
STATUTORY INSTRUMENTS

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.

CHAPTER 2

Flight crew licensing – grant of licence and maintenance of privileges

Grant, renewal and privileges of United Kingdom flight crew licences

152.—(1) Subject to article 172, the CAA or a person approved by the CAA for that purpose must grant licences of any of the classes specified in Part 1 of Schedule 8, authorising the holder to act as a member of the flight crew of a non-EASA aircraft registered in the United Kingdom, if it is satisfied that the applicant is—

- (a) a fit person to hold the licence; and
- (b) qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates.

(2) For the purposes of paragraph (1) the applicant must supply such evidence and undergo such assessments, examinations and tests (including in particular medical assessments and examinations) and undertake such courses of training as the CAA or a person approved by the CAA for that purpose may require.

(3) A licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil.

(4) Subject to article 253—

- (a) a licence granted under this article remains in force for the period indicated in the licence, not exceeding the period specified for a licence of that class in Part 1 of Schedule 8;
- (b) if no period is indicated in the licence, it remains in force for the lifetime of the holder.

(5) A licence granted under this article may be renewed by the CAA or a person approved by the CAA for that purpose on being satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).

(6) A licence granted under this article must not be granted to any person who is under the minimum age specified for that class of licence in Part 1 of Schedule 8.

(7) Nothing in this Order obliges the CAA or a person approved by the CAA for that purpose to accept an application for the issue of a National Private Pilot's Licence when the application is not supported by such reports from such persons approved under article 268 as the CAA or a person approved by the CAA for that purpose may specify, either generally or in a particular case or class of cases.

(8) Subject to any conditions of the licence including those specified in Part 1 of Schedule 8, the other provisions of this Part and article 253, a licence of any class entitles the holder to exercise the privileges specified for that licence in Chapter 2 of Part 1 of that Schedule under the heading

“Privileges” or Chapter 3 of Part 1 of that Schedule under the heading “Privileges and conditions” on a non-EASA aircraft.

(9) The CAA or a person approved by the CAA for that purpose may grant a licence subject to such conditions it deems appropriate.

Ratings and certificates

153.—(1) The CAA may include—

- (a) in any United Kingdom licence any rating or certificate specified in Chapter 1 or 2 of Part 2 of Schedule 8;
- (b) in any National Private Pilot’s Licence (Aeroplanes) any rating or certificate specified in Chapter 2 of Part 2 of Schedule 8;
- (c) in any National Private Pilot’s Licence (Helicopters) any rating specified in Chapter 3 of Part 2 of Schedule 8.

(2) The CAA must include a rating or certificate if it is satisfied that the applicant is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the rating or certificate relates.

(3) A rating or certificate is deemed to form part of the licence.

(4) A rating or certificate of any class entitles the holder of the licence in which the rating or certificate is included to exercise the privileges specified for that rating or certificate in Part 2 of Schedule 8 on a non-EASA aircraft.

(5) The CAA may grant a rating or certificate subject to such conditions as it deems appropriate.

Maintenance of privileges of aircraft ratings specified in Chapter 1 of Part 2 of Schedule 8 in United Kingdom pilot licences for balloons, airships and gyroplanes

154.—(1) This article applies to United Kingdom airship, balloon and gyroplane licences.

(2) Subject to paragraphs (3), the holder of such a pilot licence is not entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating;
- (b) the certificate is appropriate to the functions to be performed on that flight in accordance with Chapter 1 of Part 3 of Schedule 8; and
- (c) the certificate is issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

(3) The holder of a United Kingdom Private Pilot’s Licence (Balloons and Airships) is entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight if the licence does not have a certificate referred to in paragraph (2).

Maintenance of privileges of aircraft ratings specified in Chapter 1 of Part 2 of Schedule 8 in United Kingdom aeroplane and helicopter licences

155.—(1) This article applies to United Kingdom aeroplane and helicopter licences.

(2) The holder of a licence to which this article applies is not entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating;
- (b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8;

- (c) the holder—
 - (i) has undertaken the differences training specified in paragraph FCL 710 of Part-FCL;
or
 - (ii) is the holder of a licence with single-engine piston aeroplane privileges who wishes to exercise such privileges on a microlight aeroplane and has undergone differences training in accordance with Chapter 2 of Part 2 of Schedule 8, appropriate for a microlight aeroplane class rating; and
- (d) detailed information about that differences training is entered in the holder's personal flying log.

