

---

STATUTORY INSTRUMENTS

---

**2005 No. 1970**

**The Air Navigation Order 2005**

**PART 4**

**Aircraft Crew and Licensing**

**Composition of crew of aircraft**

**25.**—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the United Kingdom—

- (a) shall carry a flight crew adequate in number and description to ensure the safety of the aircraft;
- (b) which has a flight manual, shall carry a flight crew of at least the number and description specified in that flight manual;
- (c) which does not now have a flight manual but has done in the past, shall carry a flight crew of at least the number and description specified in that flight manual.

(3) A flying machine registered in the United Kingdom and flying for the purpose of public transport having a maximum total weight authorised exceeding 5,700 kg shall carry at least two pilots as members of the flight crew.

(4) Subject to paragraph (6) an aeroplane registered in the United Kingdom shall carry at least two pilots as members of its flight crew if it—

- (a) has a maximum total weight authorised of 5,700 kg or less;
- (b) is flying for the purpose of public transport;
- (c) is flying in circumstances where the commander is required to comply with the Instrument Flight Rules; and (d) comes within paragraph (5).

(5) For the purposes of paragraph (4)(d) an aeroplane comes within this paragraph if it has—

- (a) one or more turbine jets;
- (b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;
- (c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than nine;
- (d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, and is not provided with a means of pressurising the personnel compartments; unless it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off; or
- (e) two or more piston engines, unless it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off.

(6) An aeroplane—

- (a) described in paragraph (5)(d) or (5)(e) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the CAA;
  - (b) described in paragraph (5)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate shall not be required to carry two pilots.
- (7) Subject to paragraph (8), a helicopter registered in the United Kingdom shall carry at least two pilots as members of its flight crew if it—
- (a) has a maximum total weight authorised of 5,700 kg or less;
  - (b) has a maximum approved passenger seating configuration of 9 or less;
  - (c) is flying for the purpose of public transport; and
  - (d) is flying in circumstances where the commander is required to comply with the Instrument Flight Rules or is flying by night with visual ground reference.
- (8) A helicopter described in paragraph (7) shall not be required to carry two pilots if it—
- (a) is equipped with an autopilot with, at least, altitude hold and heading mode which is serviceable on take-off;
  - (b) is equipped with such an autopilot notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or
  - (c) is flying under and in accordance with the terms of a police air operator's certificate.
- (9) An aircraft registered in the United Kingdom engaged on a flight for the purpose of public transport shall carry—
- (a) a flight navigator as a member of the flight crew; or
  - (b) navigational equipment suitable for the route to be flown; if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 7.
- (10) flight navigator carried in compliance with paragraph (9) shall be carried in addition to any person who is carried in accordance with this article to perform other duties.
- (11) An aircraft registered in the United Kingdom which is required by article 20 to be equipped with radio communications apparatus shall carry a flight radiotelephony operator as a member of the flight crew.
- (12) Paragraphs (13) and (14) apply to any flight for the purpose of public transport by an aircraft registered in the United Kingdom which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.
- (13) The crew of an aircraft on a flight to which this paragraph applies shall include cabin crew carried for the purposes of performing in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as members of the flight crew.
- (14) On a flight to which this paragraph applies—
- (a) there shall, subject to sub-paragraph (b), be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft;
  - (b) the number of members of the cabin crew calculated in accordance with sub-paragraph (a) need not be carried if the CAA has granted written permission to the operator to carry a lesser number on that flight and the operator carries the number specified in that permission

and complies with any other terms and conditions subject to which such permission is granted.

(15) The CAA may in the interests of safety direct the operator of any aircraft registered in the United Kingdom that all or any aircraft operated by him when flying in circumstances specified in the direction shall carry, in addition to the crew required to be carried therein by the foregoing provisions of this article, such additional persons as members of the flight crew or the cabin crew as it may specify in the direction.

### **Members of flight crew—requirement for licence**

**26.**—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the United Kingdom unless he is the holder of an appropriate licence granted or rendered valid under this Order.

(2) A person may within the United Kingdom, the Channel Islands, and the Isle of Man without being the holder of such a licence—

