

This Statutory Instrument has been made partly in consequence of defects in S.I. 2016/765 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2017 No. 1112

CIVIL AVIATION

The Air Navigation (Amendment) Order 2017

| | | |
|------------------------|---------|--------------------|
| Made | - - - - | 15th November 2017 |
| | | 22nd November |
| Laid before Parliament | | 2017 |
| Coming into force | - - | 14th December 2017 |

At the Court at Buckingham Palace, the 15th day of November 2017

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2), (3)(a), (b), (c), (d), (e), (f), (g), (h), (j), and (n), (4), 61(1)(a) and 101 of, and Schedule 13 to the Civil Aviation Act 1982(1) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(2).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2017 and comes into force on 14th December 2017.

Commencement Information

II Art. 1 in force at 14.12.2017, see [art. 1](#)

-
- (1) 1982 c.16. Section 60 was amended by the Aviation and Maritime Security Act 1990 (c.31), section 47. Section 61 was amended by the Airports Act 1986 (c.31), section 83(5) and Schedule 6, Part 2, and by the Aviation (Offences) Act 2003 (c.19), section 2. There are other amendments but none is relevant.
- (2) 1972 c.68. Section 2(2) has been amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a); and section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c. 51), section 28.

Amendment of the Air Navigation Order 2016

2. The Air Navigation Order 2016(3) is amended as follows.

Commencement Information

I2 Art. 2 in force at 14.12.2017, see [art. 1](#)

Categorisation as public transport or commercial operation

3. In article 6(1)—
 - (a) insert “of this Part” after “Chapter 2”; and
 - (b) omit sub-paragraph (a) including “or”.
4. In article 11(1)—
 - (a) for “Part 4 and Part 5” substitute “Part 4, Part 5 and Part 6”;
 - (b) in sub-paragraph (b)—
 - (i) at the beginning insert “there has been no valuable consideration or”; and
 - (ii) omit “or the purpose of the flight”.
5. In article 12—
 - (a) after “if” insert “there has been no valuable consideration or”; and
 - (b) omit “or the purpose of the flight”.
6. In article 13(1)(a)—
 - (a) at the beginning insert “there has been no valuable consideration or”; and
 - (b) omit “or the purpose of the flight”.
7. In article 14—
 - (a) for “an commercial” substitute “a commercial”;
 - (b) in paragraph (a) omit “and which is made under and”; and
 - (c) for paragraph (b)(ii) substitute—
 - “(ii) on which no person is carried other than a person permitted to be carried on the flight in accordance with the terms of a parachuting permission granted under article 90; or”.

Commencement Information

I3 Art. 3 in force at 14.12.2017, see [art. 1](#)
I4 Art. 4 in force at 14.12.2017, see [art. 1](#)
I5 Art. 5 in force at 14.12.2017, see [art. 1](#)
I6 Art. 6 in force at 14.12.2017, see [art. 1](#)
I7 Art. 7 in force at 14.12.2017, see [art. 1](#)

Registration and marking

8. For article 24(4) substitute—

“(4) Paragraph (1) does not apply to any non-EASA kite, non-EASA captive balloon or any aircraft flying in accordance with the terms of any permission given by the CAA.”.

9. In article 25(3) for “article” substitute “Chapter”.

Commencement Information

I8 Art. 8 in force at 14.12.2017, see [art. 1](#)

I9 Art. 9 in force at 14.12.2017, see [art. 1](#)

Airworthiness

10. In article 33(2)(g) omit “under article 269”.

11. In article 37(4) omit “, as amended from time to time”.

12. In article 38(1) for “paragraph (2)” substitute “paragraph (3)”.

13. In article 42(1)(b) for paragraph (i) substitute—

“(i) for commercial operation other than commercial operation which consists of an aircraft flying for the purpose of a flying display, associated practice for a flying display, test and positioning flights or the exhibition or demonstration of the aircraft;”.

14. In article 49(2) omit “39,”.

15. In article 61(3) omit “, as amended from time to time”.

Commencement Information

I10 Art. 10 in force at 14.12.2017, see [art. 1](#)

I11 Art. 11 in force at 14.12.2017, see [art. 1](#)

I12 Art. 12 in force at 14.12.2017, see [art. 1](#)

I13 Art. 13 in force at 14.12.2017, see [art. 1](#)

I14 Art. 14 in force at 14.12.2017, see [art. 1](#)

I15 Art. 15 in force at 14.12.2017, see [art. 1](#)

Operations

16. In article 65 after “Chapters 2” insert “(other than articles 77(1) and 79)”.

17. In article 69—

(a) for paragraph (2) substitute—

“(2) Before commencing a flight the pilot in command must be satisfied that—

(a) the flight can be made safely, taking into account the latest information available as to the route and aerodrome to be used; and

(b) the ground and water facilities, including any required communication and navigation facilities, are adequate for the intended flight.”; and

(b) in paragraph (8)(b) omit “the minimum equipment list or”.

