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## STATUTORY INSTRUMENTS

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# 2016 No. 765

## The Air Navigation Order 2016

### Citation and commencement

1. This Order may be cited as the Air Navigation Order 2016 and comes into force on 25th August 2016.

## PART 1

### Interpretation and categorisation

#### CHAPTER 1

##### Interpretative matter

### Interpretation

2. Schedule 1 (interpretation) has effect.

### Meaning of “in flight”

3. An aircraft is deemed to be in flight—

- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off, until the moment when it next comes to rest after landing;
- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached to the surface or comes to rest on the surface;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest on the surface; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest on the surface,

and the expressions “a flight” and “to fly” are to be construed accordingly.

### Meaning of “operator”

4.—(1) Subject to paragraph (2), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(2) For the purposes of the application of any provision in Part 4, Section 4 of Chapter 2 of Part 5 and article 119, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than—

- (a) the holder of a national air operator's certificate;
- <sup>F1</sup>(b) .....
- (c) the holder of a Part-CAT air operator certificate; or
- (d) a commercial operation undertaking,

has the management of that aircraft for a period of not more than 14 days, paragraph (1) has effect as if that charter or other agreement had not been entered into.

**F1** Art. 4(2)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, [Sch. 1 para. 2](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Meaning of “aerodrome traffic zone”

5.—(1) Subject to paragraphs (3) and (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1,850 metres or less is that specified in paragraph (2).

(2) The aerodrome traffic zone at an aerodrome referred to in paragraph (1) is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of two nautical miles.

(3) Paragraph (4) applies if—

- (a) the aerodrome traffic zone specified in paragraph (2) would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome; and
- (b) this paragraph is notified as being applicable.

(4) The aerodrome traffic zone is that specified in paragraph (5) as though the length of the longest runway at the aerodrome were notified as greater than 1,850 metres.

(5) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1,850 metres is that specified in paragraph (6).

(6) The aerodrome traffic zone is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 2½ nautical miles.

(7) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is on an off-shore installation is the airspace extending from mean sea level to 2,000 feet above mean sea level and within 1½ nautical miles of the offshore installation.

(8) The aerodrome traffic zone of a notified aerodrome excludes any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

### Meaning of “public transport”

6.—(1) For the purposes of this Order and subject to Chapter 2 [<sup>F2</sup>of this Part], an aircraft in flight is flying on a public transport flight if—

- <sup>F3</sup>(a) .....

- (b) the conditions specified in paragraph (2) are satisfied.
- (2) The conditions referred to in paragraph (1) are—
- (a) the flight is not a flight for the purpose of commercial air transport; and
- (b) the flight is—
- (i) for the carriage of passengers or cargo and valuable consideration is given or promised for that flight in the aircraft; or
- (ii) operated by the holder of a national air operator's certificate <sup>F4</sup>... or a Part-CAT air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).
- (3) The persons referred to in paragraph (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order <sup>F5</sup>... or the <sup>F6</sup>... Air Operations Regulation.
- (4) The cargo referred to in paragraph (2)(b)(ii) is cargo intended to be used by any persons specified in paragraph (3) or by the operator.

- F2** Words in art. 6(1) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **3(a)**
- F3** Art. 6(1)(a) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **3(b)**
- F4** Words in art. 6(2)(b)(ii) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 3(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in art. 6(3) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 3(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in art. 6(3) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 3(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Meaning of “commercial operation”

7. For the purposes of this Order, “commercial operation” means any [<sup>F7</sup>operation of an aircraft other than] for public transport—

- (a) which is available to the public; or
- [<sup>F8</sup>(b) which, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator,]

in return for remuneration or other valuable consideration.

- F7** Words in art. 7 substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020](#) (S.I. 2020/1555), arts. 1(2), **3(1)(a)** (with art. 13)
- F8** Art. 7(b) substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020](#) (S.I. 2020/1555), arts. 1(2), **3(1)(b)** (with art. 13)

## CHAPTER 2

### Categorisation as public transport or commercial operation

#### Application of Chapter

8. Nothing in this Chapter applies to a flight subject to the <sup>F9</sup>... Air Operations Regulation.

**F9** Word in [art. 8](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), [reg. 1](#), [Sch. 1 para. 4](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

#### Public transport – special rule for associations of persons

9.—(1) A transaction is effected in accordance with this paragraph if, under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member of the association on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected in a different manner.

