

EXTRACTS FROM REGULATIONS RELEVANT TO THE CONDUCT OF THE FLIGHT
(current at the date of the accident)

1. The Route

(a) LOW FLYING

Rules of the Air, Rule 5 (1) (e)

“An aircraft shall not fly closer than 500 feet to any person, vessel, vehicle or structure.”

ANO Rule 5 (2) (d)

Paragraph (1) (e) of this Rule shall not apply to:

“any aircraft while it is landing or taking off in accordance with normal aviation practice.”

(b) VISUAL FLIGHT RULES (outside controlled airspace)

Rules of the Air, Rule 23 (a) (ii)

“An aircraft other than a helicopter flying outside controlled airspace at or below 3,000 feet above mean sea level shall remain at least 1 nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight of visibility of at least 3 nautical miles:

Provided that this sub-paragraph shall be deemed to be complied with if the aircraft is flown at a speed which according to its air speed indicator is 140 knots or less and remains clear of cloud, in sight of the surface and in a flight visibility of at least 1 nautical mile.”

(c) Company Operations Manual Vol 2, Pt 2, Ch 1, Para 11

“Weather Minima enroute. En-route minima on direct tracks between aerodromes require a cloud base of at least 550 feet QNH (above mean sea level), in-flight visibility of 1 nm and visual contact with the land or sea surface.”

2. Approach to landing

(a) ICAO Document 8168 – PANS/OPS

Circling approach. An extension of an instrument approach procedure which provides for visual circling of the aerodrome prior to landing.

(b) Operations Manual Vol 1, Pt 2, Ch 2, Para 2.6

Circling Minima (CM). “Represent the lowest conditions in terms of Circling Height and In Flight Visibility, in which a circuit or partial circuit, using visual reference to the surface only, may be carried out within a fixed radius or sector of an aerodrome at which landing is intended.” (DEFINED AREA).

Circling Minima are applicable to: (inter alia)

“a visual circuit following overshoot from either an instrument or a purely visual approach.”

(c) *Operations Manual Vol 1, Pt 2, Ch 2, Para 6.1*

Defined Area. “The whole of a circle of 4 NMS radius centred on the aerodrome, or a prescribed segment of this depending on whether visual manoeuvring can be confined to a smaller area with the intention of avoiding a predominant obstruction.”

(d) *Operations Manual Vol 3, Pt 2, Ch 1, para 12 (int. al)*

Specific Aerodrome Minima. Minima for aerodromes with published approach procedures are contained in the Jeppesen manuals. The following minima apply: Sanday:

Circling: circling altitude (QNH) 550 feet, IFV¹ 1,500 metres, RVR² 800 metres.

(e) *ANO Article 29, para 5 (b):*

A public transport aircraft shall not: “continue an approach to landing at any aerodrome by flying below the specified Decision Height unless from that height the specified visual reference for landing is established and is maintained.”

For “Specified visual reference”, the CAA guide to the construction of Operations Manuals, contained in CAP 360 Part One, says:

“For a visual circuit of the aerodrome based on visual manoeuvring minima a pilot should have continuous sight of ground features which will enable him to establish the position of the aircraft in relation to the aerodrome and subsequently to remain within the notified visual manoeuvring area.”

