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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 6**

**Aircrew**

**CHAPTER 1**

**Flight crew licensing – requirement for licence**

**Requirement for appropriate licence to act as member of flight crew of EASA aircraft registered in the United Kingdom**

**136.**—(1) Subject to paragraph (2), a person must not act as a pilot of an EASA aircraft that is registered in the United Kingdom—

- (a) without holding an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation; or
- (b) unless—
  - (i) the person—
    - (aa) holds an appropriate licence granted under article 152; and
    - (bb) acts as a pilot of an EASA aircraft pursuant to the derogation in article 12 of the EASA Aircrew Regulation; or
  - (ii) the aircraft is a glider and is being flown otherwise than for the purpose of public transport.

(2) A person may act as a pilot of an EASA aircraft without holding an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation when undergoing flying training, including solo flying training authorised and supervised by a flight instructor.

(3) Subject to the exceptions set out in articles 139 and 144 a person must not act as a flight radiotelephony operator, a flight engineer or a flight navigator of an EASA aircraft that is registered in the United Kingdom without holding an appropriate licence granted or rendered valid under this Order.

**Requirement for appropriate licence to act as member of flight crew of non-EASA aircraft registered in the United Kingdom**

**137.**—(1) Subject to articles 139 to 147, a person must not act as a member of the flight crew of an aircraft to which this paragraph applies without holding an appropriate licence granted or rendered valid under this Order.

(2) Paragraph (1) applies to any non-EASA aircraft registered in the United Kingdom other than such an aircraft that is referred to in paragraphs (a)(ii), (d) or (h) of Annex II of the Basic EASA Regulation and that is flying for the purpose of commercial air transport (an “excepted aircraft”).

(3) A person must not act as a member of the flight crew of an excepted aircraft unless—

- (a) the person acts as a flight radiotelephony operator, flight engineer or flight navigator and holds an appropriate licence granted or rendered valid under this Order; or
- (b) the person holds an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation.

### **Appropriate licence**

**138.** An appropriate licence for the purposes of this Part and Schedule 8 means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.

### **Flight crew licence requirement – exception to act as flight radiotelephony operator**

**139.**—(1) A person may act as a flight radiotelephony operator within the United Kingdom, the Channel Islands and the Isle of Man without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) apply.

- (2) The conditions referred to in paragraph (1) are that the person is—
  - (a) the pilot of a balloon or glider and does not communicate by radiotelephony with any air traffic control unit, flight information unit or air/ground communications service unit; or
  - (b) being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft.

### **Flight crew licence requirement – exception for solo flying training in non-EASA aircraft**

**140.**—(1) A person may act as pilot in command of a non-EASA aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating or certificate in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

- (2) The conditions referred to in paragraph (1) are that—
  - (a) the person is at least 16 years of age unless the aircraft is a balloon or a glider, in which case the person must be at least 14 years of age;
  - (b) the person satisfies the requirements of paragraph (3);
  - (c) no other person is carried in the aircraft;
  - (d) the aircraft is not flying for the purpose of commercial air transport, public transport or commercial operation other than commercial operation which consists of the giving of instruction in flying or the conducting of flying examinations; and
  - (e) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a Part-FCL licence, in each case being a licence which includes a flight instructor rating, a flight instructor certificate or a flight instructor (restricted) certificate entitling that other person to give instruction in flying the type of aircraft being flown.
- (3) A person satisfies the requirements of this paragraph if the person—
  - (a) is the holder of a valid medical certificate issued in accordance with article 161 and complies with any conditions subject to which that certificate was issued;
  - (b) is the holder of a valid medical certificate issued in accordance with paragraph MED.A.030 of Part-MED and complies with any conditions subject to which that certificate was issued;or

- (c) is the holder of a valid medical declaration made in accordance with article 163 which would be required by virtue of article 163(2) for the person to exercise the privileges of the relevant licence or rating.

