or more aircraft landing.* In the case of two or more flying machines or gliders approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right of way, but it shall not cut in front of another aircraft which is on final approach to land or overtake that aircraft:

Provided that—

- (a) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order; and
- (b) when the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so.

19. Aerobatic manoeuvres

An aircraft shall not carry out any aerobatic manoeuvre—

- (a) over the congested area of any city, town or settlement; or
- (b) within controlled airspace without the consent of the appropriate air traffic control unit.

20. Right-hand traffic rule

An aircraft which is flying within Nigeria in sight of the ground and following a road, railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left.

21. Notification of arrival

(1) The commander of an aircraft entering or leaving Nigeria on any flight for which a flight plan has been submitted shall take all reasonable steps to ensure upon landing that notice of the arrival of the aircraft is given to the aerodrome of departure.

(2) The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall be informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

22. Flight in notified airspace

In relation to flight in visual meteorological conditions in controlled airspace notified for the purposes of this rule, the commander of an aircraft shall comply with rules 28, 29, and 30 of these Rules as if the flights were IFR flights:

Provided that the commander of the aircraft shall not elect to continue the flight in compliance with the Visual Flight Rules for the purposes of subrule (3) of rule 28 of these Rules.

23. Choice of VRF or IFR

Subject to the provisions of rule 21 of these Rules, an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules:

Provided that in Nigeria an aircraft flying at night shall be flown in accordance with the Instrument Flight Rules, or, in a control zone, in accordance with the Instrument Flight Rules or the provisions of the proviso to paragraph (b) of rule 24 of these Rules.

PART V

Visual Flight Rules

24. Visual Flight Rules

(1) The Visual Flight Rules shall be as follows—

(a) *Outside controlled airspace.* An aircraft flying outside controlled airspace shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least three nautical miles:

Provided that at or below 3,000 feet above mean sea level this paragraph shall be deemed to be complied with if the aircraft is flown clear of cloud and in sight of the surface:

(b) *Within controlled airspace.* An aircraft flying within controlled airspace shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least three nautical miles:

Provided that in a control zone, in the case of a special VFR flight, the aircraft shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

(2) For the purpose of this rule, “special VFR flight” means a flight made in instrument meteorological conditions or at night or in controlled air space notified for the purposes of rule 21 of these Rules, in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules.

PART VI

Instrument Flight Rules

25. Instrument Flight Rules

The Instrument Flight Rules shall be as follows—

(a) *Outside controlled airspace.* In relation to flights outside controlled airspace rules 26 and 27 of these Rules shall apply.

(b) *Within controlled airspace.* In relation to flights within controlled airspace, rules 26, 28, 29 and 30 of these Rules shall apply.

26. Minimum height

Without prejudice to the provisions of rule 6 of these Rules, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of five nautical miles of the aircraft unless flying on a route notified for the purposes of this rule or otherwise authorised by the competent authority or unless it is necessary to do so in order to take off or land.

27. Quadrant rule

In order to comply with the Instrument Flight Rules an aircraft, when in level flight above 3,000 feet above mean sea level outside controlled airspace, shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate table set forth in this rule; and the level of flight shall be measured by an altimeter set according to the system notified, or in the case of flight over a country other than Nigeria, otherwise published by the competent authority, in relation to the area over which the aircraft is flying:

Provided that no aircraft may be flown at a level other than the level required by this rule if it is flying in conformity with instructions given by an air traffic control unit or in accordance with holding procedures notified in relation to an aerodrome.

TABLE I

Lights at levels below 29,000 feet

| <i>Magnetic track</i> | <i>Cruising Level</i> |
|-------------------------------|-----------------------------------|
| Less than 90° | Odd thousands of feet |
| 90° but less than 180° | Odd thousands of feet + 500 feet |
| 180° but less than 270° | Even thousands of feet |
| 270° but less than 360° | Even thousands of feet + 500 feet |

TABLE II

Flights at levels of 29,000 feet and above

| <i>Magnetic track</i> | <i>Cruising Level</i> |
|-------------------------------|---|
| Less than 90° | 29,000 feet or higher levels at intervals of 4,000 feet |
| 90° but less than 180° | 30,000 feet or higher levels at intervals of 4,000 feet |
| 180° but less than 270° | 31,000 feet or higher levels at intervals of 4,000 feet |
| 270° but less than 360° | 32,000 feet or higher levels at intervals of 4,000 feet |

28. Flight plan and air traffic control clearance

(1) In order to comply with the Instrument Flight Rules, before an aircraft either takes off from a point within any controlled airspace or enters any controlled airspace, the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(2) The flight plan shall contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance, or for search and rescue purposes.

