

---

STATUTORY INSTRUMENTS

---

**2016 No. 765**

**The Air Navigation Order 2016**

**PART 4**

**Airworthiness of Aircraft**

**CHAPTER 3**

**Continuing airworthiness for non-EASA aircraft**

**Requirement for a certificate of release to service for non-EASA aircraft**

**44.**—(1) This article applies to each non-EASA aircraft registered in the United Kingdom which has a certificate of airworthiness, except any such aircraft which is required to be maintained in accordance with Part 145.

(2) Subject to paragraph (3) and article 45, if an aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 39(1)(b) or (d), that aircraft must not fly unless there is in force for the aircraft a certificate of release to service issued under and in accordance with this Order.

(3) If a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at a place where it is not reasonably practicable—

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service under this Order can be issued; or
- (b) for such a certificate to be issued while the aircraft is at that place,

it may fly to a place which satisfies each of the criteria in paragraph (4).

(4) A place satisfies the criteria in this paragraph if it is—

- (a) the nearest place at which a certificate of release to service under this Order can be issued;
- (b) a place to which the aircraft can, in the reasonable opinion of the pilot in command, safely fly by a route for which it is properly equipped; and
- (c) a place to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board.

(5) Equipment provided in compliance with Schedule 5 or Schedule 6 must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected unless there is in force for the equipment, at the time when it is installed or placed on board, a certificate of release to service issued under this Order.

(6) In this article, in relation to a compass, the expression “repair” includes its adjustment and compensation and the expression “repaired” is to be construed accordingly.

### **Circumstances where a certificate of release to service is not required**

45. An aircraft to which article 44 applies does not require to have in force a certificate of release to service issued under this Order if it has in force a certificate of release to service issued in accordance with paragraph 21A.163(d) of Part 21.

### **Certificate of release to service issued by pilot owner**

46. In accordance with any guidance issued by the CAA a pilot owner of a private aircraft which has a maximum total mass authorised of not more than 2,730kg to which article 44 applies—

- (a) may carry out simple visual inspections or operations to check for general condition and obvious damage and normal operation of the airframe, engines, systems and components of the aircraft;
- (b) rectify any defects identified under paragraph (a); and
- (c) issue a certificate of release to service at the completion of any maintenance when satisfied that all maintenance required has been properly carried out.

### **Contents of a certificate of release to service**

47.—(1) A certificate of release to service must contain as a minimum—

- (a) details of the maintenance carried out;
- (b) the date such maintenance was completed;
- (c) the identity of the organisation and person issuing the release to service, including—
  - (i) the approval reference of the maintenance organisation approved in accordance with article 48 and the certifying staff issuing such a certificate;
  - (ii) the identity and, if applicable, licence number of the certifying staff issuing such a certificate; or
  - (iii) in the case of a certificate issued under article 46, the identity, signature and pilot licence number of the pilot owner issuing the certificate;
- (d) the limitations to airworthiness or operations, if any.

(2) When any maintenance prescribed for the aircraft cannot be completed, a certificate of release to service may be issued within the approved aircraft limitations provided that—

- (a) the inability to complete the maintenance; and
- (b) any resulting limitations to airworthiness or operations,

are noted in the certificate.

(3) A certificate of release to service must not be issued in the case of any known non-compliance which endangers flight safety.

### **Who may issue a certificate of release to service**

48.—(1) Subject to paragraph (2), a certificate of release to service issued under this Order may be issued only by—

- (a) the holder of an aircraft maintenance engineer's licence—
  - (i) granted under this Order, being a licence which entitles the holder to issue that certificate; or
  - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence;

- (b) a person approved by the CAA as being competent to issue such certification, and in accordance with that approval;
- (c) a person authorised by the CAA to issue the certificate in a particular case, and in accordance with that authorisation;
- (d) a person approved in accordance with Part 145, and in accordance with that approval;
- (e) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence; or
- (f) a pilot owner in accordance with article 46.

(2) The holder of an aircraft maintenance engineer's licence or authorisation as an aircraft maintenance engineer granted or issued by or under the law of any Contracting State other than the United Kingdom may issue a certificate of release to service for an aircraft registered in the United Kingdom if—

- (a) it is issued in accordance with the privileges endorsed on the licence or authorisation;
- (b) the overhaul, repair, replacement, modification, maintenance or inspection has been carried out in the Contracting State under the law of which the licence or authorisation has been granted or issued;
- (c) there is a certificate of airworthiness for the aircraft; and
- (d) the aircraft has a maximum take-off mass of not more than 2,730kg.

