
STATUTORY INSTRUMENTS

1995 No. 1038

The Air Navigation Order 1995

PART III

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Inspection, overhaul, repair, replacement and modification

12.—(1) This article shall apply to any aircraft registered in the United Kingdom in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force except any such aircraft required to be maintained in accordance with JAR 145.

(2) Except as provided in paragraphs (4) and (5) an aircraft to which this article applies shall not fly unless there is in force a certificate of release to service issued under this Order if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 9(7)(b) of this Order, as the case may be.

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

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

it may fly to a place at which such a certificate can be issued, being the nearest place:

- (aa) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
- (bb) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Authority within 10 days thereafter.

(4) Nothing in paragraph (2) shall require a certificate of release to service to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in respect of which a certificate of airworthiness of the special category is in force, unless the Authority gives a direction to the contrary in a particular case.

(5) Nothing in paragraph (2) shall prevent an aircraft to which this article applies in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2730 kg from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as may be prescribed and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to article 17 of this Order a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of article 70

of this Order, shall preserve the log book for the period specified in article 17 of this Order. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Authority whether generally or in relation to a class of aircraft or one particular aircraft.

(6) Neither:

- (a) equipment provided in compliance with Schedule 4 to this Order (except paragraph (3) thereof); nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulation made thereunder;

shall be installed or placed on board for use in an aircraft to which this article applies after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued under this Order.

(7) A certificate of release to service issued under this Order shall:

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
- (b) certify in relation to any inspection required by the Authority that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Authority and that any consequential repair, replacement or modification has been carried out as aforesaid.

(8) A certificate of release to service issued under this Order may be issued only by:

- (a) the holder of an aircraft maintenance engineer's licence:
 - (i) granted under this Order, being a licence which entitles him to issue that certificate;
 - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or
 - (iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed;
- (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than the United Kingdom in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft to which this article applies of which the maximum total weight authorised does not exceed 2730 kg and in accordance with the privileges endorsed on the licence;
- (c) a person approved by the Authority as being competent to issue such certification, and in accordance with that approval;
- (d) a person whom the Authority has authorised to issue the certificate in a particular case, and in accordance with that authority;
- (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), a Senior Commercial Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order; or
- (f) a person approved in accordance with JAR 145, and in accordance with that approval.

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