18. In article 70(4) for “136” substitute “137”.

19. In article 75 omit paragraph (3).

20. In article 77—

- (a) at the end of paragraph (2) insert “other than when flying for public transport”; and
- (b) after paragraph (6) insert—

“(7) Any equipment installed or carried in an aircraft must be installed, carried, maintained and adjusted so that such equipment—

- (a) does not impair the airworthiness of the aircraft or the proper functioning of any other instrument or equipment necessary for the safety of the aircraft; and
- (b) is not a source of danger to the aircraft.”.

21.—(1) Omit article 78.

(2) Before article 79 insert—

“Carriage of equipment

78A.—(1) This article applies to any aircraft registered in the United Kingdom.

(2) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use.

(3) An aircraft to which this article applies must not commence a flight if any of the equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use unless the aircraft does so in accordance with the terms of a permission granted to the operator under paragraph (2).”.

22. In article 92—

- (a) in paragraphs (2) and (3) for each reference to “towed” substitute “ground towed”; and
- (b) in paragraph (2)(b) omit “controlled airspace or”.

23. In article 93 for paragraph (2) substitute—

“(2) In this article, a specified number of balloons counts as “simultaneously released at a single site” if released during a period of not more than 15 minutes from within an area not more than 1km square.”.

24. In article 105(3) for “(5)” substitute “(6)”.

25. In article 112(3) for “for every 50 or fraction of 50 passenger seats installed in the aircraft” substitute “and if there are 51 to 100 inclusive passenger seats installed, not less than two members and, if there are 101 to 150 inclusive passenger seats installed, not less than three members and so on”.

26. In article 119 after paragraph (4) insert—

“(4A) Any equipment installed or carried in an aircraft must be installed, carried, maintained and adjusted so that such equipment—

- (a) does not impair the airworthiness of the aircraft or the proper functioning of any other instrument or equipment necessary for the safety of the aircraft; and
- (b) is not a source of danger to the aircraft.”.

27. In article 127(4) for “prescribe” substitute “make regulations prescribing”.

28. In article 128(1) for “prescribe” substitute “make regulations prescribing”.

29. In article 134 after paragraph (4) insert—

“(5) The CAA must grant a police air operator’s certificate if it is satisfied that the applicant is competent to secure that the operation of aircraft of the types specified in the certificate will be as safe as is appropriate when flying on flights of the description and for the purposes specified, having regard in particular to the applicant’s—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.”.

Commencement Information

- I16** Art. 16 in force at 14.12.2017, see [art. 1](#)
- I17** Art. 17 in force at 14.12.2017, see [art. 1](#)
- I18** Art. 18 in force at 14.12.2017, see [art. 1](#)
- I19** Art. 19 in force at 14.12.2017, see [art. 1](#)
- I20** Art. 20 in force at 14.12.2017, see [art. 1](#)
- I21** Art. 21 in force at 14.12.2017, see [art. 1](#)
- I22** Art. 22 in force at 14.12.2017, see [art. 1](#)
- I23** Art. 23 in force at 14.12.2017, see [art. 1](#)
- I24** Art. 24 in force at 14.12.2017, see [art. 1](#)
- I25** Art. 25 in force at 14.12.2017, see [art. 1](#)
- I26** Art. 26 in force at 14.12.2017, see [art. 1](#)
- I27** Art. 27 in force at 14.12.2017, see [art. 1](#)
- I28** Art. 28 in force at 14.12.2017, see [art. 1](#)
- I29** Art. 29 in force at 14.12.2017, see [art. 1](#)

Aircrew

- 30.** In article 150(7) for “under this Order is” substitute “under this Order if”.
- 31.** In article 166—
 - (a) in paragraph (1)—
 - (i) insert “(P)” after “a person”;
 - (ii) for “they know or suspect their” substitute “P knows or suspects P’s”; and
 - (iii) for “renders them” substitute “renders P”;
 - (b) in paragraph (2) omit “or medical declaration in accordance with article 163(3)”; and
 - (c) in paragraph (3) omit “or declaration”.
- 32.** In article 174(2) for “Article 176” substitute “Article 176(1)”.
- 33.** In article 175(3)(a) after “flight times” insert “, duty periods and rest periods”.
- 34.** In article 176(1)—
 - (a) insert “(P)” after “a person”;
 - (b) for “they know or suspect they are” substitute “P knows or suspects P is”; and
 - (c) for “are likely” substitute “is likely”.