(2) If a transaction is effected in accordance with paragraph (1) valuable consideration is, for the purposes of this Order, deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

#### Public transport – special rule for groups of companies

10.—(1) For the purposes of article 6(2)(b)(i), there is to be disregarded any valuable consideration given or promised for a flight or the purpose of a flight by one company to another company which is—

- (a) its holding company;
- (b) its subsidiary; or
- (c) another subsidiary of the same holding company.

(2) In this article, “holding company” and “subsidiary” have the meanings respectively specified in section 1159 of the Companies Act 2006 <sup>M1</sup>.

#### Marginal Citations

**M1** [2006 c.46](#).

#### Public transport and commercial operations – exceptions – flying displays

11.—(1) A flight is, for the purposes of [<sup>F10</sup>Part 4, Part 5 and Part 6], a non-commercial flight if—

- (a) the flight is of a sort described in paragraph (2); and
- (b) [<sup>F11</sup>there has been no valuable consideration or] the only valuable consideration for the flight <sup>F12</sup>... is of a sort described in paragraph (3).

(2) A flight is of a sort described in this paragraph if it is—

- (a) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;

- (b) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (a) and is made with the intention of carrying out such a flight; or
  - (c) for the purpose of returning after such a flight as is specified in sub-paragraph (a) to a place at which the aircraft is usually based.
- (3) Valuable consideration is of a sort described in this paragraph if it is one or more of the following—
- (a) valuable consideration given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display where such valuable consideration is not more than the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution bears no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
  - (b) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which does not exceed £500 for any one race or contest except with the permission of the CAA granted to the organiser of the race or contest.
- (4) Any prize falling within paragraph (3)(b) is deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

- F10** Words in art. 11(1) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [4\(a\)](#)
- F11** Words in art. 11(1)(b) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [4\(b\)\(i\)](#)
- F12** Words in art. 11(1)(b) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [4\(b\)\(ii\)](#)

### **Public transport and commercial operations – exceptions – charity flights**

- 12.** A flight is a non-commercial flight if [<sup>F13</sup>there has been no valuable consideration or] the only valuable consideration given or promised for the flight <sup>F14</sup>... is one or more of the following—
- (a) valuable consideration given or promised to a registered charity which is not the operator of the aircraft; or
  - (b) valuable consideration for which the CAA has otherwise given permission.

- F13** Words in art. 12 inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [5\(a\)](#)
- F14** Words in art. 12 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [5\(b\)](#)

### **Public transport and commercial operations – exceptions – cost sharing**

- 13.—(1)** A flight is a non-commercial flight if—
- (a) [<sup>F15</sup>there has been no valuable consideration or] the only valuable consideration given or promised for the flight <sup>F16</sup>... is a contribution to the direct costs of the flight otherwise payable by the pilot in command; and
  - (b) the criteria in paragraph (2) are satisfied.
- (2) The criteria in this paragraph are satisfied if—
- (a) no more than four persons (including the pilot) are carried;

- (b) the proportion which the contribution referred to in paragraph (1)(a) bears to the direct costs is not more than the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
- (c) no information has been published or advertised before the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club a case in which all the persons carried on such a flight who are aged 18 years or over are members of that flying club; and
- (d) no person acting as a pilot is employed as a pilot by, or is a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

- F15** Words in art. 13(1)(a) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **6(a)**
- F16** Words in art. 13(1)(a) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **6(b)**

#### **Public transport and commercial operations – exceptions – parachuting**

**14.** A flight is [<sup>F17</sup>a commercial] operation flight if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

- (a) the dropping of persons by parachute <sup>F18</sup>... in accordance with the terms of a parachuting permission granted by the CAA under article 90;
- (b) positioning the aircraft for such a flight as is specified in paragraph (a) and which—
  - (i) is made with the intention of carrying out such a flight; and
  - [<sup>F19</sup>(ii) on which no person is carried other than a person permitted to be carried on the flight in accordance with the terms of a parachuting permission granted under article 90; or]
- (c) returning after such a flight as is specified in paragraph (a) to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in paragraph (a).

