
STATUTORY INSTRUMENTS

2012 No. 1751

The Air Navigation (Amendment) Order 2012

PART 2

Non-expiring national certificate of airworthiness and airworthiness review

- 55.** In article 18 (issue and renewal of national certificates of airworthiness)—
- (a) in paragraph (1), after “non-EASA aircraft” insert “registered in the United Kingdom”; and
 - (b) after paragraph (1) insert—
 - (a) “(1A) A national certificate of airworthiness issued by the CAA on or after 10th August 2012 must be a non-expiring national certificate of airworthiness.
 - (b) A national certificate of airworthiness issued by the CAA before that date will expire on the date specified in the certificate.”.
- 56.** In article 25 (requirement for an approved maintenance schedule and a certificate of maintenance review for non-EASA aircraft)—
- (a) in paragraphs (1) and (2) for “A non-EASA aircraft” substitute “Subject to paragraph (7), a non-EASA aircraft”; and
 - (b) after paragraph (6) add—
 - “(7) Paragraphs (1) and (2) do not apply to an aircraft with a non-expiring national certificate of airworthiness.”.
- 57.** After Part 3 insert—

“PART 3A

Continuing airworthiness of aircraft with a non-expiring national certificate of airworthiness

Requirement for and validity of a national airworthiness review certificate

36A.—(1) An aircraft with a non-expiring national certificate of airworthiness must not fly unless it has a valid national airworthiness review certificate.

(2) Subject to articles 19, 36B, 36H, 36I, 36J and 228, a national airworthiness review certificate is valid for one year.

Validity of the national airworthiness review certificate

36B. A national airworthiness review certificate becomes invalid if—

- (a) suspended or revoked;
- (b) the certificate of airworthiness is suspended or revoked; or

- (c) the aircraft ceases to be registered in the United Kingdom.

Other circumstances in which an aircraft must not fly

36C. An aircraft with a non-expiring national certificate of airworthiness must not fly if—

- (a) the continuing airworthiness of the aircraft or any component fitted to the aircraft does not meet the requirements of this Part;
- (b) the aircraft does not remain in conformity with the type design approved by the CAA;
- (c) the aircraft has been operated beyond the limitations of the approved flight manual or the airworthiness certificate, without subsequent appropriate action to restore airworthiness being taken;
- (d) the aircraft has been involved in an accident or incident that affects the airworthiness of the aircraft, without subsequent appropriate action to restore airworthiness being taken; or
- (e) the aircraft has a modification or repair for which a certificate or release to service has not been issued in accordance with this Order.

Initial issue of national airworthiness review certificate

36D.—(1) This article applies to an aircraft with a non-expiring national certificate of airworthiness which has not previously had a national airworthiness review certificate.

(2) A national airworthiness review certificate is issued for an aircraft to which this article applies in accordance with paragraph (3) or (4).

(3) A national airworthiness review certificate may be issued by the CAA following the satisfactory completion of an airworthiness review by the CAA.

(4) A national airworthiness review certificate may be issued by the CAA on receipt of a recommendation from—

- (a) a continuing airworthiness management organisation approved in accordance with article 36M; or
- (b) in the case of an aeroplane or a helicopter with a maximum total weight authorised of 2730kg or less, an aeroplane and rotorcraft maintenance organisation approved in accordance with article 36N.

(5) A recommendation under paragraph (4) may only be made when the organisation is satisfied that it may properly do so after carrying out an airworthiness review.

Subsequent issue of national airworthiness review certificate

36E.—(1) This article applies to an aircraft with a non-expiring national certificate of airworthiness which has previously had a national airworthiness review certificate.

(2) A national airworthiness review certificate may be issued for an aircraft to which this article applies in accordance with paragraph (3) or (4).

(3) A national airworthiness review certificate may be issued by the CAA—

- (a) following the completion of an airworthiness review by the CAA; or
- (b) in the case of an aircraft which has a maximum total weight authorised of 2730kg or less and is neither a commercial air transport aeroplane nor a non-military

State aircraft, on receipt of a recommendation for its issue from an aeroplane and rotorcraft maintenance organisation approved in accordance with article 36N.

(4) A national airworthiness review certificate may be issued by a continuing airworthiness management organisation approved under article 36M.

(5) A national airworthiness review certificate may be issued under paragraph (3)(a) or paragraph (4) only when the CAA or the issuing continuing airworthiness management organisation is satisfied that it may properly do so after carrying out an airworthiness review.

(6) A recommendation to issue a national airworthiness review certificate under paragraph (3)(b) may be made only when the organisation making the recommendation is satisfied that it may properly do so after carrying out an airworthiness review.