**Flight crew licence requirement – exception for dual flying training in non-EASA aircraft**

**141.**—(1) A person may act as pilot of a non-EASA aircraft of which the flight crew required to be carried by or under this Order is not more than one pilot for the purpose of becoming qualified for the grant or renewal of a pilot’s licence or the inclusion or variation of any rating or certificate in a pilot’s licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

- (2) The conditions referred to in paragraph (1) are that—
  - (a) the aircraft is not flying for the purpose of commercial air transport, public transport or commercial operation other than commercial operation which consists of the giving of instruction in flying or the conducting of flying examinations;
  - (b) the person acts in accordance with instructions given by another person holding a pilot’s licence granted under this Order or a Part-FCL licence, in each case being a licence which includes a flight instructor rating, a flight instructor certificate or an flight instructor (restricted) certificate entitling that other person to give instruction in flying the type of aircraft being flown; and
  - (c) the aircraft is fitted with—
    - (i) dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls; or
    - (ii) controls designed for and capable of use by two persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

**Flight crew licence requirement – exception for balloons**

**142.**—(1) A person may act as pilot in command of a balloon within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in paragraph (2) are satisfied.

- (2) The conditions referred to in paragraph (1) are that—
  - (a) the person is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the person has not within the immediately preceding 13 months carried out as pilot in command at least five flights each of not less than five minutes duration;
  - (b) the person acts in accordance with instructions given by a person authorised by the CAA—
    - (i) to supervise flying in the type of balloon being flown (“the instructor”); or
    - (ii) to conduct such examinations or tests in the type of balloon being flown (“the examiner”) as the CAA may require;
  - (c) no person is carried other than—
    - (i) the instructor unless the instructor is carried and is the holder of an appropriate licence granted or rendered valid under this Order entitling the instructor to act as pilot in command for the flight; or
    - (ii) the examiner; and

- (d) the balloon is not flying for the purpose of commercial air transport, public transport or commercial operations other than commercial operations which consist of the giving of instruction in flying or the conducting of flying examinations.

**Flight crew licence requirement – exception for pilot undergoing training or tests in non-EASA aircraft**

**143.**—(1) Unless the certificate of airworthiness in force for the aircraft otherwise requires, a person may act as pilot of a non-EASA aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot’s licence or for the inclusion, renewal or extension of a rating or certificate without being the holder of an appropriate licence, if the conditions in paragraph (2) and either paragraph (3) or (4) are satisfied.

(2) The condition first referred to in paragraph (1) is that no other person is carried in the aircraft or in an aircraft which it is towing except—

- (a) a person carried as a member of the flight crew in compliance with this Order;
- (b) a person authorised by the CAA to witness the training or tests or to conduct the tests; or
- (c) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft.

(3) The conditions secondly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—

- (a) within the preceding six months was serving as a qualified pilot of an aircraft in any of Her Majesty’s naval, military or air forces; and
- (b) the person’s physical condition has not, so far as the person is aware, so deteriorated during that period as to render the person unfit for the licence or rating for which the training or tests are being given or conducted.

(4) The conditions thirdly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—

- (a) holds a Part-FCL licence or a pilot’s, a flight navigator’s or a flight engineer’s licence granted under article 152;
- (b) the purpose of the training or tests is to enable that person to qualify under this Order for the grant of a pilot’s licence or for the inclusion of an additional type in the aircraft rating in that person’s licence; and
- (c) the person acts under the supervision of another person who is the holder of an appropriate licence.

**Flight crew licence requirement – exception for navigators and flight engineers in non-EASA aircraft**

**144.** A person may act as a member of the flight crew (otherwise than as a pilot) of a non-EASA aircraft registered in the United Kingdom without being the holder of an appropriate licence if—

- (a) the flight is for the purpose of undergoing training or tests for the grant or renewal of a flight navigator’s or a flight engineer’s licence or for the inclusion, renewal or extension of a rating in such a licence; and
- (b) the person acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

**Flight crew licence requirement – exception for members of HM Forces**

145. A person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, the person is acting in the course of his or her duty as a member of any of Her Majesty’s naval, military or air forces.

**Flight crew licence requirement – exception for non-EASA gliders**

146. A person may act as the pilot in command or co-pilot of a non-EASA glider without being the holder of an appropriate licence if the flight is not for the purpose of public transport.

**Flight crew licence requirement – exception for non-EASA aircraft where CAA permission granted**

147.—(1) Nothing in this Order prohibits the holder of a pilot’s licence from acting as pilot of a non-EASA aircraft certificated for single pilot operation if the holder is testing any person for the purposes of articles 152(1) and (8), 154(2), 155(2), 156 or 157 with the permission of the CAA.

(2) Paragraph (1) applies even though—

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in the licence; or
- (b) the licence or personal flying log book does not include a valid certificate of test, experience or revalidation for the type of aircraft.