- (a) act as a flight radiotelephony operator if—
  - (i) he does so as the pilot of a glider on a private flight and he does not communicate by radiotelephony with any air traffic control unit; or
  - (ii) he does so as a person being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft and—
    - (aa) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
    - (bb) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
    - (cc) messages are transmitted only on a frequency exceeding 60 MHz assigned by the CAA for the purposes of this sub-paragraph;
    - (dd) the operation of the transmitter requires the use only of external switches; and
    - (ee) the stability of the frequency radiated is maintained automatically by the transmitter.
- (b) act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—
  - (i) he is at least 16 years of age;
  - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act, issued by a person approved by the CAA;
  - (iii) he complies with any conditions subject to which that medical certificate was issued;
  - (iv) no other person is carried in the aircraft;
  - (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
  - (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
- (c) act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed one pilot for the purpose of becoming qualified for the

grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if—

- (i) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
  - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
  - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) act as pilot in command of a helicopter or gyroplane at night if—
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
  - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of helicopter or gyroplane being flown by night;
  - (iii) no person other than that specified in sub-paragraph (ii) is carried; and
  - (iv) the helicopter or gyroplane is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (e) act as pilot in command of a balloon if—
- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that he has not within the immediately preceding 13 months carried out as pilot in command at least 5 flights each of not less than 5 minutes duration;
  - (ii) he so acts in accordance with instructions given by a person authorised by the CAA to supervise flying in the type of balloon being flown;
  - (iii) no person other than that specified in sub-paragraph (ii) is carried; and
  - (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

(3) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the United Kingdom unless—

- (a) in the case of an aircraft flying for the purpose of public transport or aerial work, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or
- (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the CAA does not give a direction to the contrary.

(4) For the purposes of this Part of this Order—

- (a) subject to sub-paragraph (b), a licence granted either under the law of a Contracting State other than the United Kingdom but which is not a JAA licence or a licence granted under the law of a relevant overseas territory; purporting in either case to authorise the holder to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the CAA gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder—
  - (i) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
  - (ii) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying;
- (b) a JAA licence shall, unless the CAA gives a direction to the contrary, be deemed to be a licence rendered valid under this Order.

(5) Notwithstanding paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the conditions specified in paragraph (6) are complied with.

(6) The conditions referred to in paragraph (5) are—

- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except—
  - (i) a person carried as a member of the flight crew in compliance with this Order;
  - (ii) a person authorised by the CAA to witness the training or tests or to conduct the tests; or
  - (iii) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and
- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—
  - (i) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or
  - (ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 27 and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence, and he acts under the supervision of a person who is the holder of an appropriate licence.

(7) Notwithstanding paragraph (1), a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence, if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(8) Notwithstanding paragraph (1), a person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(9) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(10) This article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless—

- (a) he acts as a flight radiotelephony operator otherwise than in accordance with paragraph (2)(a)(i); or
- (b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(11) Notwithstanding anything in this article—

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention, shall not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom, except in accordance with permission granted by the competent authorities of that State;
- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than the United Kingdom, being a licence endorsed as aforesaid, shall not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with permission granted by the CAA, whether or not the licence is or is deemed to be rendered valid under this Order.

### **Grant, renewal and effect of flight crew licences**

27.—(1) Subject to paragraph (2), the CAA shall grant licences, subject to such conditions as it thinks fit, of any of the classes specified in Part A of Schedule 8 authorising the holder to act as a member of the flight crew of an aircraft registered in the United Kingdom, upon being satisfied that the applicant is—

- (a) a fit person to hold the licence; and
- (b) is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates;

and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the CAA may require of him.

(2) The CAA shall not grant—

- (a) a United Kingdom Private Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2000 the holder of such a licence;
- (b) a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2000 the holder of such a licence;
- (c) a United Kingdom Private Pilot's Licence (Helicopters) to any person who was not on 31st December 2000 the holder of such a licence;
- (d) a United Kingdom Commercial Pilot's Licence (Aeroplanes) or a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2002 respectively the holder of such a licence;

