
STATUTORY INSTRUMENTS

2005 No. 1970

The Air Navigation Order 2005

PART 7

Documents and Records

Documents to be carried

86.—(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) Subject to paragraph (3), an aircraft registered in the United Kingdom shall, when in flight, carry documents in accordance with Schedule 10.

(3) If the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Keeping and production of records of exposure to cosmic radiation

87.—(1) A relevant undertaking shall keep a record for the period and in the manner prescribed of the exposure to cosmic radiation of air crew assessed under article 85 and the names of the air crew concerned.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

Production of documents and records

88.—(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as the aircraft is required by article 86 to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available—

- (a) the documents referred to in Schedule 10 as Documents A, B and G;

- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 23(3);
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 10 as Documents D, E, F and H;
- (e) any records of flight times, duty periods and rest periods which he is required by article 82(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under article 38(2)(a);
- (g) the record made by any flight data recorder required to be carried by or under this Order.

(3) The holder of a licence granted or rendered valid under this Order or of a medical certificate required under article 26(2)(b)(ii) shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) Every person required by article 35 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within a period of 2 years beginning with the date of the last entry.

Production of air traffic service equipment documents and records

89. The holder of an approval under article 124 or 125 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records

90. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under this Order or any regulations made thereunder to require to be produced to him.

Preservation of documents, etc.

91.—(1) Subject to paragraphs (2), (3), (4) and (5), a person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 62(2) and (4) which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the first-mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.

(4) If any person in respect of whom a record has been kept by the first-mentioned operator in accordance with article 82(4) becomes a member of the flight crew of a public transport aircraft

registered in the United Kingdom and operated by another person the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.

(5) It shall be the duty of the other person referred to in paragraphs (2), (3) and (4) to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

92.—(1) Subject to paragraphs (5) and (6), the CAA may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the CAA within a reasonable time after being required to do so by the CAA.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) The provisions of article 93 shall have effect, in place of the provisions of this article, in relation to permits to which that article applies.

(6) Notwithstanding paragraph (1), a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

Revocation, suspension and variation of permissions, etc. granted under article 138 or article 140

93.—(1) Subject to the provisions of this article, the Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the Secretary of State may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a

permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if it appears to him that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or a Government of another country which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, have—
 - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid; or
 - (ii) have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982 or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned; and
- (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of an agreement referred to in sub-paragraph (b), is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.

(7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.

(8) The permits to which this article applies are permissions granted by the Secretary of State under article 138 or article 140 and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(9) References in this article to the "permit-holder" are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

Offences in relation to documents and records

94.—(1) A person shall not with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order or by or under Part 21, 66, 145, 147 or M which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order or by or under Part 21, 66, 145, 147 or M to, or allow it to be used by, any other person; or

- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order or by or under Part 21, 66, 145, 147 or M to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order, of any regulations made thereunder or of Part 21, 66, 145, 147 or M unless he is authorised to do so under this Order or Part 21, 66, 145, 147 or M as the case may be.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.