Aircraft maintenance programme

36F.—(1) An aircraft with a non-expiring national certificate of airworthiness must be maintained in accordance with an aircraft maintenance programme approved in accordance with this article.

(2) The aircraft maintenance programme and any amendments must be approved—

- (a) by the CAA; or
- (b) in accordance with paragraphs (3) and (4).

(3) When the continuing airworthiness of the aircraft is managed by a continuing airworthiness management organisation approved in accordance with article 36M, the aircraft maintenance programme and its amendments may be approved by that organisation.

(4) In that case, the approval procedure must be included by the continuing airworthiness management organisation in its continuing airworthiness management exposition required by article 36M(2)(b).

Commercial air transport aeroplanes, public transport aircraft and non-military State aircraft

36G.—(1) Aircraft with a non-expiring national certificate of airworthiness which are commercial air transport aeroplanes, public transport aircraft or non-military State aircraft must either—

- (a) be kept in a controlled environment; or
- (b) (i) be managed by a continuing airworthiness management organisation approved in accordance with article 36M; and
 - (ii) have any maintenance carried out in accordance with paragraph (2).

(2) Maintenance is carried out in accordance with this paragraph if—

- (a) it is carried out by a maintenance organisation which is approved under article 31(1)(b); or
- (b) it is maintenance for which a certificate of release to service may be issued by the holder of a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order or a Part-FCL Airline Transport Pilot Licence (Aeroplane) and it is carried out by the holder of such a licence.

Extension of a national airworthiness review certificate of an aircraft in a controlled environment

36H.—(1) The validity of a national airworthiness review certificate of an aircraft in a controlled environment may be extended by the continuing airworthiness management organisation which is managing the airworthiness of the aircraft.

(2) The continuing airworthiness management organisation may extend its validity on a maximum of two occasions, for a period of 12 months on each occasion.

(3) A national airworthiness review certificate may be extended only when the continuing airworthiness management organisation which is to extend it is satisfied that it is proper to do so.

Extension of a national airworthiness review certificate of an aircraft which is not in a controlled environment which has a maximum total weight authorised of 2730kg or less

36I.—(1) Subject to paragraph (2), this article applies to any aircraft which is not in a controlled environment and which has a maximum total weight authorised of 2730kg or less.

(2) This article does not apply to any commercial air transport aeroplane, public transport aircraft or non-military State aircraft.

(3) The validity of a national airworthiness review certificate of an aircraft to which this article applies may be extended in accordance with paragraphs (4) and (5), on a maximum of two occasions, for a period of 12 months on each occasion.

(4) The national airworthiness review certificate may be extended by—

- (a) an appropriately licensed engineer;
- (b) a continuing airworthiness management organisation approved in accordance with article 36M; or
- (c) an aeroplane and rotorcraft maintenance organisation approved in accordance with article 36N.

(5) A national airworthiness review certificate may be extended only when the person who is to extend it is satisfied that it is proper to do so after carrying out an annual review.

Extension of a national airworthiness review certificate of other aircraft which are not in a controlled environment

36J.—(1) This article applies to any aircraft with a non-expiring national certificate of airworthiness which is not in a controlled environment and—

- (a) has a maximum total weight authorised of more than 2730kg; or
- (b) is a commercial air transport aeroplane, a public transport aircraft or a non-military State aircraft.

(2) The validity of a national airworthiness review certificate of an aircraft to which this article applies may be extended, in accordance with paragraphs (3) and (4), on a maximum of two occasions, for a period of 12 months on each occasion.

(3) The national airworthiness review certificate may be extended by a continuing airworthiness management organisation approved in accordance with article 36M.

(4) A national airworthiness review certificate may be extended only when the organisation which is to extend it is satisfied that it is proper to do so after carrying out an annual review.

Conduct of an airworthiness review

36K.—(1) An airworthiness review referred to in articles 36D and 36E must be conducted in accordance with this article.

(2) A full documented review of the aircraft records must be carried out to confirm that all scheduled maintenance, overhaul, modification, repair, replacement, defect rectification and compliance with any airworthiness directive issued under article 19, has been completed so as to ensure the continued airworthiness of the aircraft.

(3) A physical survey of the aircraft must be carried out.

(4) For the physical survey, airworthiness review staff who do not hold an appropriate maintenance engineer licence under Part 66 or article 33 must be assisted by such qualified personnel.

(5) Through the physical survey of the aircraft, the staff carrying it out must determine whether—

- (a) all required markings and placards are properly installed;
- (b) the aircraft complies with its approved flight manual;
- (c) the aircraft configuration complies with the approved documentation;
- (d) any evident defect can be found that has not been addressed;
- (e) the aircraft has completed a satisfactory check flight; and
- (f) any inconsistencies can be found between the aircraft and the documented review of records under paragraph (2).