(3) In this article, in relation to a compass, the expression “repair” includes its adjustment and compensation.

#### **Requirement for and validity of a national airworthiness review certificate**

**49.**—(1) An aircraft with a national certificate of airworthiness must not fly unless it has a valid national airworthiness review certificate.

(2) Subject to articles 39, 50, 56, 57, 58 and 253, a national airworthiness review certificate is valid for one year.

#### **Validity of the national airworthiness review certificate**

**50.** 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**

**51.** An aircraft with a 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**

**52.**—(1) This article applies to an aircraft with a 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 61; or
- (b) in the case of an aircraft with a maximum total weight authorised of 2,730kg or less, an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(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**

**53.**—(1) This article applies to an aircraft with a 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 2,730kg or less and is not a commercial air transport aircraft, public transport aircraft or non-military State aircraft, on receipt of a recommendation for its issue from an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(4) A national airworthiness review certificate may be issued by a continuing airworthiness management organisation approved under article 61.

(5) A national airworthiness review certificate may be issued under paragraph (3)(a) or paragraph (4) only when the CAA or the issuing 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**

**54.**—(1) An aircraft with a national certificate of airworthiness must be maintained in accordance with—

- (a) in the case of an aircraft which has a maximum total weight authorised of 2,730kg or less and is not a commercial air transport aircraft, public transport aircraft or non-military State aircraft, a maintenance programme declared by the owner of the aircraft in accordance with guidance issued by the CAA; or

(b) an aircraft maintenance programme approved in accordance with this article.

(2) The aircraft maintenance programme in paragraph (1)(b), 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 61, 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 61(2)(b).

#### **Commercial air transport aircraft, public transport aircraft and non-military State aircraft**

**55.** Aircraft with a national certificate of airworthiness which are commercial air transport aircraft, public transport aircraft or non-military State aircraft must—

(a) be managed by a continuing airworthiness management organisation approved in accordance with article 61; and

(b) have any maintenance carried out by a maintenance organisation which is approved under article 48(1)(b).

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

**56.—**(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 the validity of a national airworthiness review certificate 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 certain aircraft which are not in a controlled environment**

**57.—**(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 2,730kg or less.

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

(3) The validity period 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 validity period of a national airworthiness review certificate may be extended by—

(a) an appropriately licensed engineer;

(b) a continuing airworthiness management organisation approved in accordance with article 61; or

(c) an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(5) The validity period of 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**

**58.**—(1) This article applies to any aircraft with a national airworthiness review certificate which is not in a controlled environment and—

- (a) has a maximum total weight authorised of more than 2,730kg; or
- (b) is a commercial air transport aircraft, a public transport aircraft or a non-military State aircraft.

(2) The validity period 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 validity period of a national airworthiness review certificate may be extended by a continuing airworthiness management organisation approved in accordance with article 61.

(4) The validity period of 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**

**59.**—(1) An airworthiness review referred to in articles 52 and 53 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 38, 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 36 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) when, in their reasonable opinion, a check flight is necessary, 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**

**60.** An annual review referred to in articles 57(5) and 58(4) means a check to establish that the following has been accomplished—

- (a) all maintenance has been carried out in accordance with a programme mentioned in article 54(1);
- (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**

**61.—**(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 CAA publication CAP 553 entitled “British Civil Airworthiness Requirements Section A - Airworthiness Procedures where the CAA has Primary Responsibility for Type Approval of the Product”, as amended from time to time(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**

**62.—**(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**

**63.—**(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 61; and

---

(1) Issue 8, dated 29th November 2013, was published by The Stationery Office on behalf of the CAA, under ISBN 9780117928565. It is also available online for download at <http://www.caa.co.uk/CAP553>

- (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 it is carried out by a maintenance organisation which is approved under article 48(1)(b).
- (5) Whenever circumstances reveal the existence of a potential safety threat, the CAA may 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
  - (c) when necessary, the support of personnel appropriately qualified in accordance with Part 66 or article 36.