

## SCHEDULES

### SCHEDULE 1

Article 2

#### INTERPRETATION

1. In this Order—

“the 2015 Regulations” means the International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015(1);

“A to A commercial air transport aeroplane” means an aeroplane flying, or intended by the operator to fly, on an A to A commercial air transport aeroplane operation;

“A to A commercial air transport aeroplane operation” means an aircraft operation—

- (a) by a performance class B aeroplane;
- (b) for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration; and
- (c) starting and ending at the same place;

“A to A commercial air transport helicopter operation” means an aircraft operation—

- (a) by a non-complex helicopter;
- (b) for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration; and
- (c) starting and ending at the same place;

“A to A public transport flight” means a flight for the purpose of public transport by an aircraft starting and ending at the same place;

“Accident prevention and flight safety programme” means a programme designed to detect and eliminate or avoid hazards in order to improve the safety of flight operations;

“A Conditions” means the conditions set out in Chapter 1 of Part 1 of Schedule 3;

“ACAS II” means the airborne collision avoidance system II referred to in the Airborne Collision Avoidance Regulation;

“aerobatic manoeuvres” means loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre intentionally performed by an aircraft involving—

- (a) an abrupt change in its attitude;
- (b) an abnormal attitude; or
- (c) an abnormal variation in speed,

not necessary for normal flight or for instruction for licences or ratings other than aerobatic rating;

“Aerodrome”—

- (a) means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft; and

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(1) S.I. 2015/912.

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- (b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but
- (c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“Aerodrome control service” means an air traffic control service to aerodrome traffic;

“Aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“Aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome and includes, but is not limited to, aircraft entering or leaving an aerodrome traffic circuit;

“Aerodrome traffic circuit” means the path to be flown by aircraft operating in the vicinity of an aerodrome under provision 3225(b) of SERA;

“Aerodrome traffic zone” has the meaning assigned to it by article 5;

“Aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“Aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“Aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“Airborne Collision Avoidance Regulation” means [Commission Regulation \(EU\) No. 1332/2011](#) of 16th December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance<sup>(2)</sup>, as amended from time to time

“Aircraft rating” includes a type rating and a class rating;

“Air/ground communications service” means a service provided from an aerodrome to aerodrome traffic by means of radio signals and “air/ground communications service unit” is to be construed accordingly;

“Air traffic control service” means a service provided for the purpose of preventing collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of air traffic;

“Air traffic control unit” means a unit of air traffic controllers established by a person appointed by a person maintaining an aerodrome or other place in order to provide an area control service, an aerodrome control service or an approach control service;

“Air traffic service equipment” means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding—

- (a) any public electronic communications network; and
- (b) any equipment concerning which the CAA has made a direction that it is not air traffic service equipment for the purposes of articles 205 and 206;

“Altitude hold and heading mode” mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

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(2) O.J. No. L 336, 20.12.2011, p.20.

“annual cost”, in relation to the operation of an aircraft, means the cost (excluding any element of profit) of keeping, maintaining and operating the aircraft over the period of one year;

“Annual flying hours” means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft for the year commencing on the first day of January preceding the date of the flight;

“Approach control service” means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome for which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

“Approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

“Appropriate air traffic control unit” means, in relation to an aircraft, as the context requires—

- (a) the air traffic control unit serving the area in which the aircraft currently is; or
- (b) the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate before entering that area;

“Apron” means the part of an aerodrome provided for the stationing of aircraft for—

- (a) the embarkation and disembarkation of passengers;
- (b) the loading and unloading of mail or cargo;
- (c) maintenance; and
- (d) parking;

“Area control centre” means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

“Area control service” means an air traffic control service for flights subject to an air traffic control clearance in control areas;

“Area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

“Authorised person” means—

- (a) any constable;
- (b) in any article other than article 259, any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases; and
- (c) in article 259, any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases;

“Automated reservation system” means the central reservation system of the operator of an aircraft which holds data relating to a flight booked by or on behalf of a passenger;

“B Conditions” means the conditions set out in Chapter 2 of Part 1 of Schedule 3;

“Basic EASA Regulation” means Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20th February 2008 on common rules in the field of civil aviation and

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establishing a European Aviation Safety Agency, and repealing Council [Directive 91/670/EEC](#), Regulation (EC) No 1592/2002 and [Directive 2004/36/EC](#)(3), as amended from time to time;