Maintenance of privileges of other certificates and ratings specified in Chapter 1 of Part 2 of Schedule 8

156.—(1) The holder of a United Kingdom licence is not entitled to exercise the privileges of a certificate or rating specified in paragraph (2) unless—

- (a) the licence in which the certificate or rating is included has a certificate of revalidation; and
 - (b) the certificate of revalidation is appropriate, issued and valid in accordance with Chapter 1 or 2 of Part 3 of Schedule 8.
- (2) The certificates and ratings referred to in paragraph (1) are—
- (a) an instrument meteorological conditions rating (aeroplanes);
 - (b) an instrument rating (aeroplane);
 - (c) an instrument rating (helicopter); and
 - (d) any instructor certificate.

Maintenance of privileges of certificates and ratings specified in Chapters 2 and 3 of Part 2 of Schedule 8

157. The holder of a United Kingdom licence or a National Private Pilot's Licence is not entitled to exercise the privileges of any certificate or rating specified in Chapter 2 or 3 of Part 2 of Schedule 8 which is included in the licence unless—

- (a) the licence includes a certificate of revalidation for the certificate or rating; and
- (b) the certificate of revalidation is appropriate, issued and valid in accordance with Chapter 2 of Part 3 of Schedule 8.

Maintenance of privileges of Flight Engineers' Licences

158. The holder of a United Kingdom Flight Engineer's Licence is not entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating; and
- (b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

Maintenance of privileges of Flight Navigators' Licences

159. The holder of a United Kingdom Flight Navigator's Licence is not entitled to exercise the privileges of the licence on a flight to which article 111 applies unless—

- (a) the licence has a certificate of revalidation; and

- (b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

CHAPTER 3

Medical certificates

Requirement for a medical certificate for a United Kingdom licence

160.—(1) This article applies to any licence granted under article 152.

(2) Subject to article 163, the holder of a licence to which this article applies is not entitled to perform any of the functions to which the licence relates unless—

- (a) the licence includes a valid medical certificate issued under article 161; or
- (b) the holder of the licence has a valid medical certificate issued under Part-MED that is not a Light Aircraft Pilot Licence medical certificate.

Issue and validity of a medical certificate for a United Kingdom licence

161.—(1) The CAA may approve a person to carry out a medical assessment or examination for the purposes of this article and to issue a medical certificate in accordance with paragraph (6).

(2) An approval may be granted generally or in a particular case or class of cases.

(3) Every applicant for, or holder of, a licence under article 152 must, whenever the CAA requires, submit to a medical assessment or examination by a person approved by the CAA.

(4) The approved person must make a report of the assessment or examination to the CAA in such form as the CAA may require.

(5) On the basis of such medical assessment or examination, the approved person must assess whether the applicant for or holder of the licence meets the requirements specified by the CAA.

(6) If the approved person assesses the applicant for or holder of the licence as meeting the requirements specified by the CAA, the approved person must issue a certificate to that effect.

(7) Subject to articles 166(3) and 253, a medical certificate is valid for the period specified in the certificate.

(8) A medical certificate forms part of the licence.

Requirement for a Part MED medical certificate for a Part-FCL licence

162. Subject to article 150(7), the holder of a Part-FCL licence is not entitled to exercise any of the privileges of the licence unless the holder has a valid medical certificate in accordance with paragraph MED.A.030 of Part-MED.

Medical requirements for specified United Kingdom licences and National Private Pilot's Licences

163.—(1) In this article, a specified licence means—

- (a) a National Private Pilot's Licence or United Kingdom Private Pilot's Licence; or
- (b) a United Kingdom Commercial Pilot's Licence (Balloons) that is restricted to commercial operation and to the privileges of a United Kingdom Private Pilot's Licence (Balloons and Airships).