(3) The commander of the aircraft shall fly in conformity with the air traffic control clearance issued for the flight as amended by any further instructions given by an air traffic control unit, and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination, unless—

- (a) he is able to fly in uninterrupted visual meteorological conditions for so long as he remains in controlled airspace; and
- (b) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan:

Provided that if an emergency arises which requires an immediate deviation from air traffic control clearance, the commander of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation.

(4) The commander of the aircraft after it has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

29. Position reports

In order to comply with the Instrument Flight Rules, the commander of an aircraft in IFR flight who flies in or is intending to enter controlled airspace, shall report to the appropriate air traffic control unit, the time, and the position and altitude of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

30. Communication failure

In order to comply with the Instrument Flight Rules, the commander of an aircraft flying in controlled airspace who is unable to establish or maintain two-way communication with the appropriate air traffic control unit, shall—

- (a) continue to fly to his destination, if it is possible to do so by flying only in conditions not inferior to those specified in paragraph (b) of rule 24 of these Rules; or
- (b) if he has received and acknowledged an air traffic control clearance to fly to his destination or to enter the controlled airspace in which it lies and sufficient navigational assistance is obtainable to enable him to comply with such clearance—
 - (i) continue to fly in compliance with the current flight plan to the holding point at the aerodrome of destination, maintaining the last acknowledged cruising levels for the portion of the route for which levels have been specified in the clearance, and thereafter the cruising levels shown in the flight plan;
 - (ii) arrange the flight to arrive over the holding point as closely as possible to the last acknowledged estimated time of arrival;

- (iii) begin to descend over the holding point at the last acknowledged expected approach time, or, if no such expected approach time has been acknowledged, the last acknowledged estimated time of arrival;
 - (iv) land within thirty minutes of the time at which the descent should have been started; or
- (c) if he is unable to comply with the provisions of paragraph (a) or (b) of this rule, leave or avoid controlled airspace either—
- (i) fly to an area in which flight may be continued in visual meteorological conditions, and land at an aerodrome there; or
 - (ii) select a suitable area in which to descend through cloud, and land at an aerodrome there.

PART VII

Aerodrome traffic rules

31. Application of aerodrome traffic rules

The Rules in this Part of these Rules which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

32. Visual signals

The commander of a flying machine on, or in the traffic zone of an aerodrome, shall observe such visual signals as may be displayed at, or directed to him from, the aerodrome by the authority of the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals:

Provided that he shall not be required to obey the signals referred to in rule 45 of these Rules (marshalling signals) if in his opinion it is inadvisable to do so in the interests of safety.

33. Access to and movement on the manoeuvring area and other parts of the aerodrome used by aircraft

(1) A person or vehicle shall not go on to any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome without the permission of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(2) A vehicle shall not 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 that permission may have been granted.

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

34. Right of way on the ground

(1) This rule shall apply to—

- (a) flying machines; and
- (b) vehicles,

on any part of a land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance, it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Flying machines and vehicles shall give way to aircraft which are taking off or landing.

(b) Vehicles and flying machines, which are not taking off or landing, shall give way to vehicles towing aircraft.

(c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of subrule (3) of this rule and of subrule (3) (b) of rule 36 of these Rules, in case of danger of collision between two flying machines—

- (a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the right;
- (b) when the two flying machines 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 passing well clear of it;
- (c) a flying machine which is being overtaken shall have the right of way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to the provisions of subrule (3) (b) of this rule 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.

35. Dropping of tow ropes, etc.

Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and—

- (a) in accordance with arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or
- (b) in the area designated by the marking described in subrule (7) of rule 42 of these Rules, and the ropes, banners, or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

36. Aerodromes not having air traffic control units

(1) (a) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where no air traffic control unit is for the time being notified as being on watch, except for the purpose of taking off or landing at that aerodrome or observing the signals in the signals area with a view to landing there, unless he has the permission of the person in charge of the aerodrome.