Commencement Information

- I30** Art. 30 in force at 14.12.2017, see [art. 1](#)
- I31** Art. 31 in force at 14.12.2017, see [art. 1](#)
- I32** Art. 32 in force at 14.12.2017, see [art. 1](#)

- I33** Art. 33 in force at 14.12.2017, see [art. 1](#)
I34 Art. 34 in force at 14.12.2017, see [art. 1](#)

Licensing of air traffic controllers

- 35.** In article 188—
- (a) omit paragraphs (1) and (3); and
 - (b) in paragraph (4) for “referred to in paragraphs (1), (2) and (3)” substitute “referred to in paragraph (2)”.
- 36.** Omit articles 189 to 197.

Commencement Information

- I35** Art. 35 in force at 14.12.2017, see [art. 1](#)
I36 Art. 36 in force at 14.12.2017, see [art. 1](#)

Air traffic services

- 37.** In article 198 for “Part” substitute “Chapter”.

Commencement Information

- I37** Art. 37 in force at 14.12.2017, see [art. 1](#)

Documents and records

- 38.** In article 229—
- (a) for paragraph (3) substitute—
 - “(3) Paragraph (2) does not apply to an aircraft flying in accordance with the EASA Air Operations Regulation.”; and
 - (b) omit paragraph (4).
- 39.** In article 231—
- (a) in paragraph (1) for “, (5), (6) or (7)” substitute “or (5)”; and
 - (b) in paragraph (2) for “4(12)” substitute “4(13)”.
- 40.** For article 238(2) substitute—
- “(2) Subject to paragraph (3), if the first operator ceases to be the operator of an aircraft, they must continue to preserve the document or record until paragraphs (4), (5) and (6) have been complied with, as appropriate.”.

Commencement Information

- I38** Art. 38 in force at 14.12.2017, see [art. 1](#)
I39 Art. 39 in force at 14.12.2017, see [art. 1](#)
I40 Art. 40 in force at 14.12.2017, see [art. 1](#)

Competent authority

41. For article 270(5) substitute—

“(5) The CAA is the competent authority of the United Kingdom for the purposes of the EASA Air Traffic Controller Licensing Regulation.”.

Commencement Information

I41 Art. 41 in force at 14.12.2017, see [art. 1](#)

Definitions

42. In Schedule 1—

- (a) omit the definition for “A to A commercial air transport helicopter operation”;
- (b) for the definition of “aerobatic manoeuvres” substitute ““aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre intentionally performed by an aircraft.”;
- (c) in the definition for “Commercial air transport operation” omit “or an A to A commercial air transport helicopter operation”;
- (d) after the definition for “Commercial air transport operation” insert—
““commercial operation” has the meaning assigned to it by article 7.”;
- (e) in the definition of “Controlled airspace” for “Class D airspace, Class E airspace, Class F airspace or Class G airspace” substitute “Class D airspace or Class E airspace”;
- (f) for the definition of “EASA Air Traffic Controller Licensing Regulation” substitute—
““EASA Air Traffic Controller Licensing Regulation” means [Commission Regulation \(EU\) No 2015/340](#) of 20th February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers’ licences and certificates pursuant to [Regulation \(EC\) No 216/2008](#) of the European Parliament and of the Council, amending [Commission Implementing Regulation \(EU\) No 923/2012](#) and repealing [Commission Regulation \(EU\) No 805/2011](#)(4).”;
- (g) omit the definition for “MMEL”;
- (h) in the definition for “Obstacle limitation surfaces” omit “, as amended from time to time”;
- (i) after the entry for “Part-SPA” insert—
““Part-SPO” means Annex VIII so entitled to the EASA Air Operations Regulation(5).”;
- (j) in the definition of “Self-propelled hang-glider”, in paragraph (c) for “maximum take-off mass” substitute “maximum unladen weight”.

43. In Schedule 5—

- (a) in paragraph 1(1)(c) for “aeroplane” substitute “aircraft”;
- (b) in paragraph 1(2) after sub-paragraph (c) insert—
“(ca) oxygen supplies”; and
- (c) after paragraph 18 insert—

(4) O.J. No. L 63, 6.3.2015, p.1.

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

“Maps and charts

19. Maps, charts, codes and other documents necessary for the intended flight of the aircraft, including any diversion which may reasonably be expected from the aerodrome of intended landing, must be carried on the aircraft.”.

44. In Schedule 7 omit paragraph 5(2).

Commencement Information

I42 Art. 42 in force at 14.12.2017, see [art. 1](#)

I43 Art. 43 in force at 14.12.2017, see [art. 1](#)

I44 Art. 44 in force at 14.12.2017, see [art. 1](#)

Instructor certificates

45. In Schedule 8, Part 2, Chapter 1, Section 3—

- (a) in the entry for flight instructor certificate (aeroplane), in paragraph 2 under “*Restrictions – restricted period*” omit “and on the recommendation of the supervising flight instructor (aeroplane)”; and
- (b) in the entry for flight instructor certificate (helicopter), under “*Restrictions – restricted period*”—
 - (i) in paragraph (1) for “25 solo flights by students” substitute “25 student pilot solo flight exercises”; and
 - (ii) in paragraph (2) omit “and on the recommendation of the supervising flight instructor (helicopter)”.