“Beneficial interest” includes interests arising under contract and other equitable interests;

“British protected person” has the same meaning as in section 50 of the British Nationality Act 1981(4);

“Cabin crew” in relation to an aircraft means those persons on a public transport flight carried for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers but who do not act as a member of the flight crew;

“Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“Captive flight” means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

“Cargo” includes mail and animals;

“Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height below 200 feet but not less than 100 feet; and
- (b) a runway visual range of not less than 300 metres;

“Category IIIA approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height lower than 100 feet; and
- (b) a runway visual range of not less than 200 metres;

“Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height lower than 50 feet or no decision height; and
- (b) a runway visual range of less than 200 metres but not less than 75 metres;

“Certificate of airworthiness” includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“Certificate of release to service issued under this Order” means a certificate issued in accordance with article 47 by a person specified in article 48;

“Certificate of revalidation” means a certificate issued in accordance with Chapter 2 of Part 3 of Schedule 8 for the purpose of maintaining the privileges of a flight crew licence;

“Certificate of validity” has the meaning assigned to it by article 41(5);

“Certificated for single pilot operation” means in relation to an aircraft one which is not required to carry more than one pilot by virtue of any one or more of the following—

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the related flight manual;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force for the aircraft or the related flight manual;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft for which such a certificate is or has been in force,

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(3) O.J. No. L 79, 19.03.2008, p.1.

(4) 1981 c.61.

the certificate of airworthiness which is or has been in force for such an identical aircraft or the related flight manual; or

- (d) in the case of an aircraft flying in accordance with the conditions of a national permit to fly or an EASA permit to fly, that permit to fly;

“certification” means any form of recognition that a product, part or appliance, organisation or person complies with the applicable requirements including the provisions of this Order or the Basic EASA Regulation and its implementing rules, as well as the issue of any certificate attesting to such compliance;

“certification specifications” means technical standards adopted by the European Aviation Safety Agency indicating means to show compliance with the EASA Regulation, as amended from time to time, and which can be used by an organisation for the purpose of certification;

“Chicago Convention” means the Convention on International Civil Aviation and its Annexes<sup>(5)</sup>, signed in Chicago on 7th December 1944, as amended;

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace”, “Class E airspace”, “Class F airspace” and “Class G airspace” mean airspace respectively notified as such;

“Class rating” means a rating that entitles the holder of a pilot licence to act as pilot of an aircraft of a specified class that does not require a type rating;

“Cloud ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6,000 metres which, when visible from the aerodrome, is sufficient to obscure more than half the sky;

“the Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and “Commonwealth citizen” is to be construed accordingly;

“Commercial air transport aircraft” means an aircraft flying, or intended by the operator to fly, for the purpose of commercial air transport;

“Commercial air transport operation” means an aircraft operation for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration which is required to be conducted under and in accordance with Part-CAT and Part-ORO but which is not an A to A commercial air transport aeroplane operation or an A to A commercial air transport helicopter operation;

“commercial operation aircraft” means an aircraft (other than a commercial air transport aircraft or a public transport aircraft) flying, or intended by the operator to fly, for the purpose of commercial operation;

“commercial operation flight” means a flight for the purpose of commercial operation;

“commercial operation undertaking” means an undertaking whose business includes the performance of commercial operation;

“Competent authority” means, subject to article 270, in relation to the United Kingdom, the CAA, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“complex aeroplane” means an aeroplane which is a complex motor-powered aircraft, and non-complex aeroplane is to be construed accordingly;

“complex helicopter” means a helicopter which is a complex motor-powered aircraft, and non-complex helicopter is to be construed accordingly;

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(5) Treaty Series No. 8 (1953); Cmd 8742.