(6) An airworthiness review may be anticipated by a maximum period of 90 days without loss of continuity of the airworthiness review pattern, to allow the physical review to take place during a maintenance check.

(7) Airworthiness review tasks must not be sub-contracted.

Conduct of an annual review

36L. An annual review referred to in articles 36I(5) and 36J(4) means a check to establish that the following has been accomplished—

- (a) all maintenance specified in the approved maintenance programme has been carried out in accordance with the programme;
- (b) all modifications and inspections deemed mandatory by the CAA have been carried out as required by the CAA;
- (c) all defects entered in the aircraft records have been rectified or deferred in accordance with CAA approved procedures; and
- (d) all required certificates of release to service have been issued.

Approval of continuing airworthiness management organisation

36M.—(1) Any person may apply to the CAA for approval as a continuing airworthiness management organisation.

(2) The CAA must approve a person as a continuing airworthiness management organisation for the purposes of this Part if it is satisfied that—

- (a) the applicant is competent to exercise the privileges of such an organisation in this Part; and

(b) the applicant has submitted a continuing airworthiness management exposition that satisfies the requirement specified in paragraph (3).

(3) The requirement referred to in paragraph (2)(b) is that the continuing airworthiness management exposition satisfies the requirements in paragraph 4.1 of Chapter A8-25 of CAP 553 entitled British Civil Airworthiness Requirements Section A - Airworthiness Procedures where the CAA has Primary Responsibility for Type Approval of the Product⁽¹⁾.

(4) The continuing airworthiness management exposition and any amendments to it must be approved by the CAA.

Approval of aeroplane and rotorcraft maintenance organisation

36N.—(1) Any person may apply to the CAA for approval as an aeroplane and rotorcraft maintenance organisation.

(2) The CAA must approve a person as an aeroplane and rotorcraft maintenance organisation for the purposes of this Part if it is satisfied that the applicant is competent to exercise the privileges of such an organisation in this Part.

General provisions concerning airworthiness reviews

36O.—(1) A copy of any national airworthiness review certificate issued or extended for an aircraft must be sent to the CAA within 10 days of the date of its issue or extension.

(2) Should the outcome of the airworthiness review be inconclusive, the person who has carried out the review must inform the CAA and must not issue or extend the certificate without the approval of the CAA.

(3) In this Part, an aircraft in a controlled environment is an aircraft—

(a) which, during the previous 12 months has been continuously managed by a continuing airworthiness management organisation approved in accordance with article 36M; and

(b) in respect of which during the previous 12 months any maintenance has been carried out in accordance with paragraph (4).

(4) Maintenance is carried out in accordance with this paragraph if—

(a) it is carried out by a maintenance organisation which is approved under article 31(1)(b); or

(b) it is maintenance for which a certificate of release to service may be issued by the holder of a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order or a Part-FCL Airline Transport Pilot Licence (Aeroplane) and it is carried out by the holder of such a licence.

(5) Whenever circumstances reveal the existence of a potential safety threat, the CAA must carry out the airworthiness review and issue the national airworthiness review certificate itself.

(6) When the CAA carries out the airworthiness review or issues the national airworthiness review certificate itself, the owner or operator must provide the CAA with—

(a) the documentation required by the CAA;

(b) suitable accommodation at the appropriate location for its personnel; and

(1) CAP 553 (Issue 7) is published by The Stationery Office on behalf of the CAA dated 5th October 2011, ISBN 978 0 11792 581 6.

(c) when necessary, the support of personnel appropriately qualified in accordance with Part 66 or article 33.”.

58. In article 255(1) (interpretation)—

(a) after the definition of “EU-OPS operator” insert—

“‘Expiring national certificate of airworthiness’ means a national certificate of airworthiness with an expiry date;”;

(b) after the definition of “National air operator’s certificate” insert—

“‘National airworthiness review certificate’ means a certificate issued in accordance with article 36D or 36E;”;

(c) for the definition of “National certificate of airworthiness” substitute—

“‘National certificate of airworthiness’ means either an expiring or a non-expiring certificate of airworthiness issued under article 18;” and

(d) after the definition of “Non-EASA aircraft” insert—

“‘Non-expiring national certificate of airworthiness’ means a national certificate of airworthiness that, subject to articles 19 and 228, remains valid for an unlimited duration provided the aircraft remains registered in the United Kingdom;”.

59. In the Table in Section 1 of Part B (provisions referred to in article 241(6)) of Schedule 13, beneath the row relating to article “35(4)” insert the following two rows—

“36A	Aircraft not to fly without valid national airworthiness review certificate
36C	Aircraft not to fly in specified circumstances”.