- F17** Words in art. 14 substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **7(a)**
- F18** Words in art. 14(a) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **7(b)**
- F19** Art. 14(b)(ii) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **7(c)**

#### **Public transport – exceptions – introductory flights**

**15.—(1)** This article applies to an introductory flight (as defined in article 2 of the <sup>F20</sup>... Air Operations Regulation) which meets the criteria and conditions described in article 6(4a)(c) of that Regulation.

**(2)** A flight to which this article applies—

- (a) is—
  - (i) a commercial flight for the purposes of Part 4; and
  - (ii) a non-commercial flight for all other purposes; and

- (b) must—
- (i) except when conducted by gliders or balloons, start and end at the same site;
  - (ii) be operated by day and in compliance with the Visual Flight Rules;
  - (iii) be overseen by a person nominated by the relevant organisation mentioned in article 6(4a)(c) of the <sup>F20</sup>... Air Operations Regulation to be responsible for the safety of those involved; and
  - (iv) comply with any other conditions which may be specified by the CAA.

**F20** Word in [art. 15](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), [reg. 1](#), [Sch. 1 para. 5](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

### Public transport and commercial operations – exceptions – glider towing

**16.** A flight for the purpose of glider towing is a non-commercial flight if it meets the criteria and conditions relating to sailplane towing described in article 6(4a)(c) of the <sup>F21</sup>... Air Operations Regulation.

**F21** Word in [art. 16](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), [reg. 1](#), [Sch. 1 para. 6](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

## PART 2

### Application of the Order

#### Extra-territorial effect of the Order

**17.—(1)** Except where the context otherwise requires, the provisions of this Order, in so far as they apply (whether by express reference or otherwise)—

- (a) to aircraft registered in the United Kingdom, apply to such aircraft wherever they may be; and
- (b) to other aircraft, apply to such aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation.

**(2)** Except where the context otherwise requires, the provisions of this Order in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything—

- (a) by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, apply to such persons and crew, wherever they may be;
- (b) in relation to any aircraft registered in the United Kingdom by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (c) in relation to any aircraft on or in the neighbourhood of an offshore installation, apply to every person irrespective of their nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

(3) Nothing in this article is to be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 <sup>M2</sup> that that person will not be guilty of an offence.

#### Marginal Citations

**M2** 1948 c.56. Section 3(1) was amended by paragraph 22 of Schedule 13 to the [Merchant Shipping Act 1995 \(c.21\)](#).

### Aircraft in transit over certain United Kingdom territorial waters

**18.—**(1) This article applies to any aircraft which is registered elsewhere than in the United Kingdom when flying over the territorial waters adjacent to the United Kingdom within any part of a strait specified in Schedule 2.

(2) If an aircraft is flying solely for the purpose of continuous and expeditious transit of the strait, only the articles and Schedules specified in paragraph (3) apply to that aircraft.

(3) These articles and Schedules are—

- (a) article 77 and Schedule 5 to the extent necessary for the monitoring of the appropriate distress radio frequency;
- (b) article 249(2), (3), and (4) and the regulations made under that article;
- (c) article 265 and Part 2 of Schedule 13; and
- (d) article 266.

(4) The powers conferred by the provisions referred to in paragraph (3) may not be exercised in a way which would hamper the transit of the strait by an aircraft registered elsewhere than in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(5) In this article—

“transit of the strait” means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait; and

“an area of high seas” means any area outside the territorial waters of any State.

### Application of the Order to British-controlled aircraft registered elsewhere than in the United Kingdom

**19.—**(1) The CAA may direct that such of the provisions of this Order and of any regulations made or having effect under this Order as may be specified in the direction have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction.

(2) A direction under paragraph (1) may only specify an aircraft registered elsewhere than in the United Kingdom but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

### Application of the Order to the Crown

**20.—**(1) Subject to the provisions of this article and article 22, the provisions of this Order apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.



