
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Aviation (Working Time) Regulations 2004 ([S.I. 2004/756](#)) (“the principal Regulations”).

Regulation 2(2) amends the scope of the principal Regulations to reflect the changes in terminology used in the Air Navigation Order 2009 ([S.I. 2009/3015](#)) (“the ANO”) in light of the coming into force of Annex III to EC Regulation 3922/91 (OJNo. L 373, 31.12.91, p.4), commonly referred to and defined in the ANO as “EU-OPS”. Accordingly, *regulation 2(3)(a)* and *(c)* inserts definitions of “commercial air transport flight” and “public transport”.

Regulation 2(3)(b) inserts a definition of “local mean time”, replacing that which was previously confined to regulation 5(6) of the principal Regulations.

Regulation 2(3)(d) and *(6)* updates some references to the ANO, and *regulation 2(4)* makes a consequential amendment.

Regulation 2(3)(e) amends the definition of “working time” to include a provision that, subject to the new regulation 9A, time spent on standby counts expressly as working time for the purposes of the principal Regulations.

Regulation 2(5) inserts new regulation 9A into the principal Regulations, which provides that whilst standby duty normally counts fully against the annual working time limit, in certain limited circumstances specified in regulation 9A(2) and (3), time spent on standby is to be counted as half the time actually spent. This aligns the working time requirements of the principal Regulations with the safety (flight time limitation) provisions contained in the Civil Aviation Authority’s guidance document known as CAP 371 (Safety Regulation Group - The Avoidance of Fatigue in Air Crews - 4th Edition Amendment 1/2004 issued on 16th January 2004).

Copies of CAP 371 can be obtained from the Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE. Alternatively copies can be obtained from the CAA’s website which is at www.caa.co.uk. or The Stationery Office at www.tso.co.uk.

An impact assessment has been produced and a copy placed in both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department for Transport’s website which is at www.dft.gov.uk. The impact assessment is annexed to the Explanatory Memorandum which is available alongside these Regulations on the OPSI website at www.opsi.gov.uk.