Commencement Information

I45 Art. 45 in force at 14.12.2017, see [art. 1](#)

Maintenance of licence privileges

46.—(1) In Schedule 8, Part 3, Chapter 1—

- (a) for paragraph 1(2)(b) substitute—
 - “(b) as regards revalidation the rating and certificate are valid from the end of the period in paragraph (a) for the period specified in column 2—
 - (i) in relation to any rating or certificate that may be revalidated by meeting flight or instruction experience requirements, provided those experience requirements have been met; or
 - (ii) subject to sub-paragraph (2A), in relation to any other rating or certificate, provided that the rating or certificate is revalidated within the period of three months preceding the end of the period in paragraph (a); and”;
- (b) after paragraph 1(2) insert—
 - “(2A) Where a rating or certificate is revalidated by a proficiency check prior to the last 3 months of the period specified in column 2, the period specified in column 2 commences from the end of the month in which the revalidation occurred.”.

(2) In Schedule 8, Part 3, Chapter 2—

(a) for paragraph 4(3)(a) substitute—

“(a) has not expired, the new certificate is valid for 24 months from the end of the month which includes the expiry date of the existing certificate, except where the certificate is validated by a NPPL General Skill Test more than 3 months before the expiry date of the existing certificate, in which case the new certificate is valid for 24 months from the end of the month in which the test was taken;”;

(b) for paragraph 5(2)(a) substitute—

“(a) has not expired, the new certificate is valid for 36 months from the end of the month which includes the expiry date of the existing certificate, except where the test is taken more than 3 months before the expiry date of the existing certificate, in which case the new certificate is valid for 36 months from the end of the month in which the test was taken;”;

(c) for paragraph 6(2)(a) substitute—

“(a) has not expired, the new certificate is valid for 12 months from the end of the month which includes the expiry date of the existing certificate, except where the test is taken more than 3 months before the expiry date of the existing certificate, in which case the new certificate is valid for 12 months from the end of the month in which the test was taken;”.

Commencement Information

I46 Art. 46 in force at 14.12.2017, see [art. 1](#)

Public Transport – Operational Requirements

47. In Schedule 9, Part 1, paragraph 1(s) for “78(3)” substitute “78A(2)”.

Commencement Information

I47 Art. 47 in force at 14.12.2017, see [art. 1](#)

Documentation

48. In Schedule 10—

(a) in paragraph 1(c) for “78(3)” substitute “78A(2)”;

(b) in the entry for “Document J” in paragraph 2, for “78(3)” substitute “78A(2)”;

(c) in paragraph 3(1) omit “and”;

(d) for paragraph 3(3) substitute—

“(3) If a public transport flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents required under paragraph 1(a) may be kept at that aerodrome instead of being carried in the aircraft.”; and

(e) after paragraph 3 insert—

“Meaning of “international air navigation”

4. For the purposes of this Schedule—

“international air navigation” means any flight which includes passage over the territory of any country other than the United Kingdom, but does not include passage over any relevant overseas territory to which there is power to extend the Civil Aviation Act 1982(6) under section 108(1) of that Act.”.

Commencement Information

I48 Art. 48 in force at 14.12.2017, see [art. 1](#)

Penalties

49. In Schedule 13, Part 1, Chapter 1—

- (a) in the entry for article 26(3) omit “, public transport or commercial operation”;
- (b) after the entry for article 42(2) insert—

| | |
|--------|---|
| “63(1) | Copy of national airworthiness review certificate issued or extended to be sent to the CAA within 10 days |
|--------|---|

| | |
|-------|---|
| 63(2) | A person to inform the CAA should the airworthiness review be inconclusive and not to issue or extend the certificate”; |
|-------|---|

- (c) omit the entries for articles 193, 196 and 197; and
- (d) for the entry for article 206(10) to (12) substitute—

| | |
|------------------|---|
| “206(10) to (15) | Air traffic service equipment records”. |
|------------------|---|

50. In Schedule 13, Part 1, Chapter 8 after the entry for NCO.GEN.150 insert—

| | |
|---------------|--------------------------------------|
| “NCO.SPEC.120 | Task specialist’s responsibilities”. |
|---------------|--------------------------------------|

51. After Schedule 13, Part 1, Chapter 8 insert—

“CHAPTER 9

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|---|
| SPO.GEN.106 | Task specialist’s responsibilities |
| SPO.GEN.115 | Common language |
| SPO.GEN.120 | Taxiing of aeroplanes |
| SPO.GEN.125 | Rotor engagement |
| SPO.GEN.135 | Information of emergency and survival equipment carried |
| SPO.GEN.140 | Documents, manuals and information to be carried |
| SPO.OP.190 | In-flight fuel management |

(6) 1982 c.16; section 108(1) was amended by the Airports Act 1986 (c.31), section 83(1) and Schedule 4, paragraph 8(2).