- (e) a United Kingdom Commercial Pilot's Licence (Helicopters) or a United Kingdom Airline Transport Pilot's Licence (Helicopters) to any person who was not on 31st December 2002 respectively the holder of such a licence.
- (3) A licence granted under this article—
- (a) shall not be valid unless it bears thereon the ordinary signature of the holder in ink or indelible pencil;
  - (b) subject to article 92 shall—
    - (i) remain in force for the period indicated in the licence, not exceeding the period specified in respect of a licence of that class in Part A of Schedule 8, and may be renewed by the CAA from time to time upon being satisfied that the applicant is a fit person and qualified as aforesaid;
    - (ii) if no period is indicated in the licence, remain in force, subject as aforesaid for the lifetime of the holder;
  - (c) shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of Schedule 8.
- (4) Subject to paragraph (5), the CAA may include in a licence a rating or qualification, subject to such conditions as it thinks fit, of any of the classes specified in Part B of Schedule 8, upon being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating or qualification relates, and such rating or qualification shall be deemed to form part of the licence.
- (5) The CAA shall not—
- (a) grant a flying instructor's rating (aeroplanes), an assistant flying instructor's rating (aeroplanes), a flying instructor's rating (helicopters) or an assistant flying instructor's rating (helicopters);
  - (b) include in a United Kingdom Private Pilot's Licence (Aeroplanes) containing only a microlight class rating (in this part of this Order and in Schedule 8 called "a microlight licence") or only an SLMG class rating (in this Part and in Schedule 8 called "an SLMG licence") granted on or after 1st July 2000 any additional class or type rating;
  - (c) include in a National Private Pilot's Licence (Aeroplanes) any rating or qualification other than an aircraft rating which includes only one or more of a simple single engine aeroplane (NPPL) class rating, a Microlight class rating or an SLMG class rating;
  - (d) include a simple single engine aeroplane (NPPL) class rating, a Microlight class rating or an SLMG class rating in an aircraft rating included in any United Kingdom licence.
- (6) Nothing in this Order shall oblige the CAA to accept an application for the issue of a National Private Pilot's Licence (Aeroplanes) when the application is not supported by such reports from such persons as the CAA may approve (either generally or in a particular case or class of cases).
- (7) Subject to any conditions of the licence including those specified in Part A of Schedule 8 and to any other provisions of this Order, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Section 1 of Part A of the said Schedule under the heading "Privileges" or Section 2 or Section 3 of Part A of the said Schedule under the heading "Privileges and conditions", and a rating or qualification of any class shall entitle the holder of the licence in which such a rating or qualification is included to perform the functions specified in respect of that rating or qualification in Part B of the said Schedule.

**Maintenance of privileges of aircraft ratings in United Kingdom licences for which there are no JAR-FCL equivalents except for Basic Commercial Pilot's Licences and Flight Engineer's Licences**

28.—(1) This article applies to any United Kingdom licence for which there is no JAR-FCL equivalent other than a United Kingdom Basic Commercial Pilot's Licence and a United Kingdom Flight Engineer's Licence.

(2) Subject to paragraphs (3) and (4), the holder of a pilot's licence to which this article applies shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of Schedule 8 and shall otherwise comply with that Section.

(3) The holder of a Private Pilot's Licence (Balloons and Airships) to which this article applies shall be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear a certificate referred to in paragraph (2).

(4) The holder of a Microlight Licence, an SLMG Licence or a United Kingdom Private Pilot's Licence (Gyroplanes) shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by paragraph (2) is included in the personal flying log book required to be kept by him under article 35.

(5) The holder of a flight navigator's licence to which this article applies shall not be entitled to perform functions on a flight to which article 25(9) applies unless the licence bears a valid certificate of experience which certificate shall be appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of the said Schedule and shall otherwise comply with that Part.

**Maintenance of privileges of aircraft ratings in JAR-FCL licences, United Kingdom licences for which there are JAR-FCL equivalents, United Kingdom Basic Commercial Pilot's Licences and United Kingdom Flight Engineer's Licences**

29.—(1) This article applies to—

- (a) JAR-FCL licences;
- (b) United Kingdom licences for which there are JAR-FCL equivalents;
- (c) United Kingdom Basic Commercial Pilot's Licences; and
- (d) United Kingdom Flight Engineer's Licences.

(2) The holder of a pilot's licence to which this article applies shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless—

- (a) the licence bears a valid certificate of revalidation in respect of the rating; and
- (b) the holder has undertaken differences training in accordance with paragraph 1.235 of Section 1 of JAR-FCL 1 in the case of an aeroplane and paragraph 2.235 of Section 1 of JAR-FCL 2 in the case of a helicopter and has had particulars thereof entered in his personal flying log book in accordance with the relevant paragraph.

(3) The holder of a United Kingdom Flight Engineer's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of revalidation in respect of the rating.

**Maintenance of privileges of aircraft ratings in National Private Pilot's Licences**

30.—(1) The holder of a National Private Pilot's Licence (Aeroplanes) shall not be entitled to exercise the privileges of a simple single engine aeroplane (NPPL) class rating contained in the licence on a flight unless the rating is valid in accordance with Section 3 of Part C of Schedule 8.



(2) The holder of a National Private Pilot's Licence (Aeroplanes) shall not be entitled to exercise the privileges of an SLMG class rating or a Microlight class rating contained in the licence on a flight unless the licence includes a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with Section 1 of Part C of Schedule 8 and shall otherwise comply with that Section.

### **Maintenance of privileges of other ratings**

**31.—**(1) A person shall not be entitled to perform the functions to which a flying instructor's rating (gyroplanes), an assistant flying instructor's rating (gyroplanes) or an instrument meteorological conditions rating (aeroplanes) relates unless his licence bears a valid certificate of test, which certificate shall be appropriate to the functions to which the rating relates in accordance with Section 1 of Part C of Schedule 8 and shall otherwise comply with that Part.