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“complex motor-powered aircraft” means—

- (a) an aeroplane—
  - (i) with a maximum take-off mass exceeding 5,700kg;
  - (ii) certificated for a maximum passenger seating configuration of more than nineteen;
  - (iii) certificated for operation with a minimum crew of at least two pilots; or
  - (iv) equipped with a turbojet engines or more than one turboprop engine;
- (b) a helicopter certificated—
  - (i) for a maximum take-off mass exceeding 3,175kg;
  - (ii) for a maximum passenger seating configuration of more than nine; or
  - (iii) for operation with a minimum crew of at least two pilots;
- (c) a tilt rotor aircraft,

and “non-complex motor-powered aircraft” is to be construed accordingly;

“Conditional sale agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974(6);

“Congested area” in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State (including the United Kingdom) which is party to the Chicago Convention;

“Controllable balloon” means a balloon which is not a small balloon and which is capable of free con-trolled flight;

“Controlled airspace” means airspace which has been notified as Class A airspace, Class B airspace, Class C airspace, Class D airspace, Class E airspace, Class F airspace or Class G airspace;

“Control area” means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

“Control zone” means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

“Co-pilot” means a pilot who in performing duties as such is subject to the direction of another pilot carried in the aircraft;

“Country” includes a territory;

“Crew” means persons carried in an aircraft who are—

- (a) a member of the flight crew;
- (b) a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) or any provision of EU-OPS; or
- (c) a member of the cabin crew;

“Critical power unit” means the power unit whose failure would most adversely affect the performance or handling qualities of an aircraft;

“cross-country flight” means a flight between a point of departure and a point of arrival following a pre-planned route, using standard navigation procedures;

“day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

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(6) 1974 c.39.

“Danger Area” means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

“Decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

“Declared distance” has the meaning which has been notified;

“Departure control system” means, in relation to an operator of an aircraft, the system used by the operator to check passengers onto a flight;

“destination alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

“direct cost” means the cost (excluding any element of profit) directly incurred in relation to a flight, including—

- (a) the cost of fuel;
- (b) any charges payable in respect of the use of any airfield in connection with the flight; or
- (c) any rental or hire fees for the use of the aircraft;

“Director” has the same meaning as in section 250 of the Companies Act 2006;

“EASA” means the European Aviation Safety Agency established under the Basic EASA Regulation;

“EASA aerodrome certificate” means a certificate issued under the EASA Aerodromes Regulation;

“EASA Aerodromes Regulation” means [Commission Regulation \(EU\) No 139/2014](#) of 12th February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation [\(EC\) No 216/2008](#) of the European Parliament and of the Council<sup>(7)</sup>, as amended from time to time;

“EASA Air Operations Regulation” means [Commission Regulation \(EU\) No 965/2012](#) of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation [\(EC\) No 216/2008](#) of the European Parliament and of the Council<sup>(8)</sup>, as amended from time to time;

“EASA Air Traffic Controller Licensing Regulation” means [Commission Regulation \(EU\) No 805/2011](#) of 10th August 2011 laying down detailed rules for air traffic controllers’ licences and certain certificates pursuant to Regulation [\(EC\) No 216/2008](#) of the European Parliament and of the Council<sup>(9)</sup>, as amended from time to time;

“EASA aircraft” means an aircraft which is required by the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

“EASA Aircraft Certification Regulation” means [Commission Regulation \(EC\) No 748/2012](#) of 3rd August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations<sup>(10)</sup>, as amended from time to time;

“EASA Aircrew Regulation” means [Commission Regulation \(EU\) No 1178/2011](#) of 3rd November 2011, laying down technical requirements and administrative procedures related to

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(7) O.J. No. L 44, 14.02.2014, p.1.

(8) O.J. No. L 296, 25.10.2012, p.1.

(9) O.J. No. L 206, 11.08.2011, p.21.

(10) O.J. No. L 224, 21.08.2012, p.1.

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civil aviation air crew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council<sup>(11)</sup>, as amended from time to time;

“EASA certificate of airworthiness” means a certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;

“EASA certified aerodrome” means an aerodrome for which an EASA aerodrome certificate is in force;

“EASA Continuing Airworthiness Regulation” means Commission Regulation (EC) No 1321/2014 of 26th November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks<sup>(12)</sup>, as amended from time to time;

“EASA Member” means a Member State and any European third country which participates in EASA pursuant to Article 66 of the Basic EASA Regulation;

“EASA permit to fly” means a permit to fly issued for an EASA aircraft under and in accordance with subpart P of Part 21;

“EASA Regulation” means the Basic EASA Regulation and any implementing rule made under that Regulation;

“EASA restricted certificate of airworthiness” means a restricted certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;

“E Conditions” means the conditions set out in Chapter 3 of Part 1 of Schedule 3;