(b) An aircraft flying within such a zone for the purpose of observing the signals, shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall—

- (a) conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;
- (b) make all turns to the left unless ground signals otherwise indicate; and
- (c) take off and land in the direction indicated by the ground signals, or if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(3) (a) A flying machine or glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(b) Where take offs and landings are not confined to a runway—

- (i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take off; and if such a flying machine or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
- (ii) a flying machine about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take off.

(4) A flying machine, after landing, shall move clear of the landing area in use as soon as it is possible to do so.

37. Aerodromes having air traffic control units

(1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, except for the purpose of taking off or landing at that aerodrome, or observing the signals in the signals area with a view to landing there, unless he has the permission of the appropriate air traffic control unit.

(2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, or moving on the manoeuvring area of such an aerodrome, shall—

- (a) cause a continuous watch to be maintained on the appropriate radio frequency, notified for air traffic control communications at the aerodrome, or, if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;
- (b) not taxi at the aerodrome or take off or land anywhere in the zone except with the permission of the air traffic control unit;
- (c) comply with the provisions of subrule 1 (b), (2), (3) and (4) of rule 3 of these Rules as if the aerodrome did not have an air traffic control unit, unless he has permission of the air traffic control unit at the aerodrome, or has been instructed by that unit, to do otherwise.

38. Commander's duty at unit

Without prejudice to the provisions of rules 21 and 28 of these Rules, the commander of an aircraft shall, immediately upon arrival at, or prior to departure from, an aerodrome within Nigeria having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

PART VIII

Aerodrome signals and markings visual and aural signals

39. Aerodrome signals and markings: visual and aural signals: general

(1) Whenever any signal specified in this Part of these Rules is given or displayed, or whenever any marking so specified is displayed by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, it shall, when given or displayed in Nigeria, have the meaning assigned to it in this Part of these Rules.

(2) All dimensions specified in this Part of these Rules shall be subject to a tolerance of ten per cent, plus or minus.

40. Signals in the signals area

(1) When any signal specified and illustrated in the following subrules of this rule is displayed, it shall be placed in a signals area, which shall be a square visible in all directions bordered by a white strip one foot wide the internal sides measuring forty feet.

PART IX

Ground lighting

48. Minimum ground lighting

(1) The person in charge of an area to which this rule applies shall cause the lighting specified in rules 49 to 54 inclusive, of these Rules to be in operation whenever a flying machine or glider, flying for the purpose of the public transport of passengers, is taking off or landing at that area by night and during such period before or after the take-off or landing as may be necessary to ensure the safety of the aircraft:

Provided that, if the area is intended for use only by helicopters, there may be in operation in lieu of the lighting specified in rules 49, 50, 53 and 54 of these Rules, such other lighting as will enable the pilot of a helicopter in flight to—

- (a) identify the area;
- (b) determine the landing direction; and
- (c) make a safe approach and landing.

(2) The requirements of subrule (1) of this Rule shall be deemed not to have been contravened if neither the person in charge of the area nor any person acting under his instructions knew or ought reasonably to have known that the aircraft was about to take off or land.

(3) This rule shall apply to any place, whether or not an aerodrome, intended to be used for the taking off, landing of aircraft or the manoeuvring of aircraft on the ground, but shall not apply to any Government aerodrome or to any aerodrome licensed for use by night.

49. Approach lighting

The lighting required by rule 48 of these Rules shall include lighting to give approach guidance to the runway or landing area intended to be used, which lighting shall consist of either—

- (a) a line of identical lights each having an intensity of not less than 100 candles of red or white light in the direction of approach, equally spaced at intervals not exceeding 200 feet along the extended centre line of the runway for a distance of not less than 600 feet from the threshold in the direction of approach; or
- (b) angle of approach lights so arranged as to indicate a sloping path between two and a half and four and a half feet above the horizontal which will provide, for any aircraft approaching to land, safe clearance above all obstacles within three nautical miles of the threshold of the runway and will give a warning by means of red beams of light if the aircraft is below the path; and the lights shall indicate the path throughout an angle in azimuth of not less than 12° symmetrically about a line parallel to the direction of landing:

Provided that if the lights specified in subrule (1) (b) of rule 50 of these Rules are in operation, the lights specified in paragraph (b) of this subrule shall also be in operation, and not the lights specified in paragraph (a) of this subrule.