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|--|
| SPO.OP.225 | Operational limitations – hot air balloons |
| SPO.SPEC.HESLO.100 | Standard operating procedures |
| SPO.SPEC.HESLO.105 | Specific HESLO equipment |
| SPO.SPEC.HEC.100 | Standard operating procedures |
| SPO.SPEC.HEC.105 | Specific HEC equipment |
| SPO.SPEC.PAR.100 | Standard operating procedures |
| SPO.SPEC.PAR.120 | Flight over water |
| SPO.SPEC.ABF.100 | Standard operating procedures”. |

52. In Schedule 13, Part 2, Chapter 1—

- (a) in the entry for article 42(1), after “42(1)” insert “(other than sub-paragraph (b)(ii))”;
- (b) after the entry for article 44(2) insert—

| | |
|--------|---|
| “44(5) | Requirement for certificate of release to service for equipment installed on or in a non-EASA aircraft after its overhaul, repair, modification or inspection”; |
|--------|---|

- (c) after the entry for article 51 insert—

| | |
|--------|---|
| “54(1) | Aircraft maintenance programme |
| 55 | Aircraft to be managed by approved continuing airworthiness management organisation and maintained by approved maintenance organisation”; |

- (d) for the entry for article 77(1) and (3) to (6) substitute—

| | |
|-----------------------|--|
| “77(1) and (3) to (7) | Requirements for aircraft to carry equipment”; |
|-----------------------|--|

- (e) for the entry for article 78(4) substitute—

| | |
|---------|-------------------------|
| “78A(3) | Carriage of equipment”; |
|---------|-------------------------|

- (f) for the two entries relating to article 80 substitute—

| | |
|-----|--|
| “80 | Requirement for— a) operation of airborne collision avoidance system b) training in operation of airborne collision avoidance system”; and |
|-----|--|

- (g) for the two entries relating to article 119 substitute—

| | |
|------|-------------------------------|
| “119 | Carriage and use of equipment |
|------|-------------------------------|

Vibration health monitoring system to be operated in accordance with approved procedures”.

53. In Schedule 13, Part 2, Chapter 6 in the column headed “Provision of SERA”, for the entry “5005 (other than (g))” substitute “5005 (other than (g) and (i))”.

54. In Schedule 13, Part 2, Chapter 9, after the entry for NCO.IDE.B.150 insert—

| | |
|--------------------|---|
| “NCO.SPEC.105 | Checklist |
| NCO.SPEC.110 | Pilot-in-command responsibilities and authority |
| NCO.SPEC.115 | Crew responsibilities |
| NCO.SPEC.125 | Safety briefing |
| NCO.SPEC.130 | Minimum obstacle clearance altitude – IFR flights |
| NCO.SPEC.135 | Fuel and oil supply – aeroplanes |
| NCO.SPEC.140 | Fuel and oil supply – helicopters |
| NCO.SPEC.155 | Airborne Collision Avoidance System (ACAS II) |
| NCO.SPEC.170 | Performance and operating criteria – aeroplanes |
| NCO.SPEC.175 | Performance and operating criteria – helicopters |
| NCO.SPEC.HESLO.100 | Checklist |
| NCO.SPEC.HESLO.105 | Specific HESLO equipment |
| NCO.SPEC.HEC.100 | Checklist |
| NCO.SPEC.PAR.100 | Checklist |
| NCO.SPEC.ABF.100 | Checklist”. |

55. After Schedule 13, Part 2, Chapter 9 add—

“CHAPTER 10

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|---|
| SPO.GEN.102 | Touring motor gliders, powered sailplanes and mixed balloons |
| SPO.GEN.105 | Crew responsibilities |
| SPO.GEN.107 | Pilot-in-command responsibilities and authority |
| SPO.GEN.108 | Pilot-in-command responsibilities and authority – balloons |
| SPO.GEN.119 | Taxiing of aircraft |
| SPO.GEN.130 | Portable electronic devices |
| SPO.GEN.145 | Handling of flight recorder recordings: preservation, production, protection and use – operations with complex motor-powered aircraft |

