

SCHEDULE 2

Articles 3(1), 8(1) and 47(7)

A AND B CONDITIONS

The A and B Conditions referred to in articles 3(1), 8(1) and 47(7) of this Order are as follows:

A Conditions

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

- (a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom; or
- (b) the certificate of airworthiness or certificate of validation issued in respect of the aircraft has ceased to be in force by virtue of any of the matters specified in article 9(7) of this Order.

(2) (a) In the case of an aircraft falling within paragraph (1)(a) the aircraft shall fly only for the purpose of enabling it to:

- (i) qualify for the issue or renewal of a certificate of airworthiness or the validation thereof after an application has been made for such issue, renewal or validation as the case may be, or carry out a functional check of a previously approved modification (and for the purpose of this Schedule “a previously approved modification” shall mean a modification which has previously been approved by the Authority in respect of that aircraft or another aircraft of the same type) of the aircraft;
- (ii) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in subparagraph (a), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
- (iii) proceed to or from a place at which the aircraft is to be or has been stored.

(b) In the case of an aircraft falling within paragraph (1)(b), it shall fly only for the purpose of enabling it to:

- (i) proceed to a place at which any inspection or maintenance required by virtue of article 9(7)(b)(ii) of this Order is to take place;
- (ii) proceed to a place at which any inspection, maintenance or modification required by virtue of article 9(7)(b)(i) or (c) of this Order is to take place and in respect of which flight the Authority has given permission in writing; or
- (iii) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the Authority of any overhaul, repair, previously approved modification, inspection or maintenance required by virtue of article 9(7) of this Order.

(3) The aircraft shall be:

- (a) an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under this Order and has not subsequently had any modification which requires approval unless that modification is a previously approved modification which has been granted such an approval under the law of the country in which the aircraft was registered at that time; or
- (b) an aircraft identical in design (including any modifications) with an aircraft in respect of which such a certificate is or has been in force.

(4) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer’s licence granted under this Order, being a licence which entitles him to issue

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

that certificate or by a person approved by the Authority for the purpose of issuing certificates under this condition, and in accordance with that approval.

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

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

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

(8) Without prejudice to the provisions of article 20(2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) An aircraft may fly for a purpose set out in paragraph (2) subject to the conditions set out in paragraphs (3) to (8) whether or not it is registered in accordance with article 3(1) of the Order and when there is not in force in respect thereof:

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

(2) The aircraft shall fly only for the purpose of:

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

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

(4) If not registered in the United Kingdom the aircraft shall be marked in a manner approved by the Authority for the purposes of these Conditions, and the provisions of articles 15, 17, 38, 41, 66 and 68 of this Order shall be complied with in relation to the aircraft as if it was registered in the United Kingdom.

(5) Without prejudice to the provisions of article 20(2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

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

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

- (a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose specified in paragraph (2);
- (b) persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft for carrying out during the flight duties in connection with a purpose so specified;
- (c) persons approved by the Authority under article 122 of this Order as qualified to furnish reports for the purposes of article 9 of this Order;
- (d) persons other than those carried under the preceding provisions of this sub-paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;
- (e) cargo which comprises equipment carried in connection with a purpose specified in sub-paragraph (2)(f); or
- (f) persons employed by the operator or persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with the purpose specified in sub-paragraph (2)(f) which persons have duties in connection with that purpose.

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