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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 7**

**Air traffic services**

**CHAPTER 2**

**Licensing of air traffic controllers**

**Prohibition of unlicensed student air traffic controllers and air traffic controllers**

**188.**—(1) A person must not provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(2) A person must not provide air traffic control services in the North Atlantic Shanwick Oceanic Control Area unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4) which contains—

- (a) an Area Control Surveillance Rating and an Oceanic Control endorsement; or
- (b) an Area Control Procedural Rating and an Oceanic Control endorsement.

(3) A person must not hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(4) A student air traffic controller licence or air traffic controller licence referred to in paragraphs (1), (2) and (3) is a licence issued under the EASA Air Traffic Controller Licensing Regulation by a competent authority of the United Kingdom or a licence issued under the EASA Air Traffic Controller Licensing Regulation by a Member State other than the United Kingdom.

**Period for which a student air traffic controller licence remains in force**

**189.** Unless suspended or revoked under Article 6 of the EASA Air Traffic Controller Licensing Regulation, a student air traffic controller licence remains in force for the period specified in the licence, which must not exceed two years.

**Inclusion of national endorsements**

**190.**—(1) The CAA may include in an Approach Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

- (a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;

- (b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.
- (2) The CAA may include in an Area Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—
  - (a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;
  - (b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.
- (3) The CAA may include in an Area Control Procedural Rating contained in an air traffic controller licence an Oceanic Control Endorsement which entitles the holder to provide air traffic control services to aircraft operating in an Oceanic Control Area.

#### **Fatigue of air traffic controllers**

**191.** A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence if they know or suspect that they are suffering from or, having regard to the circumstances of the period of duty to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

#### **Acting under the influence of psychoactive substances or medicines**

**192.** A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence whilst under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly.

#### **Failing exams, assessments or tests**

**193.** A person who, when last examined, assessed or tested for the purposes of this Chapter, failed that examination, assessment or test must not act in the capacity for which that examination, assessment or test would have qualified them had it been passed.

#### **Use and approval of simulators**

**194.—(1)** No part of any examination, assessment or test undertaken for the purposes of the EASA Air Traffic Controller Licensing Regulation may be undertaken in a simulator unless that simulator has been approved for the purpose by the CAA.

(2) The CAA must approve a simulator for the purposes of paragraph (1) if it is satisfied that it is fit for its intended purpose.

#### **Approval of courses, persons and simulators**

**195.** Without prejudice to any other provision of this Order the CAA may, for the purposes of this Chapter, approve—

- (a) any course of training or instruction;
- (b) any unit training plan or unit competence scheme;
- (c) a person to conduct such examinations, assessments or tests as it may specify; and
- (d) a simulator.

### **Certification of training organisations**

**196.** A person must not provide training necessary to obtain from the CAA student air traffic controller licences or air traffic controller licences or any associated rating or endorsement or to maintain any of them unless—

- (a) that person holds training organisation certification issued or recognised by the CAA in accordance with the EASA Air Traffic Controller Licensing Regulation; and
- (b) the training has been approved by the CAA in accordance with Article 22(2)(d) of the EASA Air Traffic Controller Licensing Regulation.

### **Certified training organisation: production of records**

**197.** A certified training organisation must, within a reasonable time of being requested to do so by an authorised person, produce to that person any record or document (whether or not in electronic form) which that person may require for the purpose of determining whether the certified training organisation fulfils the requirements set out in Chapter IV of the EASA Air Traffic Controller Licensing Regulation as amended from time to time.

### **Meaning of terms used in this Chapter**

**198.** Terms used in this Part have the same meaning as equivalent terms used in the EASA Air Traffic Controller Licensing Regulation.