(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft is deemed to be the operator of the aircraft [<sup>F22</sup>or, in the case of [<sup>F23</sup>an unmanned aircraft], to be the [<sup>F24</sup>UAS operator]] and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article renders liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

- F22** Words in art. 20(2) inserted (30.7.2018) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2), 4
- F23** Words in art. 20(2) substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 4(a) (with art. 13)
- F24** Words in art. 20(2) substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 4(b) (with art. 13)

### Application of the Order to visiting forces

**21.—**(1) This article applies to the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters.

(2) Except as otherwise expressly provided in this Order, every body and person and any property to which this article applies is exempt from the provisions of this Order and of any regulations made under this Order to the same extent as if it formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

### Application of the Order to military aircraft

**22.—**(1) Except as otherwise provided by paragraph (2), and articles 174(3), 249(1)(a), 86(7) and (17) and 218, nothing in this Order applies to or in relation to any military aircraft.

(2) If a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of that person's duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the provisions specified in paragraph (3) apply to that flight.

(3) The provisions referred to in paragraph (2) are articles 239, 240, 241 and 242 and in addition article 249 (so far as applicable) applies unless the aircraft is flown in compliance with MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015) issued by the Secretary of State <sup>M3</sup>.

#### Marginal Citations

- M3** MAA01: Military Aviation Authority Regulatory Policy (Issue 4) and Regulatory Articles 2000 Series Flying Regulations are published by the Military Aviation Authority on behalf of the Secretary of State and are available at <https://www.gov.uk/government/collections/maa-regulatory-publications> or by writing to MAA regulation enquiries, Juniper 1, Abbey Wood North, Bristol, BS34 8QW.

### Exceptions from application of provisions of the Order for certain classes of aircraft

**23.—**(1) This article applies to—

- (a) any small balloon;

- (b) any kite weighing not more than 2kg;
  - [<sup>F25</sup>(c) any unmanned aircraft other than an unmanned aircraft subject to certification];
  - (d) any parachute including a parascending parachute.
- (2) [<sup>F26</sup>Subject to paragraphs (3) and (4)], nothing in this Order applies to or in relation to an aircraft to which this article applies.
- (3) Articles 2, 91, 92, [<sup>F27</sup>93,]<sup>F28</sup>...[<sup>F29</sup>94A, 94B, [<sup>F30</sup>94BA,]<sup>F31</sup>...] 239, 241 and 257 (except 257(2)(a)) apply to or in relation to an aircraft to which this article applies, and [<sup>F32</sup>articles 253, 265, 266 and 269 apply] in relation to those articles.
- [<sup>F33</sup>(4) Articles 265A, 265B, 265C, 265D, 265E and 265F apply to or in relation to unmanned aircraft to which this article applies, and article 265(3) applies in relation to those articles.]

- F25** Art. 23(1)(c) substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **5(2)** (with art. 13)
- F26** Words in art. 23(2) substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **5(3)** (with art. 13)
- F27** Word in art. 23(3) inserted (30.7.2018) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2), **5(a)**
- F28** Word in art. 23(3) omitted (31.12.2020) by virtue of [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **5(4)(a)** (with art. 13)
- F29** Words in art. 23(3) inserted (30.7.2018 for specified purposes, 30.11.2019 in so far as not already in force) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2)(3), **5(b)**
- F30** Word in art. 23(3) inserted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), **3**
- F31** Words in art. 23(3) omitted (31.12.2020) by virtue of [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **5(4)(b)** (with art. 13)
- F32** Words in art. 23(3) substituted (30.7.2018) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2), **5(c)**
- F33** Art. 23(4) inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **5(5)** (with art. 13)

## PART 3

### Registration and marking

#### Aircraft to be registered

**24.—**(1) Subject to paragraphs (2), (3) and (4), an aircraft must not fly in or over the United Kingdom unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.