“E Conditions approved person” has the meaning given in paragraph 5(4) of Chapter 3 of Part 1 of Schedule 3;

“E Conditions competent person” has the meaning given in paragraph 5(1) of Chapter 3 of Part 1 of Schedule 3;

“E Conditions Declaration” means a declaration specified at paragraph 4 of the E Conditions;

“EU-OPS” means Annex III to the Technical Harmonisation Regulation;

“EU-OPS aeroplane” means an aeroplane operated by an EU-OPS operator;

“EU-OPS air operator certificate” means an air operator’s certificate granted under EU-OPS;

“EU-OPS operator” means an operator that is required to operate under and in accordance with EU-OPS;

“Flight” and “to fly” have the meanings respectively assigned to them by article 3;

“Flight check” means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

“Flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

“Flight data monitoring programme” means a programme of analysing recorded flight data in order to improve the safety of flight operations;

“Flight for the purpose of commercial air transport” means a commercial air transport operation or an A to A commercial air transport aeroplane operation;

“Flight information service” means—

(a) in the case of an aerodrome—

<sup>(11)</sup> O.J. No. L 311, 25.11.2011, p.1.

<sup>(12)</sup> O.J. No. L 362, 17.12.2014, p.1.



- (i) the giving of advice and information useful for the safe and efficient conduct of flights by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
  - (ii) the grant or refusal of a permission under provision 8015 of SERA or under rule 12(1)(b) or 13(2) of the Rules of the Air Regulations 2015; and
- (b) in the case of an area control centre, the giving of advice and information useful for the safe and efficient conduct of flights by means of radio signals to aircraft,

and “aerodrome flight information service” is to be construed accordingly;

“Flight information service unit” means a person appointed by the CAA or by any other person maintaining an aerodrome or area control centre to provide a flight information service and “aerodrome flight information service unit” is to be construed accordingly;

“Flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

“Flight manual” means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

“Flight simulator” means any type of apparatus by means of which flight conditions in an aircraft are simulated on the ground, including—

- (a) simulators;
- (b) flight training devices;
- (c) flight and navigation procedures trainers; and
- (d) basic instrument training devices;

“Flight visibility” means the visibility forward from the flight cockpit of an aircraft in flight;

“Flying display” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

“Flying machine” means an aeroplane, a powered lift tilt rotor aircraft, a SLMG, a helicopter or a gyroplane;

“Free balloon” means a balloon which when in flight is not attached by any form of restraining device to the surface;

“Free controlled flight” means flight during which—

- (a) a balloon is not attached to the surface by any form of restraining device (other than a tether of not more than five metres in length which may be used as part of the take-off procedure); and
- (b) the height of the balloon is controllable by means of a device attached to the balloon and operated by the pilot in command of the balloon or by remote control;

“full flight simulator” means a flight simulator which is a full size replica of a specific type or make, model and series aircraft flight deck, including the assemblage of all equipment and computer programmes necessary to represent the aircraft in ground and flight operations, a visual system providing an out-of-the-flight deck view, and a force cueing motion system;

“General lighthouse authority” has the same meaning as in section 193 of the Merchant Shipping Act 1995(13);

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“General medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council;

“Glider” means—

- (a) a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

“Government aerodrome” means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

“Holding” means, in the case of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

“Hostile environment” means, for the purposes of sub-paragraphs 4(12)(b)(ix) and (xvii) of Part 1 of Schedule 6, an environment in which—

- (a) a safe forced landing cannot be accomplished because the surface is inadequate; or
- (b) the helicopter occupants cannot be adequately protected from the elements; or
- (c) search and rescue response and capability is not provided consistent with anticipated exposure; or
- (d) there is an unacceptable risk of endangering persons or property on the ground;

“Instructor’s rating” means a flight instructor certificate, an flight instructor (restricted) certificate, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter) or any instructor certificate issued in accordance with Part-FCL;

“Instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;

“Instrument flight procedure” means—

- (a) a standard instrument arrival;
- (b) an instrument approach procedure;
- (c) a standard instrument departure; or
- (d) an omnidirectional departure;

“Instrument Flight Rules” means instrument flight rules prescribed by Section 5 of SERA;

“Instrument Landing System” means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position relative to a defined approach path whilst carrying out an approach to land;

“Instrument Meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules;

“International headquarters” means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(14);

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(14) 1964 c.5.