(f) *Operation Manual Vol 1, Pt 2, Ch 2, Para 3.2.1*

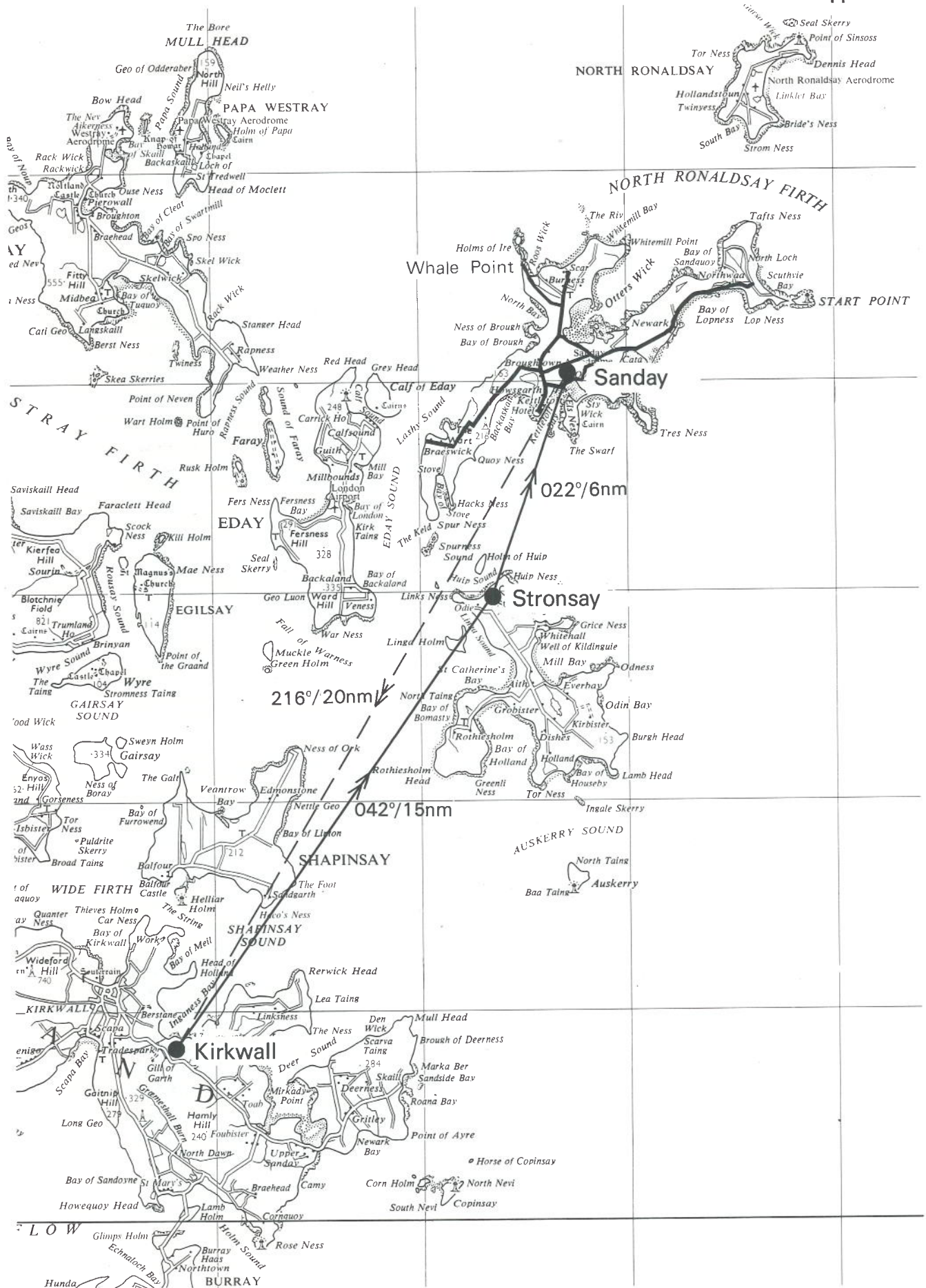
“On certain VFR flights an aircraft may not be required to ascend above 1,000 feet above its Decision Height for landing throughout the entire route to be flown. In extreme cases, perhaps involving flight over the sea, an aircraft making an approach to land may in fact need to climb in order to reach its decision height In any of these circumstances a ban on commencing an approach to landing cannot in theory exist.”