**Requirement for appropriate licence to act as member of flight crew of non-EASA aircraft registered elsewhere than in the United Kingdom**

148.—(1) Subject to paragraph (2), this article applies to any non-EASA aircraft registered in a country other than the United Kingdom.

(2) This article does not apply to such an aircraft that is referred to in paragraphs (a)(ii), (d) or (h) of Annex II of the Basic EASA Regulation when flying for the purpose of commercial air transport.

(3) A person must not act as a member of the flight crew which must by or under this Order be carried in an aircraft to which this article applies unless—

- (a) in the case of a non-EASA aircraft flying for the purpose of commercial air transport, public transport or commercial operation, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or
- (b) in the case of a non-EASA aircraft on a non-commercial flight, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order and the CAA does not give a direction to the contrary.

**Requirement for appropriate licence to act as member of flight crew of EASA aircraft and specified non-EASA aircraft registered elsewhere than in the United Kingdom**

149.—(1) A person must not act as a member of the flight crew which must by or under the EASA Aircrew Regulation as amended from time to time be carried in—

- (a) an EASA aircraft that is registered in a country other than the United Kingdom; or
- (b) a non-EASA aircraft that is referred to in paragraphs (a)(ii), (d) or (h) of Annex II of the Basic EASA Regulation that is flying for the purpose of commercial air transport and that is registered in a country other than the United Kingdom,

unless paragraph (2), (3) or (4) applies.

(2) This paragraph applies if the operator of the aircraft is neither resident nor established in the European Union, and the person acting as a member of the flight crew is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator.

(3) This paragraph applies if the person acting as a member of the flight crew is the holder of an appropriate licence converted, granted or rendered valid under the EASA Aircrew Regulation.

(4) This paragraph applies if the person is acting as a flight radiotelephony operator, a flight engineer or a flight navigator of an aircraft referred to in paragraph (1)(b) and holds an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator.

**Deeming a non-United Kingdom flight crew licence and any Part-FCL licence valid for non-EASA aircraft registered in the United Kingdom and deeming a non-United Kingdom radiotelephony licence valid for any aircraft**

**150.**—(1) Subject to paragraph (2), this article applies to any licence which authorises the holder to act as a member of the flight crew of an aircraft and is—

- (a) granted under the law of a Contracting State other than the United Kingdom but which is not a Part-FCL licence;
- (b) granted under the law of a relevant overseas territory; or
- (c) a Part-FCL licence.

(2) This article does not apply to such a licence if it authorises the holder to act as a student pilot only.

(3) Subject to paragraph (6), for the purposes of this Part, a licence to which this article applies is, unless the CAA gives a direction to the contrary, deemed to be a licence rendered valid under this Order in respect of a non-EASA aircraft registered in the United Kingdom.

(4) Subject to paragraph (5), the privileges of a licence deemed valid under paragraph (3) are restricted so that it does not entitle the holder to act as a member of the flight crew of any aircraft flying for the purpose of public transport or commercial air transport.

(5) The restriction in paragraph (4) does not apply to a Part-FCL licence.

(6) A Part-FCL licence with single-engine piston aeroplane privileges is not deemed to be rendered valid for a microlight aeroplane unless the holder of the licence has undergone differences training in accordance with Chapter 2 of Part 2 of Schedule 8, appropriate for a microlight aeroplane class rating.

(7) A Part-FCL licence which—

- (a) authorises the holder to exercise the privileges of a Part-FCL light aircraft pilot licence or a Part-FCL private pilot licence; and
- (b) is valid in all respects save that the holder does not hold a medical certificate,

is deemed to be a licence rendered valid under this Order if the requirements of paragraph (8) are satisfied.

(8) The requirements are that the holder—

- (a) has made a medical declaration in accordance with article 163(3); and
- (b) complies with the conditions in article 163(5).

(9) The holder of a Part-FCL licence deemed to be rendered valid under paragraph (7) may only exercise the privileges of an equivalent private pilot licence granted under article 152.

**Permission required where pilot's licence does not meet relevant minimum standards**

**151.**—(1) This article applies to any pilot's licence, other than a Part-FCL licence, endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention.

(2) The holder of such a licence, which has been granted or rendered valid under this Order, must not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom, except in accordance with a permission granted by the competent authority of that State.

(3) The holder of a pilot's licence, which has been granted or rendered valid under the law of a Contracting State other than the United Kingdom, must not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with a permission granted by the CAA, whether or not the licence is rendered valid under this Order.