“JAA” means the body that was known as the Joint Aviation Authorities, until its dissolution on 30th June 2009, which was previously an associated body of the European Civil Aviation Conference;

“JAA Full Member State” means a State which was a full member of the JAA on 30th June 2009;

“JAR-FCL 1” means, unless otherwise specified, the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;

“JAR-FCL 2” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

“kg” means kilogramme;

“km” means kilometre;

“To land” in relation to aircraft includes alighting on the water;

“Large rocket” means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

“Legal personal representative” means the person constituted as the executor, administrator, or other representative, of a deceased person;

“Let-down” means, in the case of an aircraft approaching an aerodrome to land, a defined procedure designed to enable an aircraft to descend safely to a point at which it can continue the approach visually;

“Licence” includes in relation to a flight crew licence any certificate of competency or certificate of validity or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“Lifejacket” includes any device designed to support a person individually in or on the water;

“Log book” includes, in the case of an aircraft log book, engine log book, variable pitch propeller log book, or personal flying log book, a record kept either in a book, or by any other means approved by the CAA in the particular case;

“low visibility operations” means a Category II, IIIA or IIIB approach and landing or a take-off when the relevant runway visual range is less than 150 meters;

“Maintenance” means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

“Manoeuvring area” means that part of an aerodrome used for the take-off, landing and taxiing of aircraft, excluding the apron;

“Maximum approved passenger seating configuration” means—

- (a) in the case of an aircraft to which article 83 applies the maximum approved passenger seating configuration specified in the operations manual of the aircraft; and
- (b) in any other case, the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

“Maximum operational passenger seating configuration” means the maximum passenger seating capacity of an individual aircraft, excluding crew seats, established for operational purposes and specified in the operations manual;

“Maximum take-off mass” means, in relation to an aircraft, the maximum total mass of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances, in accordance with the certificate of airworthiness in force for the aircraft;

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“Medical attendant” means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

“Medium intensity steady red light” means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

“Microlight aeroplane” means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum take-off mass not exceeding—
  - (i) 300kg for a single seat landplane, (or 390kg for a single seat landplane of which at least 51% was built by an amateur, or non-profit making association of amateurs, for their own purposes and without any commercial objective, in respect of which a permit to fly issued by the CAA was in force prior to 1st January 2003);
  - (ii) 450kg for a two-seat landplane; or
  - (iii) 330kg for a single seat amphibian or floatplane; or
  - (iv) 495kg for a two-seat amphibian or floatplane; or
  - (v) 315kg for a single seat landplane equipped with an airframe mounted total recovery parachute system; or
  - (vi) 472.5kg for a two-seat landplane equipped with an airframe mounted total recovery parachute system; and
- (b) a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum take-off mass not exceeding 35 knots calibrated airspeed;

“Microwave Landing System” means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position within a defined volume of airspace whilst carrying out an approach to land;

“Military aircraft” means—

- (a) the naval, military or air force aircraft of any country;
- (b) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (c) any aircraft for which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“Military rocket” means—

- (a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any rocket for which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;

“Minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

“MMEL” means the Master Minimum Equipment List in respect of an aircraft, as defined in the data established in accordance with [Commission Regulation \(EU\) No 748/2012](#) of 3rd August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations(15), as amended from time to time;

(15) O.J. No. L 224, 21.08.2012, p.1.

“Multi-crew co-operation” means the functioning of the flight crew as a team of co-operating members led by the pilot in command;

“munition of war” means any—

(a) weapon or ammunition; or

(b) article containing an explosive, noxious liquid or gas,

which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

“national aerodrome licence” means a licence granted under article 212;

“National air operator’s certificate” means an air operator’s certificate granted by the CAA under article 101(2);

“National airworthiness review certificate” means a certificate issued in accordance with article 52 or 53;

“National certificate of airworthiness” means either an expiring or a non-expiring certificate of airworthiness issued under article 38;

“national licensed aerodrome” means an aerodrome for which a national aerodrome licence is in force;

“National permit to fly” means a permit to fly issued under article 40;

“Nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 metres;

“Night” means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

“non-commercial flight” means a flight which is not a commercial operation flight, a public transport flight or a flight for the purpose of commercial air transport;