(2) Subject to paragraph (7), the holder of a specified licence, or of a licence which includes the privileges of a specified licence, may exercise any of the privileges of the specified licence if the holder has—

- (a) a valid medical certificate issued under article 161;
 - (b) a medical certificate granted under Section 2 of Subpart A of Part-MED, including one which is valid for a Light Aircraft Pilot Licence issued under Part-FCL; or
 - (c) made a medical declaration in accordance with paragraph (3) which has not ceased to be valid in accordance with paragraph (4) and the holder complies with the conditions in paragraph (5).
- (3) The holder of a licence makes a medical declaration in accordance with this article if they—
- (a) reasonably believe that they—
 - (i) meet the medical requirements for a Group 1 Licence issued by the Driver and Vehicle Licensing Agency; and
 - (ii) are not subject to a disqualifying medical condition.
 - (b) make a declaration to that effect to the CAA in such form and in such manner as may be required or specified by the CAA; and
 - (c) in the case of a licence holder aged 70 years or more, have made such a declaration within the previous three years.
- (4) A declaration made in accordance with paragraph (3)—
- (a) ceases to be valid if it is withdrawn;
 - (b) must be withdrawn by the holder if they no longer reasonably believe that they satisfy the requirements of paragraph (3);
 - (c) may be withdrawn by the CAA if it has reason to believe that the holder—
 - (i) no longer meets the medical requirements in paragraph (3)(a)(i); or
 - (ii) is subject to a disqualifying medical condition.
- (5) The holder of a licence who does not have a medical certificate and relies on satisfying the requirements of paragraph (3) may only exercise the privileges of the licence—
- (a) in an aircraft with a maximum take-off mass of 5,700kg or less;
 - (b) with not more than three passengers on board;
 - (c) by day or when exercising the privileges of a night rating;
 - (d) in visual meteorological conditions or when exercising the privileges of an instrument meteorological conditions rating; and
 - (e) within the United Kingdom unless the holder has the permission of the competent authority for the airspace in which the aircraft is being flown.
- (6) For the purposes of this article, “disqualifying medical condition” means any physical or mental condition or illness, or any history of such a condition or illness, including—
- (a) any alcohol or drug abuse, addiction or misuse;
 - (b) any neurological condition;
 - (c) any functional disability;
 - (d) any surgery or medical treatment;
 - (e) any collapse, fainting or loss of consciousness;
 - (f) any history of (a) to (e); or
 - (g) such other medical conditions as the CAA may specify,
- that might impair the safe operation of normal flight controls or render the licence holder unfit at any time to perform any function for which the licence is granted.

(7) The holder of a specified licence wishing to exercise night rating privileges must additionally meet the colour vision requirements of MED.B.075 of Part-MED in order to be so entitled.

Issue of Light Aircraft Pilot Licence medical certificates

164.—(1) For the purposes of MED.D.035(a)(2) of Part-MED, the requirements for a general medical practitioner to act as an authorised aeromedical examiner in relation to the issue, revalidation or renewal of Light Aircraft Pilot Licence medical certificates in accordance with Part-MED are those set out in paragraph (2).

(2) The requirements referred to in paragraph (1) are that the general medical practitioner must—

- (a) be in general practice or be a Medical Officer of Her Majesty’s naval, military or air forces who is included in the General Practitioner Register maintained by the General Medical Council;
- (b) hold a valid licence to practise medicine from the General Medical Council; and
- (c) have access to and be able to consult the medical records of the applicant.

(3) A general medical practitioner who issues a Light Aircraft Pilot Licence medical certificate must, in relation to that certificate, keep for a period of 10 years after the expiry of the certificate—

- (a) the signed and completed Light Aircraft Pilot Licence medical application form;
- (b) a copy of the completed assessment or examination forms; and
- (c) a copy of the medical certificate.

Occupational health medical practitioners

165. For the purposes of paragraph MED.D.040(b) of Part-MED an “occupational health medical practitioner” is any doctor listed in the Specialist Register of the General Medical Council as having specialist registration in occupational medicine.

Licence holder not to act as member of flight crew when unfit

166.—(1) Subject to paragraph (6), a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if they know or suspect their physical or mental condition renders them temporarily or permanently unfit to perform such functions or to act in such capacity, including unfitness by reason of—

- (a) injury or sickness;
- (b) taking or using any prescribed or non-prescribed medication which is likely to interfere with the ability to perform such functions;
- (c) receipt of any medical, surgical or other treatment that is likely to interfere with the ability to perform such functions;
- (d) the effects of any psychoactive substance; or
- (e) fatigue.

(2) Every holder of a medical certificate issued under article 161 or medical declaration in accordance with article 163(3) who—

- (a) suffers any personal injury involving incapacity to undertake the holder’s functions as a member of the flight crew;
- (b) suffers any significant illness involving incapacity to undertake those functions throughout a period of 21 days or more; or
- (c) in the case of a woman, has reason to believe that she is pregnant,

must inform an aeromedical examiner authorised by the CAA of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(3) The medical certificate or declaration is suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy.

