

SCHEDULE 3

A AND B CONDITIONS AND CATEGORIES OF CERTIFICATE OF AIRWORTHINESS Articles 3(3), 8(2) and 65(7)

PART A

A and B Conditions

A Conditions

1.—(1) A non-EASA aircraft registered in the United Kingdom may fly for a purpose set out in paragraph (2) subject to the conditions contained in paragraphs (3) to (8) when either:

- (a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom; or
- (b) the certificate of airworthiness or certificate of validation issued in respect of the aircraft has ceased to be in force by virtue of any of the matters specified in article 10.

(2) The purposes referred to in paragraph (1) are—

- (a) in the case of an aircraft falling within paragraph (1)(a) the aircraft shall fly only so as to enable it to—
 - (i) qualify for the issue, renewal or validation of a certificate of airworthiness after an application has been made for such issue, renewal or validation as the case may be, or carry out a functional check of a previously approved modification of the aircraft (and for the purpose of this Schedule “a previously approved modification” shall mean a modification which has previously been approved by the CAA or by an organisation approved for that purpose by the CAA in respect of that aircraft or another aircraft of the same type);
 - (ii) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in subparagraph (i), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
 - (iii) proceed to or from a place at which the aircraft is to be or has been stored.
- (b) in the case of an aircraft falling within paragraph (1)(b), the aircraft shall fly only so as to enable it to—
 - (i) proceed to a place at which any inspection or maintenance required by virtue of article 10(b)(ii) is to take place; or
 - (ii) proceed to a place at which any inspection, maintenance or modification required by virtue of article 10(b)(i) or (c) is to take place and in respect of which flight the CAA has given permission in writing; or
 - (iii) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the CAA of any overhaul, repair, previously approved modification, inspection or maintenance required by virtue of article 10.

(3) The aircraft, including any modifications, shall be of a design which previously has been approved by the CAA, or by an organisation approved for that purpose by the CAA, as being compliant with a standard accepted by the CAA as appropriate for the issue of a national certificate of airworthiness.

Status: This is the original version (as it was originally made).

(4) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate or by a person approved by the CAA for the purpose of issuing certificates under this condition, and in accordance with that approval.

(5) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation or flight manual which has previously been in force under the Order in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(6) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2).

(7) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off or land.

B Conditions

2.—(1) A non-EASA aircraft may fly for a purpose set out in paragraph (2) subject to the conditions set out in paragraphs (3) to (8) whether or not it is registered in accordance with article 3(1) and when there is not in force—

- (a) in the case of an aircraft which is so registered, a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered; or
- (b) in the case of an aircraft which is not so registered, either a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom or a permit to fly issued by the CAA in respect of that aircraft.

(2) The purposes referred to in paragraph (1) are—

- (a) experimenting with or testing the aircraft (including any engines installed thereon) or any equipment installed or carried in the aircraft;
- (b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft or the issue of a permit to fly;
- (c) demonstrating and displaying the aircraft, any engines installed thereon or any equipment installed or carried in the aircraft with a view to its sale or of other similar aircraft, engines or equipment;
- (d) demonstrating and displaying the aircraft to employees of the operator;
- (e) the giving of flying training to or the testing of flight crew employed by the operator or the training or testing of other persons employed by the operator and who are carried or are intended to be carried under paragraph (7)(a); or
- (f) proceeding to or from a place at which any experiment, inspection, repair, modification, maintenance, approval, test or weighing of the aircraft, the installation of equipment in the aircraft, demonstration, display or training is to take place for a purpose referred to in subparagraph (a), (b), (c), (d) or (e) or at which installation of furnishings in, or the painting of, the aircraft is to be undertaken.

(3) The flight shall be operated by a person approved by the CAA for the purposes of these Conditions and subject to any additional conditions which may be specified in such an approval.

(4) If not registered in the United Kingdom the aircraft shall be marked in a manner approved by the CAA for the purposes of these Conditions, and articles 20, 22, 52, 55, 86 and 88 shall be complied with in relation to the aircraft as if it were registered in the United Kingdom.

(5) If not registered in the United Kingdom, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(6) No person shall act as pilot in command of the aircraft except a person approved for the purpose by the CAA.

(7) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following—

- (a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose specified in paragraph (2);
- (b) persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft for carrying out during the flight duties in connection with a purpose so specified;
- (c) persons approved by the CAA under article 165 as qualified to furnish reports for the purposes of article 9;
- (d) persons other than those carried under the preceding provisions of this paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;
- (e) cargo which comprises equipment carried in connection with a purpose specified in paragraph (2)(f); or
- (f) persons employed by the operator or persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with a purpose specified in paragraph (2)(f) which persons have duties in connection with that purpose.

(8) The aircraft shall not fly, except in accordance with procedures which have been approved by the CAA in relation to that flight, over any congested area of a city, town or settlement.