

2013 No. 3169

CIVIL AVIATION

The Air Navigation (Amendment) Order 2013

Made - - - - *11th December 2013*

Laid before Parliament *18th December 2013*

Coming into force - - *27th January 2014*

At the Court at Buckingham Palace, the 11th day of December 2013

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2)(b), (3)(d), (3)(f), (3)(h), (3)(n) and (4) and 61(1)(a) of the Civil Aviation Act 1982(a) and by section 2(2) of the European Communities Act 1972(b).

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 2013 and comes into force on 27th January 2014.

Amendment of the Air Navigation Order 2009

2. The Air Navigation Order 2009(c) is further amended as follows.

Flight crew licence requirement – exception for solo flying training – medical declaration

3. In article 52(d) (flight crew licence requirement – exception for solo flying training in non-EASA aircraft)—

(a) in paragraph (2)—

(i) for sub-paragraph (b) substitute—

“(b) the person satisfies the requirements of paragraph (3);” and

(ii) omit sub-paragraph (c); and

(a) 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.

(b) 1972 c.68.

(c) S.I. 2009/3015, amended by S.I. 2012/1751. There are other amendments but none is relevant.

(d) Article 52 was amended by S.I. 2012/1751.

- (b) after paragraph (2), add—
- “(3) A person satisfies the requirements of this paragraph if the person—
- (a) is the holder of a valid medical certificate issued in accordance with article 72A(a) and complies with any conditions subject to which that certificate was issued;
 - (b) is the holder of a valid medical certificate issued in accordance with paragraph MED.A.030 of Part-MED and complies with any conditions subject to which that certificate was issued; or
 - (c) is the holder of a valid medical declaration issued in accordance with article 73A(b) which would be required by virtue of article 73(2) for the person to exercise the privileges of the relevant licence or rating.”

Flight crew licensing – personal flying log – helicopters

4. In article 79 (personal flying log), for paragraph (5) substitute—
- “(5) For the purposes of this article, a helicopter is in flight from the moment the helicopter’s rotor blades start turning until the moment the helicopter comes to rest at the end of the flight and the rotor blades are stopped.”

Designation of the CAA for the purposes of the EASA Air Operations Regulation

- 5.—(1) In article 246 (competent authority) in paragraph (2)—
- (a) omit the word “and” immediately following subparagraph (b); and
 - (b) at the end of sub-paragraph (c) insert—
“; and
(d) the EASA Air Operations Regulation”.
- (2) In article 255 (interpretation) in paragraph (1), after the definition of “EASA”, insert—
- ““EASA Air Operations Regulation” means Commission Regulation (EU) No. 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council(c);”.

Offering commercial air transport and public transport flights – penalties

6. In Section 1 of Part C of Schedule 13 (Penalties), beneath the row relating to article 13(4), insert the following row—

“14(1) Offering commercial air transport and public transport flights without national AOC or EU-OPS AOC”.

Richard Tilbrook
Clerk of the Privy Council

(a) Article 72A was inserted by S.I. 2012/1751.
(b) Article 73A was inserted by S.I. 2012/1751.
(c) O.J. No. L 296, 25.10.2012, p.1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation Order 2009 (“the 2009 Order”).

Article 3 amends the 2009 Order so as to provide that a student pilot with a valid medical declaration or with a certificate issued under relevant European legislation may, subject to other conditions, fly solo for the purpose of becoming qualified for the grant or renewal of a pilot licence or for the inclusion or variation of any rating in such a licence.

Article 4 amends the 2009 Order so as to change what constitutes time in flight for a helicopter for the purpose of recording this time in a “personal flying log”. The new definition includes time when the helicopter rotor blades are rotating whilst the helicopter is on the ground and reflects the corresponding one in European legislation.

Article 5 amends the 2009 Order so as to designate the Civil Aviation Authority (“the CAA”) as the competent authority for the purposes of Commission Regulation (EU) No. 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council^(a) (the “EASA Air Operations Regulation”). By way of derogation, Annexes I to V of that Regulation (in respect of which the competent authority has functions) do not apply in the United Kingdom until 28th October 2014.

Article 6 amends the 2009 Order so as to provide that it is an offence to hold anyone out as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of commercial air transport or public transport unless that person holds, in the case of a public transport flight, a valid national air operator’s certificate or a valid EU-OPS air operator certificate or, in the case of a commercial air transport flight, a valid EU-OPS air operator certificate.

An Impact Assessment was carried out which is relevant to the amendment made by article 6. This Assessment was undertaken when the relevant prohibition was created. An Impact Assessment relating to elements of the EASA Air Operations Regulation (for which the CAA is designated as the competent authority) will be published alongside a future instrument which makes domestic provision relevant to the coming into effect of the operative elements of that Regulation. Copies of the Impact Assessment relevant to the prohibition referred to above and the associated offence in this Order may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR. It is also available alongside this instrument at www.legislation.gov.uk.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

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

£4.00

UK2013121238 12/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/3169>

ISBN 978-0-11-110736-2



9 780111 107362