(4) In the case of injury or illness the suspension ceases upon—

- (a) the holder being medically assessed under arrangements made by the CAA and pronounced fit to resume the holder's functions as a member of the flight crew; or
- (b) the CAA exempting, subject to such conditions it deems appropriate, the holder from the requirement of a medical assessment.

(5) In the case of pregnancy, the suspension—

- (a) may be lifted by the CAA or an aeromedical examiner authorised by the CAA for such period and subject to such conditions as the CAA or the aeromedical examiner thinks fit; and
- (b) ceases upon the holder being medically assessed under arrangements made by the CAA after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(6) Paragraph (1) does not apply to the holder of a Part-FCL licence when the holder is exercising the privileges of the licence in an EASA aircraft.

CHAPTER 4

Flight crew licensing – general provisions

Person not to fly after failing test

167. The holder of a licence who, on the last occasion when the holder took a test for the purposes of articles 154, 155, 156, 157, 158 or 159 failed that test, is not entitled to fly in the capacity for which that test would have qualified the holder had it been passed.

Approval of training and testing

168. The CAA may, for the purposes of articles 36 and 187, and Chapter 3—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide any course of training or instruction.

Validation of licences

169. Except for a Part-FCL licence the CAA may issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than that of the United Kingdom.

Instruction in flying

170.—(1) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

- (a) the grant of a pilot's licence under this Order or Part-FCL; or
- (b) the inclusion, variation, renewal or revalidation of any rating, certificate or qualification in a pilot's licence under this Order or Part-FCL.

- (2) A person must not give any instruction in flying to which this article applies unless—
- (a) they hold a licence, granted or rendered valid under this Order or a Part-FCL licence, entitling them to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
 - (b) the licence includes an instructor's rating or certificate entitling the holder to give the instruction.

Glider pilots – minimum age

171. A person under 14 years of age must not act as pilot in command of a non-EASA glider.

Licences and ratings no longer to be granted

172. The CAA must not grant—

- (a) a United Kingdom Commercial Pilot's Licence (Helicopters and Gyroplanes); or
- (b) a United Kingdom Airline Transport Pilot's Licence (Helicopters and Gyroplanes),

to any person who was not on 31st December 2002 the holder of such a licence.

Status of licences issued by the CAA

173.—(1) This article applies to pilot licences issued by the CAA prior to 17th September 2012 that were not entitled to be mutually recognised by the JAA Full Member States in accordance with JAR-FCL 1 or JAR-FCL 2.

(2) The following have effect—

- (a) any United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) that includes a restriction specified in paragraph (3) is deemed to be a United Kingdom Private Pilot's Licence (Aeroplanes);
- (b) any United Kingdom Basic Commercial Pilot's Licence (Aeroplanes), other than a licence referred to in sub-paragraph (a), is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes);
- (c) any JAA Commercial Pilot Licence (Aeroplane) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes);
- (d) any JAA Airline Transport Pilot Licence (Aeroplane) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Airline Transport Pilot's Licence (Aeroplanes); and
- (e) any JAA Commercial Pilot Licence (Helicopter) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Commercial Pilot's Licence (Helicopters).

(3) A restriction referred to in paragraph (2)(a) is a restriction that the holder must not fly as pilot in command or co-pilot for the purposes of public transport or commercial operation, apart from commercial operation for—

- (a) the giving of instruction in flying;
- (b) the conducting of flying examinations for the purpose of this Order;
- (c) the towing of a glider in flight;
- (d) the giving of flying displays; or
- (e) parachute dropping.

CHAPTER 5

Fatigue of crew and protection of crew from cosmic radiation

Application and interpretation of this Chapter

174.—(1) Subject to paragraphs (2) and (4), articles 175 and 176 apply to an aircraft registered in the United Kingdom which is—

- (a) flying on a public transport flight;
- (b) operated by the holder of a national air operator’s certificate;
- (c) a helicopter flying on a commercial air transport operation; or
- (d) an aeroplane with a flight crew of one pilot flying for the purpose of commercial air transport.

(2) Article 176 also applies to an aircraft registered in the United Kingdom which is flying on—

- (a) a non-commercial flight; and
- (b) a commercial operations flight.