(Footnotes:) ¹ In Flight Visibility

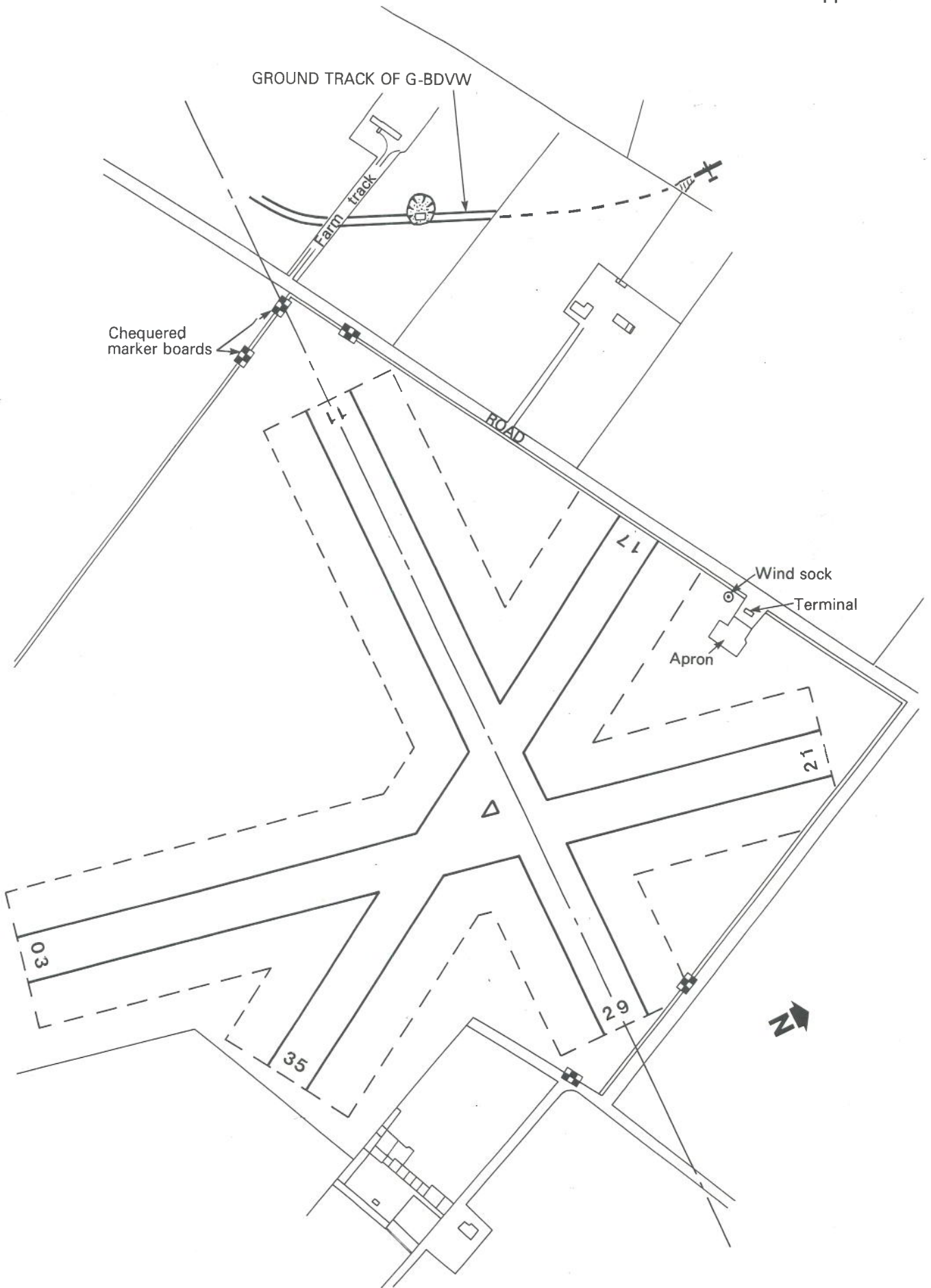
² Runway Visual Range



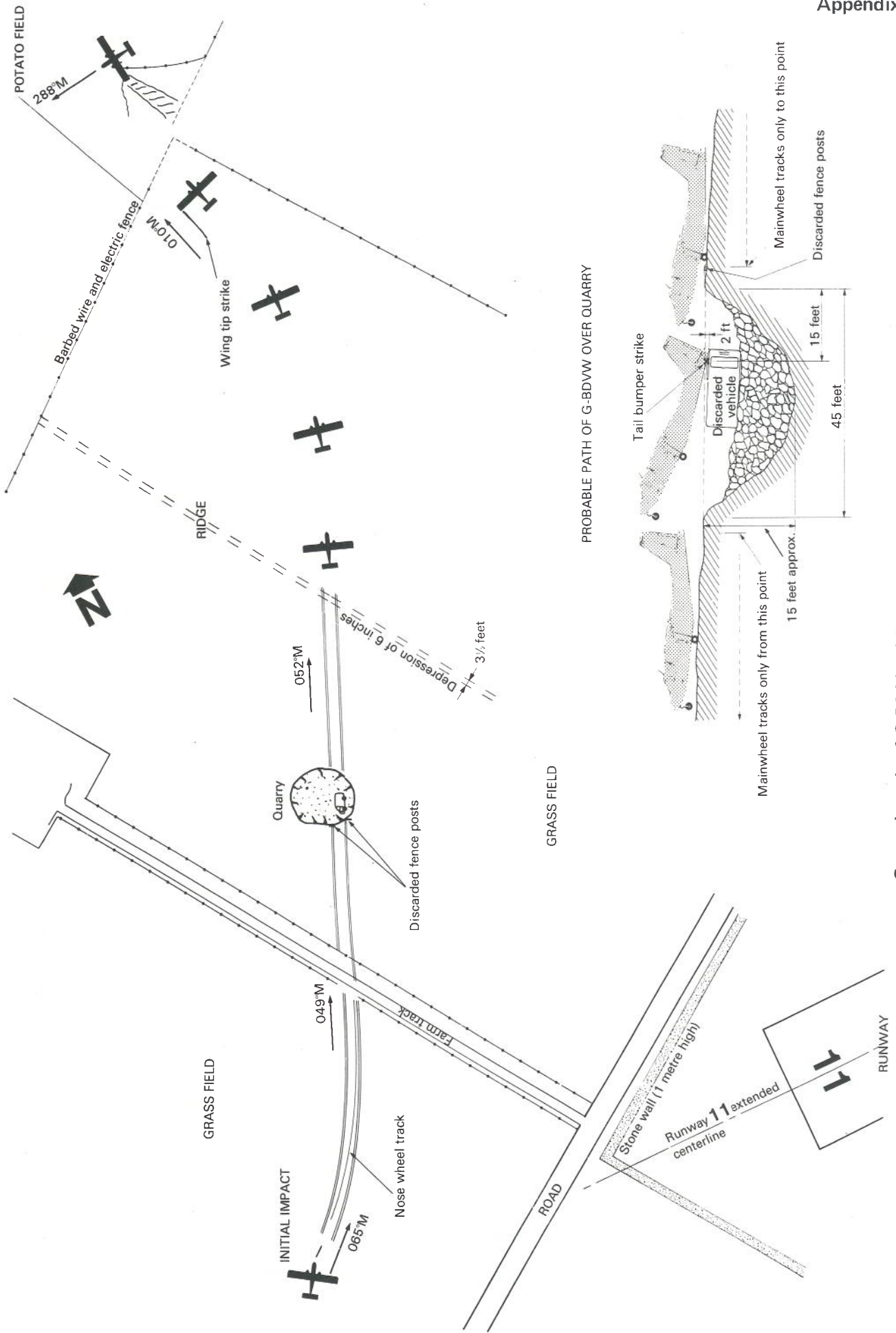
G-BDVW following the accident



The Orkney Islands



Sanday Airfield



Ground track of G-BDVW following initial impact