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|---|
| SPO.OP.100 | Use of aerodromes and operating sites |
| SPO.OP.110 | Aerodrome operating minima – aeroplanes and helicopters |
| SPO.OP.111 | Aerodrome operating minima – NPA, APV, CAT I operations |
| SPO.OP.125 | Minimum obstacle clearance altitudes – IFR flights |
| SPO.OP.130 | Fuel and oil supply – aeroplanes |
| SPO.OP.131 | Fuel and oil supply – helicopters |
| SPO.OP.132 | Fuel and ballast supply and planning - balloons |
| SPO.OP.135 | Safety briefing |
| SPO.OP.140 | Flight preparation |
| SPO.OP.145 | Take-off alternate aerodromes – complex motor-powered aeroplanes |
| SPO.OP.150 | Destination alternate aerodromes – aeroplanes |
| SPO.OP.151 | Destination alternate aerodromes – helicopters |
| SPO.OP.155 | Refuelling with persons embarking, on board or disembarking |
| SPO.OP.160 | Use of headset |
| SPO.OP.165 | Smoking |
| SPO.OP.170 | Meteorological conditions |
| SPO.OP.175 | Ice and other contaminants – ground procedures |
| SPO.OP.176 | Ice and other contaminants – flight procedures |
| SPO.OP.180 | Take-off conditions – aeroplanes and helicopters |
| SPO.OP.181 | Take-off conditions – balloons |
| SPO.OP.195 | Use of supplemental oxygen |
| SPO.OP.205 | Airborne Collision Avoidance System (ACAS) |
| SPO.OP.210 | Approach and landing conditions – aeroplanes and helicopters |
| SPO.OP.215 | Commencement and continuation of approach – aeroplanes and helicopters |
| SPO.OP.230 | Standard operating procedures |
| SPO.POL.100 | Operating limitations – all aircraft |
| SPO.POL.105 | Mass and balance |
| SPO.POL.110 | Mass and balance system – commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft |
| SPO.POL.115 | Mass and balance data and documentation – commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft |
| SPO.POL.120 | Performance – general |

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|---|
| SPO.POL.125 | Take-off mass limitations – complex motor-powered aircraft |
| SPO.POL.130 | Take-off – complex motor-powered aeroplanes |
| SPO.POL.135 | En route – one engine inoperative – complex motor-powered aircraft |
| SPO.POL.140 | Landing – complex motor-powered aircraft |
| SPO.POL.145 | Performance and operating criteria – aeroplanes |
| SPO.POL.146 | Performance and operating criteria – helicopters |
| SPO.IDE.A.100 | Instruments and equipment — general |
| SPO.IDE.A.105 | Minimum equipment for flight |
| SPO.IDE.A.110 | Spare electrical fuses |
| SPO.IDE.A.115 | Operating lights |
| SPO.IDE.A.120 | Operations under VFR — flight and navigational instruments and associated equipment |
| SPO.IDE.A.125 | Operations under IFR — flight and navigational instruments and associated equipment |
| SPO.IDE.A.126 | Additional equipment for single-pilot operations under IFR |
| SPO.IDE.A.130 | Terrain awareness warning system (TAWS) |
| SPO.IDE.A.131 | Airborne collision avoidance system (ACAS II) |
| SPO.IDE.A.132 | Airborne weather detecting equipment – complex motor-powered aeroplanes |
| SPO.IDE.A.133 | Additional equipment for operations in icing conditions at night - complex motor-powered aeroplanes |
| SPO.IDE.A.140 | Cockpit voice recorder |
| SPO.IDE.A.145 | Flight data recorder |
| SPO.IDE.A.150 | Data link recording |
| SPO.IDE.A.155 | Flight data and cockpit voice combination recorder |
| SPO.IDE.A.160 | Seats, seat safety belts and restraint systems |
| SPO.IDE.A.165 | First-aid kit |
| SPO.IDE.A.170 | Supplemental oxygen – pressurised aeroplanes |
| SPO.IDE.A.175 | Supplemental oxygen – non-pressurised aeroplanes |
| SPO.IDE.A.180 | Hand fire extinguishers |
| SPO.IDE.A.181 | Crash axe and crowbar |
| SPO.IDE.A.185 | Marking of break-in points |
| SPO.IDE.A.190 | Emergency locator transmitter (ELT) |
| SPO.IDE.A.195 | Flight over water |
| SPO.IDE.A.200 | Survival equipment |