(3) In this Chapter—

“day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time;

“flight time” means all time spent by a person as a member of the crew while it is in flight in—

- (a) a civil aircraft, whether or not registered in the United Kingdom, which is flying for the purpose of—
 - (i) commercial air transport;
 - (ii) public transport
 - (iii) commercial operation; or
 - (iv) a flight subject to Part-NCC; or
- (b) a military aircraft.

(4) For the purposes of this Chapter, a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew – operator’s responsibilities

175.—(1) The operator of an aircraft to which this article applies must not cause or permit that aircraft to make a flight unless—

- (a) the operator has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the CAA;
- (c) either—
 - (i) the scheme is incorporated in the operations manual required by article 116; or
 - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in the aircraft as a member of its crew; and
- (d) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with by every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies must not cause or permit any person to fly as a member of its crew who the operator knows or has reason to believe is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies must not cause or permit any person to fly in the aircraft as a member of its flight crew unless the operator possesses an accurate and up-to-date record for that person and for the 28 days immediately preceding the flight showing—

- (a) all flight times; and
- (b) brief details of the nature of the functions performed in the course of those flight times.

(4) Subject to article 238, the record referred to in paragraph (3) must be preserved by the operator of the aircraft for at least 12 months after the flight referred to in that paragraph.

Fatigue of crew – responsibilities of crew

176.—(1) A person must not act as a member of the crew of an aircraft to which this article applies if they know or suspect that they are suffering from or, having regard to the circumstances of the flight to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person must not act as a member of the flight crew of an aircraft to which this article applies without first ensuring that the operator of the aircraft is aware of their flight times during the period of 28 days preceding the flight.

Flight times – responsibilities of flight crew

177.—(1) Subject to paragraphs (2) and (3), a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if, at the beginning of the flight, the aggregate of all that person's previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article does not apply to non-commercial flights except for flights subject to Part-NCC.

(3) A person may act as a member of the flight crew on a private or commercial operation flight where the operator does not hold a national air operator's certificate if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since last being medically examined and found fit by a person approved by the CAA for the purpose of article 161(3) is not more than 25 hours.

Protection of air crew from cosmic radiation

178.—(1) An undertaking operating an aircraft must—

- (a) take account of exposure to cosmic radiation of air crew who are liable to be subject to exposure to more than 1 mSv per year; and
- (b) take appropriate measures, in particular to—
 - (i) assess the exposure of the crew concerned;
 - (ii) take into account the assessed exposure when organising working schedules with a view to reducing the doses of highly exposed air crew; and
 - (iii) to inform the workers concerned of the health risks their work involves.

- (2) In relation to female air crew employed by an undertaking—
- (a) as soon as a pregnant woman informs the undertaking in writing of her condition, the undertaking must ensure that—
 - (i) the conditions of exposure to cosmic radiation for the pregnant woman in the context of her employment are such that the equivalent dose to the child to be born will be as low as reasonably achievable; and
 - (ii) it will be unlikely that this dose will exceed 1 mSv during the remainder of the pregnancy;
 - (b) as soon as a nursing woman informs the undertaking in writing of her condition she must not be employed in work involving a significant risk of bodily radioactive contamination.
- (3) In this article—
- “air crew” has the same meaning as in article 42 of Council Directive 96/29/Euratom⁽¹⁾;
 - “highly exposed” has the same meaning as in article 42 of Council Directive 96/29/Euratom;
 - “mSv” means one thousandth of a Sievert, as defined in article 1 of Council Directive 96/29/Euratom;
 - “undertaking”, as regards the operation of aircraft, has the meaning given in articles 1 and 2 of Council Directive 96/29/Euratom.

Fatigue of crew – responsibilities of EU-OPS and Part-CAT operators

- 179.**—(1) This article applies to an operator of an EU-OPS aeroplane or a Part-CAT aeroplane which—
- (a) is registered in the United Kingdom; and
 - (b) has a flight crew of at least two pilots.
- (2) An operator to which this article applies must not cause or permit an aircraft to fly for the purpose of commercial air transport unless—
- (a) the scheme for the regulation of flight times required under EU-OPS or Part-CAT has been approved by the CAA; and
 - (b) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aeroplane as a member of its crew.

(1) Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation. O.J. No. L 159, 29.6.96, p.1.