“non-EASA aerodrome” means an aerodrome in relation to which the operator is not required to hold an EASA aerodrome certificate;

“non-EASA aircraft”, except in Part 5, means an aircraft which is not required by the Basic EASA Regulation and any implementing rules adopted by the European Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and “non-EASA balloon”, “non-EASA glider” and “non-EASA kite” are to be construed accordingly;

“non-EASA experimental aircraft” means an aircraft which comes within paragraph (b) of Annex II of the Basic EASA Regulation;

“Non-expiring national certificate of airworthiness” means a national certificate of airworthiness that, subject to articles 39 and 253, remains valid for an unlimited duration provided the aircraft remains registered in the United Kingdom;

“Non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“North Atlantic Minimum Navigation Performance Specification airspace” means the airspace prescribed as such;

“North Atlantic Shanwick Oceanic Control Area” means the airspace notified as such;

“Notified” means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled “United Kingdom Notam” or “United Kingdom Aeronautical Information Publication” and for the time being in force;

“Notified aerodrome” means an aerodrome which is notified for the purposes of rule 11 of the Rules of the Air Regulations 2015;

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

“Notified operating hours” means the times notified for an aerodrome during which rule 11 of the Rules of the Air Regulations 2015 applies;

“NPPL General Skill test” means a demonstration of skill for issue of a National Private Pilot’s Licence and any rating or certificate thereto, including such oral examination as the examiner may require;

“Obstacle limitation surfaces” has the same meaning as in CAA publication CAP 168 entitled “Licensing of aerodromes”, as amended from time to time<sup>(16)</sup>;

“Occurrence” means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996<sup>(17)</sup>;

“Omnidirectional departure” means a departure procedure that is designed on the basis that an aircraft maintains the runway direction until it reaches such a height that it can make a turn in any direction and maintain the obstacle clearance prescribed by the procedure;

“Occurrence Reporting Regulation” means Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3rd April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007<sup>(18)</sup>, as amended from time to time;

“Offshore service” means an air traffic control service for any aircraft flying to or from offshore oil and gas installations and for other aircraft operating in the vicinity of these aircraft in airspace specified for this purpose in the manual of air traffic services;

“Operating staff” means the servants and agents employed by an operator of an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

“Operator” has the meaning assigned to it by article 4;

“Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“Part 21” means the Annex so entitled to the EASA Aircraft Certification Regulation, as amended;

“Part 66” means Annex III so entitled to the EASA Continuing Airworthiness Regulation;

“Part 145” means Annex II so entitled to the EASA Continuing Airworthiness Regulation;

“Part 147” means Annex IV so entitled to the EASA Continuing Airworthiness Regulation;

“Part-ARO” means Annex II so entitled to the EASA Air Operations Regulation;

“Part-CAT” means Annex IV so entitled to the EASA Air Operations Regulation;

“Part-CAT aeroplane” means an aeroplane operated by a Part-CAT operator;

“Part-CAT aircraft” means an aircraft operated by a Part-CAT operator;

“Part-CAT air operator certificate” means an air operator certificate issued under Part-ARO authorising the holder to operate commercial air transport operations;

“Part-CAT helicopter” means a helicopter operated by a Part-CAT operator;

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<sup>(16)</sup> Issue 10, dated 7th March 2014, was published by The Stationery Office on behalf of the CAA, under ISBN 9780117928619. It is also available online for download at <http://www.caa.co.uk/CAP168>

<sup>(17)</sup> S.I. 1996/2798.

<sup>(18)</sup> O.J. No. L 122, 24.04.2014, p.18.

“Part-CAT operator” means an operator that is required to operate under and in accordance with Part-CAT;

“Part-FCL” means Annex I so entitled to the EASA Aircrew Regulation;

“Part-FCL licence” means a flight crew licence granted under Part-FCL by an EU Member State or a country that has an agreement with EASA or the EU to grant and administer licences in accordance with the EASA Aircrew Regulation and to be subject to standardisation by EASA in respect of that Regulation;

“Part M” means Annex I so entitled to the EASA Continuing Airworthiness Regulation as amended;

“Part-MED” means Annex IV so entitled to the EASA Aircrew Regulation;

“Part-NCC” means Annex VI so entitled to the EASA Air Operations Regulation;