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|--|
| SPO.IDE.A.205 | Individual protective equipment |
| SPO.IDE.H.197 | Life-jackets – complex motor-powered helicopters |
| SPO.IDE.H.198 | Survival suits – complex motor-powered helicopters |
| SPO.IDE.H.199 | Life-rafts, survival ELTs and survival equipment on extended overwater flights – complex motor-powered helicopters |
| SPO.IDE.H.200 | Survival equipment |
| SPO.IDE.H.201 | Additional requirements for helicopters conducting offshore operations in a hostile sea area – complex motor-powered helicopters |
| SPO.IDE.H.202 | Helicopters certified for operating on water – miscellaneous equipment |
| SPO.IDE.H.203 | All helicopters on flights over water - ditching |
| SPO.IDE.H.205 | Individual protective equipment |
| SPO.IDE.H.210 | Headset |
| SPO.IDE.H.215 | Radio communication equipment |
| SPO.IDE.H.220 | Navigation equipment |
| SPO.IDE.H.225 | Transponder |
| SPO.IDE.S.100 | Instruments and equipment — general |
| SPO.IDE.S.105 | Minimum equipment for flight |
| SPO.IDE.S.115 | Operations under VFR — flight and navigational instruments |
| SPO.IDE.S.120 | Cloud flying — flight and navigational instruments |
| SPO.IDE.S.125 | Seats and restraint systems |
| SPO.IDE.S.130 | Supplemental oxygen |
| SPO.IDE.S.135 | Flight over water |
| SPO.IDE.S.140 | Survival equipment |
| SPO.IDE.S.145 | Radio communication equipment |
| SPO.IDE.S.150 | Navigation equipment |
| SPO.IDE.S.155 | Transponder |
| SPO.IDE.B.100 | Instruments and equipment — general |
| SPO.IDE.B.105 | Minimum equipment for flight |
| SPO.IDE.B.110 | Operating lights |
| SPO.IDE.B.115 | Operations under VFR — flight and navigational instruments and associated equipment |
| SPO.IDE.B.120 | First-aid kit |
| SPO.IDE.B.121 | Supplemental oxygen |
| SPO.IDE.B.125 | Hand fire extinguishers |

Changes to legislation: There are currently no known outstanding effects for the
The Air Navigation (Amendment) Order 2017. (See end of Document for details)

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|-------------------------------|
| SPO.IDE.B.130 | Flight over water |
| SPO.IDE.B.135 | Survival equipment |
| SPO.IDE.B.140 | Miscellaneous equipment |
| SPO.IDE.B.145 | Radio communication equipment |
| NCO.IDE.B.150 | Transponder”. |

56. In Schedule 13, Part 3, Chapter 1—

(a) after the entry for article 37(3) insert—

| | |
|--------|---|
| “47(3) | Certificate of release to service not to be issued if any known danger to flight safety”; |
|--------|---|

(b) after the entry for article 148 insert—

| | |
|---------|---|
| “149(1) | Requirement for appropriate licence to act as flight crew member of EASA registered aircraft elsewhere than in the United Kingdom”; |
|---------|---|

(c) after the entry for article 180(1) insert—

| | |
|---------|---|
| “187(1) | Instrument flight procedures to be approved before notification”; |
|---------|---|

(d) in the entry for article 188(1), for “188(1)” substitute “188(2)”; and

(e) omit the entries for articles 191 and 192.

57. For Schedule 13, Part 3, Chapter 4 substitute—

“CHAPTER 4

| <i>Provision of EASA Air Traffic Controller Licensing Regulation</i> | <i>Subject matter</i> |
|--|--|
| Article 2(1) | Compliance with requirements and procedures |
| ATCO.A.015(b) | Exercise of the privileges of licences and provisional inability |
| ATCO.MED.A.020 | Decrease in medical fitness”. |

58. For Schedule 13, Part 3, Chapter 7 substitute—

“CHAPTER 7

| <i>Provision of SERA</i> | <i>Subject matter</i> |
|--------------------------|---|
| 2020 | Problematic use of psychoactive substance |

| <i>Provision of SERA</i> | <i>Subject matter</i> |
|--------------------------|--|
| 3101 | Negligent or reckless operation of aircraft |
| 5005 (j) | VFR flight within or into designated areas or along designated routes |
| 8020 | Adherence to flight plan |
| 8025 | Position Reports |
| 8035 | Communications |
| 11015(b) | Pilot-in-command of an aircraft to comply with instructions given by intercepting aircraft”. |

59. In Schedule 13, Part 3, Chapter 10, after the entry for NCO.OP.185 insert—

| | |
|--------------------|-------------------------------------|
| “NCO.SPEC.160 | Release of dangerous goods |
| NCO.SPEC.165 | Carriage and use of weapons |
| NCO.SPEC.HESLO.110 | Transportation of dangerous goods”. |

60. After Schedule 13, Part 3, Chapter 10 insert—

“CHAPTER 11

| <i>Provision of Part-SPO</i> | <i>Subject matter</i> |
|------------------------------|-------------------------------------|
| SPO.GEN.150 | Transport of dangerous goods |
| SPO.GEN.155 | Release of dangerous goods |
| SPO.GEN.160 | Carriage and use of weapons |
| SPO.SPEC.HESLO.110 | Transportation of dangerous goods”. |