50. Landing area lights

(1) Where a runway is not provided, the lighting required by rule 48 of these Rules shall include either—

- (a) two lines of white lights parallel to the direction of take-off or landing visible from all directions above the horizontal delineating the landing area intended for use by night, the lights in each line being equally spaced at intervals not exceeding 300 feet; and the lines of lights shall not be less than 100 feet nor more than 200 feet apart, and shall be so placed that a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the direction of use of the landing area; or
- (b) white lights visible as aforesaid and arranged in the form of a T with the shaft of the T parallel to the direction of use and on the left edge of the area intended for landing when seen from the direction of approach and extending for the whole length of that edge, the lights in the shaft being equally spaced at intervals not exceeding 300 feet, and the cross arm of the T consisting of single lights placed 300 feet on either side of the light in the shaft of the T further from the approach end.

(2) Where a runway is provided, the lighting required by rule 48 of these Rules shall include two lines of white lights visible from the direction of approach, placed on the edge of the runway and each extending the whole of the length intended for use, the distance between successive lights in each line being not more than 300 feet so that, so far as is practicable a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the axis of the runway.

(3) The lights required by this rule shall have an intensity of not less than 50 candles.

51. Guidance lights on the manoeuvring area and other parts of the aerodrome used by aircraft

The lighting required by rule 48 of these Rules shall include either—

- (a) the delineation of every taxiway intended for use by night by means of light along its edges, either blue lights on one side and yellow lights on the other or blue lights on both sides but the lights on each side shall have a brightness sufficient to give adequate guidance to a taxiing aircraft when the lights are spaced not more than 160 feet apart on straight stretches, and on curves the lights shall be at reduced spacing to mark the taxiway edge clearly and if the taxiway is unpaved the lines of lights shall be not less than fifty nor more than 100 feet apart; or
- (b) when aircraft manoeuvring on the ground are not confined to taxiways, white lights visible from all directions above the horizontal and of an intensity of not less than 10 candles at 5° above the horizontal, spaced at intervals not exceeding 300 feet along the boundary of that part of the aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome and intended for use by night.

52. Areas unfit for use

The lighting required by rule 48 of these Rules shall include red lights visible from all directions above the horizontal, sufficient to mark adequately any area unfit for the movement of aircraft at night.

53. Landing direction indicator

Where neither the lighting specified in subrule (1) (a) of rule 49 of these Rules nor that specified in subrule (1) (b) of rule 50 of these Rules is provided, the lighting required by rule 47 of these Rules shall include—

- (a) adequate illumination of a landing T as specified in subrule (2) of rule 40 of these Rules; or
- (b) a landing T of the dimensions so specified, consisting of white lights, visible from all directions above the horizontal, of an intensity of not less than five nor more than twenty candles placed either in the signals area or between fifty and 100 feet to the left as seen from the direction of approach of the runway at the approach end thereof.

54. Obstruction lights

(1) The lighting required by rule 48 of these Rules shall include the lighting of all obstructions within the area in accordance with the provisions of this Rule.

(2) The lights on an obstruction shall be arranged so as to show not less than ten candles of red light in all directions in azimuth between 20° below and 60° above the horizontal.

(3) The lights shall be placed at the highest point of the obstruction except that, where the top of a chimney or other obstruction may be obscured by smoke, the lights may be placed instead not more than 10 feet below the top of the obstruction.

(4) If the height of an obstruction is more than 150 feet above ground level, lights shall be placed on the obstruction between the top and the ground at vertical intervals not exceeding 150 feet.

(5) On any obstruction of more than 150 feet in horizontal extent, lights as specified in subrule (3) of this Rule shall be placed on the highest point of each length of 150 feet of the obstruction, measuring from one end of the obstruction.

(6) For the purposes of this rule any object, whether permanent or temporary, shall be deemed to be an obstruction if it is likely to endanger aircraft and if it is situated—

- (a) on that part of the manoeuvring area which is intended for use at night; or
- (b) within an area extending 200 feet on either side of the centre line of the area intended for landing or take-off at night; or
- (c) within 200 feet of the area so intended, if the height of the object is more than one quarter of the distance of the object from that area; or
- (d) within fifty feet of a lighted taxiway; or

- (e) within an area of the dimensions illustrated in this subparagraph, being an area at either end of a lighted runway or lighted landing area and if the height of the object, measured above the level of the nearer end of the runway or landing area is more than one thirtieth of the distance from the object to the nearest end of the runway or landing area:

Provided that a frangible object not more than three feet in height above the ground shall not be deemed to be an obstruction by reason of this subparagraph;

- (f) within one nautical mile of the centre of the area intended for use at night for the taking off, landing or manoeuvring of aircraft on the ground and more than 300 feet above the highest point of the ground within that area.