“Part-NCO” means Annex VII so entitled to the EASA Air Operations Regulation;

“Part-ORO” means Annex III so entitled to the EASA Air Operations Regulation;

“Part-SPA” means Annex V so entitled to the EASA Air Operations Regulation;

“parts and appliances” means any—

- (a) instrument;
- (b) equipment;
- (c) mechanism;
- (d) part;
- (e) apparatus;
- (f) appurtenance;
- (g) software or accessory; or
- (h) communications equipment,

that is used or intended to be used in operating or controlling an aircraft in flight, and includes parts of an airframe, engine or propeller, or equipment used to manoeuvre the aircraft from the ground;

“Passenger” means a person other than a member of the crew;

“Passenger A to B commercial air transport” means a flight for the purpose of carriage of passengers by commercial air transport by an aircraft starting and ending at different places;

“Performance Class 1 operations” means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the power unit failure recognition occurs during take-off at or before reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

“Performance Class 2 operations” means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight to an appropriate landing area or, where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

“Performance Class 3 operations” means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

“Performance class B aeroplane” means an aeroplane powered by propeller engines with a maximum operational passenger seating configuration of nine or fewer and a maximum take-off mass of 5,700 kg or less;

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

“Period of duty” means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called on to perform, any of the functions specified in a rating included in the controller’s licence;

“pilot in command”, in relation to an aircraft, means the pilot designated by the operator as being in command and charged with the safe conduct of its flight, without being under the direction of any other pilot in the aircraft;

“Police air operator’s certificate” means a certificate granted by the CAA under article 134(5);

“Police authority” means a Chief Officer of police for any area of England or Wales, the Chief Constable of Police Scotland and the Chief Constable of the Police Service of Northern Ireland;

“Police officer” means any person who is a member of a police force or of the Police Service of Northern Ireland (including, for the avoidance of doubt, the Police Service of Northern Ireland Reserve), and any special constable;

“Pre-flight inspection” means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

“Precision approach” means an instrument approach using precision lateral and vertical guidance with minima as determined by the category of operation;

“Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“Private aircraft” means an aircraft which is not a commercial operation aircraft, a public transport aircraft or a commercial air transport aircraft;

“product” means an aircraft, engine or propeller;

“Proficiency check” means a demonstration of skill to revalidate or renew a rating, including such oral examination as the examiner may require;

“Public electronic communications network” has the same meaning as in section 151 of the Communications Act 2003(19);

“Public transport” has the meaning assigned to it by article 6, and the expression “public transport operation” should be construed accordingly;

“Public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

“Public transport flight” means a flight for the purpose of public transport;

“Public use licence” has the meaning assigned to it by article 214(3);

“rating” means a statement entered on a licence setting out privileges, special conditions or limitations pertaining thereto;

“Record” has the same meaning as in section 81(6) of the Transport Act 2000;

“Reduced Vertical Separation Minimum airspace” means any airspace between flight level 290 and flight level 410 inclusive which has been notified, prescribed or otherwise designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1,000 feet or 300 metres must be applied;

“Relevant overseas territory” means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

“Replacement” in relation to any part of an aircraft or its equipment—

- (a) includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but

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(19) 2003 c.21.



- (b) does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“Required Navigation Performance airspace” means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

“Rocket” means a device which is propelled by ejecting expanding gases generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

“Runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in—

- (a) the vicinity of the touchdown zone; or

- (b) if this is not reasonably practicable, in the vicinity of the midpoint of the runway,

and the distance, if any, communicated to the pilot in command of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range must be taken to be the runway visual range for the time being;

“Safety management system” means a systematic approach to managing safety including the necessary organisational structure, accountabilities, policies and procedures;

“Scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

“Seaplane” has the same meaning as in section 97 of the Civil Aviation Act 1982;

“Sector” means a part of a control area or part of a flight information region or upper region;

“Self-launching motor glider” means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

“Self-propelled hang-glider” means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;

- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed; and

- (c) has a maximum take-off mass, including full fuel, of 70 kg;

“Self-sustaining glider” means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

“SERA” means the Annex to the Standardised European Rules of the Air Regulation;

“Service Provision Regulation” means Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10th March 2004 on the provision of air navigation services in the single European sky(20), as amended from time to time;

“SLMG” means a self-launching motor glider;

“Small balloon” means a balloon of not more than two metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“Small rocket” means a rocket of which the total impulse of the motor or combination of motors is not more than 10,240 Newton-seconds;

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(20) O.J. No. L 96, 31.03.2004, p.10.