Commencement Information

| | |
|------------|--|
| I49 | Art. 49 in force at 14.12.2017, see art. 1 |
| I50 | Art. 50 in force at 14.12.2017, see art. 1 |
| I51 | Art. 51 in force at 14.12.2017, see art. 1 |
| I52 | Art. 52 in force at 14.12.2017, see art. 1 |
| I53 | Art. 53 in force at 14.12.2017, see art. 1 |
| I54 | Art. 54 in force at 14.12.2017, see art. 1 |
| I55 | Art. 55 in force at 14.12.2017, see art. 1 |
| I56 | Art. 56 in force at 14.12.2017, see art. 1 |
| I57 | Art. 57 in force at 14.12.2017, see art. 1 |
| I58 | Art. 58 in force at 14.12.2017, see art. 1 |
| I59 | Art. 59 in force at 14.12.2017, see art. 1 |
| I60 | Art. 60 in force at 14.12.2017, see art. 1 |

Changes to legislation: There are currently no known outstanding effects for the
The Air Navigation (Amendment) Order 2017. (See end of Document for details)

Ceri King
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Air Navigation Order 2016 (the “2016 Order”) to implement the requirements of [Commission Regulation \(EU\) No. 2015/340](#) laying down technical requirements and administrative procedures relating to air traffic controllers’ licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing [Commission Regulation \(EU\) No 805/2011](#) (the “EU Air Traffic Controller Licensing Regulation”) and [Commission Regulation \(EU\) No. 965/2012](#) laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No. 216/2008 (the “EU Air Operations Regulations”). The Order also amends the maximum criminal fine for loss of communication with Air Traffic Control and corrects defects in the 2016 Order.

The more substantial of the amendments are as follows.

Article 3(b) omits A to A commercial air transport helicopter operations from the scope of public transport flights.

Article 8 disapplies the registration requirement in respect of non-EASA kites, non-captive balloons and aircraft flying in UK airspace with the permission of the Civil Aviation Authority (the “CAA”).

Article 13 permits an aircraft flying under a national permit to fly without a permission from the CAA when flying for flying displays and their associated practice, test and positioning flights, and exhibition or demonstration flights.

Article 21 omits provisions relating to minimum equipment lists and allows the CAA to permit an aircraft to fly without a specified item of equipment for that aircraft in certain circumstances.

Articles 27 and 28 enable the Secretary of State to make regulations to prescribe certain requirements for aeroplanes and helicopters registered in the UK.

Article 29 inserts a requirement for the CAA to grant police air operator’s certificates if it is satisfied the applicant is competent to secure the safety of the aircraft type specified in the certificate having regard to the applicant’s conduct, experience, equipment, organisation, staffing, maintenance and other arrangements.

Article 33 inserts a requirement that no person may fly in an aircraft as a member of its flight crew unless the operator possesses an up-to-date record for that person’s duty periods and rest periods for the 28 days prior to the flight.

Article 38(b) omits the provision for documents and records to be kept at an aerodrome instead of being carried on the aircraft where the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom.

Article 40 corrects references to require documents and records to continue to be preserved.

Article 43(c) inserts the requirement to carry necessary maps and charts on the aircraft as required equipment for non-EASA aircraft.

Article 44 omits the requirement for CAA approval of an operator’s arrangements for, and amendments to, the technical log system.

Article 46 amends the revalidation process for the maintenance of licence privileges.

Article 48(d) amends the exception for carriage of documents by allowing records and documents to be kept at the aerodrome instead of being carried on the aircraft where a public transport flight

Changes to legislation: There are currently no known outstanding effects for the *The Air Navigation (Amendment) Order 2017*. (See end of Document for details)

is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom.

Articles 49(a), (b) and (d), 52, and 56(a) to (d) update the penalties for non-compliance with specific requirements.

Article 57 provides that a breach of a specified provision of the EU Air Traffic Controller Licensing Regulation constitutes a criminal offence. Articles 49(c) and 56(e) omit those offences that are no longer relevant by virtue of the EU Air Traffic Controller Licensing Regulation.

Articles 50, 51, 54, 55, 59 and 60 provide for criminal offences for breach of specified obligations relating to Special Operations and Non Commercial Operations set out in the EU Air Operations Regulation, which contains operating rules for European aviation under a number of different categories.

Articles 53 and 58 increase the criminal fine payable for failure to communicate in relation to an aircraft in UK airspace in circumstances which may give rise to a significant security and safety risk. In England and Wales the penalty increases from a maximum fine of £2,500 to an unlimited fine. In Scotland and Northern Ireland the penalty increases from a maximum fine of £2500 to £5000.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation (Amendment) Order 2017.