(2) A [<sup>F34</sup>non-Part-21] glider may fly unregistered, and will be deemed to be registered in the United Kingdom for the purposes of articles 77 and 137, on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country; and

- (b) is not for the purpose of public transport or commercial air transport.
- (3) A [<sup>F35</sup>non-Part-21] aircraft may fly unregistered on any flight which—
- (a) begins and ends in the United Kingdom without passing over any other country; and
- (b) is in accordance with the B Conditions.
- [<sup>F36</sup>(4) Paragraph (1) does not apply to any [<sup>F37</sup>non-Part-21] kite, [<sup>F37</sup>non-Part-21] captive balloon or any aircraft flying in accordance with the terms of any permission given by the CAA.]
- (5) If an aircraft flies in or over the United Kingdom in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence in respect of a contravention of a provision specified in Schedule 13 would have been committed, that same offence will be deemed to have been committed in respect of that aircraft.

- F34** Words in art. 24(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 7** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in art. 24(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 7** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Art. 24(4) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 8
- F37** Words in art. 24(4) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 7** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### CAA to register aircraft in the United Kingdom

- 25.**—(1) The CAA is the authority for the registration of aircraft in the United Kingdom.
- (2) The CAA is responsible for maintaining the register and may record in the register the information specified in article 27(2) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.
- (3) Subject to the provisions of this [<sup>F38</sup>Chapter], an aircraft must not be registered or continue to be registered in the United Kingdom if it appears to the CAA that—
- (a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law when the aircraft is registered in the United Kingdom;
- (b) the aircraft could more suitably be registered in some other part of the Commonwealth or, in the case of an aircraft registered to an unqualified person, another Contracting State; or
- (c) it would not be in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

- F38** Word in art. 25(3) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 9

### Who may register aircraft in the United Kingdom

- 26.**—(1) Only the following persons are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share in such an aircraft—
- (a) the Crown in right of Her Majesty's Government in the United Kingdom and the Crown in right of the Scottish Administration;

- (b) Commonwealth citizens;
- (c) nationals of any EEA State;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
- (f) undertakings formed in accordance with the law of an EEA State which have their registered office, central administration or principal place of business within the European Economic Area; or
- (g) firms carrying on business in Scotland (and in this sub-paragraph, “firm” has the same meaning as in the Partnership Act 1890 <sup>M4</sup>).

(2) If a person other than a person qualified under paragraph (1) holds a legal or beneficial interest by way of ownership in an aircraft, or a share in an aircraft, the CAA may register the aircraft in the United Kingdom if it is satisfied that the aircraft may otherwise be properly registered.

(3) If an unqualified person has had an aircraft registered under paragraph (2) that person must not cause or permit the aircraft to be used for the purpose of commercial air transport while it is so registered.

(4) If an aircraft is chartered by demise to a person qualified under paragraph (1) the CAA may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the United Kingdom in the name of the charterer by demise if it is satisfied that the aircraft may otherwise be properly registered.

(5) Subject to the provisions of this Part, an aircraft registered under paragraph (4) may remain registered during the continuation of the charter.

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#### Marginal Citations

**M4** 1890 c.39.

### Application for registration

**27.—**(1) An application for the registration of an aircraft in the United Kingdom must be made in writing to the CAA and must—

- (a) include or be accompanied by such information and evidence relating to the aircraft and the ownership and chartering of the aircraft as the CAA may require to enable it to determine whether the aircraft may properly be registered in the United Kingdom and whether to issue the certificate of registration; and
- (b) include the proper description of the aircraft according to column 3 of the “Classification of aircraft” in Part 1 of Schedule 4.

(2) If the CAA receives an application for the registration of an aircraft in the United Kingdom and is satisfied that the aircraft may properly be so registered, the CAA must register the aircraft, wherever it may be, and include in the register the following information—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft and the registration mark assigned to it by the CAA;
- (c) the manufacturer and the manufacturer's designation of the aircraft;
- (d) the serial number of the aircraft;

- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share of the aircraft or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
  - (f) in the case of an aircraft registered under article 26(2) or 26(4), an indication that it is so registered.
- (3) The CAA must supply to the registered owner a certificate of registration.
- (4) A certificate of registration must include the information specified in paragraph (2) and the date on which the certificate was issued.