(2) A person shall not be entitled to perform the functions to which an instrument rating or an instructor's rating (other than a flying instructor's rating (gyroplanes) or an assistant flying instructor's rating (gyroplanes)) relates unless his licence bears a valid certificate of revalidation in respect of the rating.

### **Medical requirements**

**32.—**(1) The holder of a licence granted under article 27, other than a Flight Radiotelephony Operator's Licence, shall not be entitled to perform any of the functions to which his licence relates unless it includes an appropriate valid medical certificate issued under paragraph (3).

(2) Every applicant for or holder of a licence granted under article 27 shall upon such occasions as the CAA may require submit himself to medical examination by a person approved by the CAA, either generally or in a particular case or class of cases, who shall make a report to the CAA in such form as the CAA may require.

(3) On the basis of such medical examination, the CAA or any person approved by it as competent to do so may issue a medical certificate subject to such conditions as it or he thinks fit to the effect that it or he has assessed the holder of the licence as meeting the requirements specified in respect of the certificate and the certificate shall, without prejudice to paragraph (6), be valid for such period as is therein specified and shall be deemed to form part of the licence.

(4) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the United Kingdom if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(5) Every holder of a medical certificate issued under this article who—

- (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of 21 days or more; or
- (c) in the case of a woman, has reason to believe that she is pregnant;

shall inform the CAA in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(6) The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy; and—

- (a) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his

functions as a member of the flight crew or upon the CAA exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination; and

- (b) in the case of pregnancy, the suspension may be lifted by the CAA for such period and subject to such conditions as it thinks fit and shall cease upon the holder being medically examined under arrangements made by the CAA after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

### **Miscellaneous licensing provisions**

**33.**—(1) A person who, on the last occasion when he took a test for the purposes of article 28, 29, 30 or 31 failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(2) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the CAA, he is testing any person for the purposes of articles 27(1), 27(4), 28(2), 29(2) or 31, notwithstanding that—

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in his licence; or
- (b) the licence or personal flying log book, as the case may be, does not include a valid certificate of test, experience or revalidation in respect of the type of aircraft.

(3) Without prejudice to any other provision of this Order the CAA may, for the purpose of this Part of this Order—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide any course of training or instruction.

### **Validation of licences**

**34.**—(1) Subject to paragraphs (2) and (6), the CAA may issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than the United Kingdom.

(2) In accordance with Council Directive 91/670 EEC<sup>(1)</sup> on mutual acceptance of personnel licences for the exercise of functions in civil aviation as it has effect in accordance with the EEA Agreement<sup>(2)</sup> as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994<sup>(3)</sup>, the CAA shall, subject to paragraphs (4) and (5), issue a certificate of validation rendering valid a relevant licence granted under the law of an EEA State.

(3) For the purposes of this article, a relevant licence is one based on requirements equivalent to those for the equivalent licence granted by the CAA under article 27.

(4) The CAA—

- (a) may ask the Commission for an opinion on the equivalence of a licence submitted for validation under paragraph (2) of this article within three weeks of receipt by the CAA of all necessary information in respect of an application for validation;
- (b) shall, if it does not ask the Commission for such an opinion, within three months of receipt of all necessary information in respect of the application either issue the certificate of validation or inform the applicant of any additional requirements or tests which are necessary to enable the CAA to grant the certificate of validation.

(1) O.J. No. L 373, 31.12.91, p. 21.

(2) Cm 2073 and 2183.

(3) Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: O.J. No. L 160, 28.6.94, p. 1.

(5) If after the examination of a licence the CAA has reasonable doubts as to the equivalence of that licence—

- (a) the CAA may stipulate additional requirements or tests (or both) as necessary to enable the certificate of validation to be issued;
- (b) the CAA shall notify any such additional requirements or tests (or both) as soon as reasonably practicable to the licence holder, the authority which issued the licence and to the Commission.

(6) In accordance with the said Council Directive, the CAA shall issue a certificate of validation rendering valid any licence issued in accordance with the requirements of Annex 1 to the Chicago Convention if the bearer satisfies the special validation requirements laid down in the annex to the said Council Directive.

### **Personal flying log book**

**35.**—(1) Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded—

- (a) the name and address of the holder of the log book;
- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
- (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including—

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this article, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including—

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

### **Instruction in flying**

**36.**—(1) A person shall not give any instruction in flying to which this article applies unless—

- (a) he holds a licence, granted or rendered valid under this Order or a JAA licence, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
  - (b) his licence includes an instructor's rating entitling the holder to give the instruction.
- (2) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—
- (a) the grant of a pilot's licence; and
  - (b) the inclusion or variation of any rating or qualification in his licence.

**Glider pilot—minimum age**

- 37.** A person under the age of 16 years shall not act as pilot in command of a glider.