(7) Nothing in this rule shall be taken to require the lighting of—

- (a) any aircraft displaying navigation lights in accordance with Part III of these Rules;
- (b) in an area set aside for the parking of aircraft, any vehicle which is displaying the lights which are obligatory when it is being driven on a public highway;
- (c) any obstruction or part of an obstruction which, by reason of the lighting of other obstructions, is not likely to endanger aircraft in flight.

PART X

Air traffic control

55. Provisions of air traffic control services

(1) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and is either situated in a control zone or is an aerodrome in respect of which the Minister has given a direction to the proprietor or person in charge of the aerodrome requiring air traffic control service to be provided there, the person in charge of the aerodrome shall cause air traffic control service to be provided at all times when the aerodrome is open for the take-off and landing of aircraft.

(2) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and with equipment for providing holding aid, let-down aid, or approach aid by radio or radar, the person in charge of the aerodrome shall inform the Minister in advance of any period during which any of the said equipment will be in operation for the purpose of providing holding aid, let-down aid or approach aid and, without prejudice to subrule (1) of this rule, cause air traffic control service to be provided at all times when the said equipment is notified as being in operation for any of those purposes.

56. Licensing of air traffic controllers and student air traffic controllers

(1) The Minister may grant a licence to any person to act as an air traffic controller, or as a student air traffic controller, upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical fitness so to act, and for that purpose the applicant shall

furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Minister may require of him:

Provided that the Minister shall not grant a licence to act as an air traffic controller to a person under the age of 21 years or a licence to act as a student air traffic controller to a person under the age of eighteen years.

(2) Every licence to act as an air traffic controller shall include a rating specifying the type of air traffic control service which the holder of the licence is competent to provide and the aerodromes at which he may provide that type of air traffic control service; and if throughout any period of ninety days the holder of the licence has not at any time provided at a particular aerodrome the type of air traffic control service specified in the rating, the rating shall cease to be valid in relation to that aerodrome at the end of that period, and upon a rating ceasing to be valid in relation to an aerodrome the holder of the licence shall forthwith inform the Minister in writing to that effect and shall forward the licence to the Minister to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller, and valid at the aerodrome in question.

(4) A licence as an air traffic controller or as a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(5) Subject to the provisions of regulation 54 of the Air Navigation Regulations, a licence as an air traffic controller or as a student air traffic controller shall remain in force for a period of twelve months and may be renewed by the Minister, from time to time, upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

57. Prohibition of unlicensed air traffic controllers and student air traffic controllers

A person shall not provide any type of air traffic control service at any aerodrome at which air traffic control service is required to be provided by or under rule 55 of these Rules unless he does so under the direction of the Minister or is the holder of a valid air traffic controller's licence granted under rule 56 of these Rules authorising him to provide that type of service at that aerodrome, or is the holder of a student air traffic controller's licence and is supervised in accordance with subrule (3) of that rule.

PART XI

Flight over an area in which search and rescue operations would be difficult

58. Flight over an area in which search and rescue operations would be difficult

(1) The following provisions of this subrule shall have effect in relation to public transport aircraft—

(a) before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, the person

in command of an aircraft shall submit or cause to be submitted to the appropriate air traffic control unit a flight notification containing such particulars as may be required by that air traffic control unit;

- (b) when a flight notification has been submitted in accordance with paragraph (a) of this subrule, the person in command of an aircraft which is able to communicate by radio with an appropriate radio station shall, if he finds it necessary to deviate in respect of any particular from the said flight notification, report by radio the nature of the proposed deviation to the appropriate air traffic control unit as soon as practicable.

(2) Before commencing a flight over an area notified for the purpose of this rule as an area in which search and rescue operations would be difficult, a person in command of an aircraft, other than a public transport aircraft, may submit or cause to be submitted to the appropriate air traffic control unit a flight notification containing such particulars as may be required by that air traffic control unit; and if a flight notification is so submitted, the person in command of such aircraft shall comply with the requirements specified in subrule (1) (b) of this rule as if the aircraft were a public transport aircraft.