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

“Small unmanned aircraft” means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

“solo flight” means a flight during which a student pilot is the sole occupant of an aircraft;

“Special tasks service” means an air traffic control service—

- (a) for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems which is not flying in accordance with normal aviation practice; and
- (b) for other aircraft in the vicinity of any such aircraft;

“Special VFR flight” means a flight conducted in accordance with the Visual Flight Rules cleared by an air traffic control unit to operate within a control zone in meteorological conditions below Visual Meteorological Conditions;

“sporting weapon” means any—

- (a) weapon or ammunition; or
- (b) article containing an explosive, noxious liquid or gas,

which is not a munition of war, including parts, whether components or accessories, for such weapon, ammunition or article;

“SSEA” means a simple single engine aeroplane, being a single engine piston aeroplane with a maximum take-off weight authorised of not more than 2,000kg and which is not a microlight aeroplane or a SLMG;;

“Standard instrument arrival” means an arrival route for use by an aircraft flying in accordance with the Instrument Flight Rules which links a notified significant point with a point from which an instrument approach procedure may be commenced;

“Standard instrument departure” means a departure route for use by an aircraft flying in accordance with the Instrument Flight Rules which links an aerodrome or a specific runway of an aerodrome with a notified significant point from which the flight may safely continue and which is wholly contained within controlled airspace;

“Standardised European Rules of the Air Regulation” means Regulation (EU) No 923/2012 of the European Parliament and of the Council of 26th September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010(21), as amended from time to time;

“State aircraft” means an aircraft carrying out military, customs, police, search and rescue, fire-fighting, coastguard or similar activities or services;

“State of design” means the State having jurisdiction over the organisation responsible for the type design of an aircraft;

“State of the operator” means the State in which the operator of an aircraft has its principal place of business or, if it has no such place of business, its permanent residence, in circumstances where—

- (a) that aircraft is registered in another Contracting State;
- (b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has its principal place of business or, if it has no such place of

(21) O.J. No. L 281, 13.10.2012, p.1.

business, its permanent residence, agreed to transfer to it its functions and duties as State of registry for that aircraft in relation to, in the case of article 33(1), airworthiness, in the case of article 77(1), aircraft radio equipment, in the case of article 148, flight crew licensing or, in the case of article 79, radio licensing; and

- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

“Take-off decision point” means the latest point in the take-off at which, following recognition of a power unit failure, the helicopter will be able to carry out a rejected take-off;

“Technical Harmonisation Regulation” means [Council Regulation \(EEC\) No 3922/91](#) of 16th December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended;

“Technical log” means a record containing the information specified in paragraph M.A.306 of Part M;

“Tethered” means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

“TMG” means a touring motor glider, being an aircraft with the characteristics of a non-power-driven glider which—

- (a) has one or more integrally mounted, non-retractable power units;
- (b) has one or more non-retractable propellers; and
- (c) is designed or intended to take off under its own power;

“Type rating” means a rating that entitles the holder of a pilot licence to act as pilot of an aircraft of the type specified in the rating and the holder of a flight engineer’s licence to act as flight engineer in an aircraft of the type specified in the rating;

“Uncontrollable balloon” means a balloon which is not a small balloon and which is not capable of free controlled flight;

“United Kingdom licence” means a licence included in Chapter 1 of Part 1 of Schedule 8;

“Valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

“Visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of the Visiting Forces Act 1952(22)—

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) which from time to time apply to that country by virtue of paragraph (b) of section 1(1) and of any Order in Council made or hereafter to be made under section 1 designating that country for the purposes of that Act following section 1(2) of that Act;

“Visual Flight Rules” means visual flight rules prescribed by Section 5 of SERA;

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules;

“With the surface in sight” means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument and “when the surface is not in sight” is to be construed accordingly.

## 2. References in this Order to—

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(22) 1952 c.67.

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

- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;
  - (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, SLMG, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples of the same unless otherwise stated.
- 3.** The expressions appearing in the “Classification of Aircraft” in Part 1 of Schedule 4 have the meanings assigned to them in that Part.