### **Changes to the register**

**28.**—(1) Any person who is the registered owner of an aircraft registered in the United Kingdom must immediately inform the CAA in writing of—

- (a) any change in the information supplied to the CAA when applying for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered under article 26(4), the termination of the charter by demise.

(2) Any person who becomes the owner of an aircraft registered in the United Kingdom must within 28 days of becoming the owner inform the CAA in writing to that effect.

(3) Subject to article 29 the CAA may, whenever it appears necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the register, amend the register or cancel the registration of an aircraft.

(4) The CAA must cancel the registration of an aircraft—

- (a) within two months of being satisfied that there has been a change in the ownership of the aircraft; and
- (b) subject to regulation 51 of the 2015 Regulations (disapplication in respect of pre-existing rights and interests), as soon as reasonably practicable if satisfied that a person wishes and is entitled to procure the de-registration of the aircraft in accordance with Article IX (modification of default remedies provisions) of the Aircraft Protocol (within the meaning of the 2015 Regulations).

### **Aircraft which are entered in the Register of Aircraft Mortgages**

**29.**—(1) The CAA must not, under article 28(3), cancel the registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the CAA under an Order in Council made under section 86 of the Civil Aviation Act 1982 unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

(2) Subject to regulation 51 of the 2015 Regulations (transitional provision), this article does not apply to an aircraft to which article 30 applies.

### **Aircraft subject to an international interest**

**30.**—(1) This article applies to an aircraft—

- (a) which is the subject of a registered international interest within the meaning of the 2015 Regulations, and
- (b) in respect of which an irrevocable de-registration and export request authorisation is in force.

(2) The CAA may cancel the registration of an aircraft to which this article applies under article 28(3) only in pursuance of an application made by a person who is recorded, in accordance with regulation 22 of the 2015 Regulations, as the authorised party under an irrevocable de-registration and export request authorisation in respect of the aircraft.

(3) Expressions used in this article have the same meaning as in the 2015 Regulations.

### **General provisions concerning registration**

**31.**—(1) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this Part as the Secretary of State deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(2) In this Part and in Chapter 3 of Part 1 of Schedule 3 “the registered owner” means the person in whose name the aircraft is registered in accordance with article 27(2).

(3) The reference in article 28(1) to the registered owner of an aircraft includes, in the case of a deceased person, their legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(4) In this Part references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of the person's membership of a flying club.

(5) Nothing in this Part requires the CAA to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(6) Any provision in this Part which requires the giving of information to the CAA in writing may be met by means of an electronic communication if the use of such a communication results in the information contained in that communication being available to the CAA in all material respects as it would appear if given or sent in printed form.

### **Nationality and registration marks**

**32.**—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) must not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the United Kingdom must—

- (a) comply with Part 2 of Schedule 4; or
- (b) be borne with the permission of the CAA.

(3) Subject to paragraph (4), an aircraft must not bear any marks which would indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the CAA for the purposes of flight in accordance with the B Conditions do not mean that the aircraft is registered in a country in which it is not in fact registered.

## PART 4

### Airworthiness of Aircraft

#### CHAPTER 1

##### Airworthiness – general

#### Certificate of airworthiness to be in force

**33.**—(1) Subject to paragraphs (2) and (3), an aircraft must not fly unless there is in force for the aircraft a certificate of airworthiness—

- (a) issued in accordance with the relevant minimum standards established under the Chicago Convention;
- (b) issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; and
- (c) in respect of which any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The prohibition in paragraph (1) does not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of—

- (a) a <sup>F39</sup>non-Part-21] glider unless flying on a public transport or commercial air transport flight;
- (b) a <sup>F39</sup>non-Part-21] balloon flying on a non-commercial flight;
- (c) a <sup>F39</sup>non-Part-21] kite;
- (d) a <sup>F39</sup>non-Part-21] aircraft flying in accordance with the A Conditions, the B Conditions, the E Conditions or under a special category national certificate of airworthiness;
- (e) an aircraft flying in accordance with a national permit to fly;
- <sup>F40</sup>(f) a single-seat deregulated aeroplane which is flying on a non-commercial flight;]
- (g) an aircraft flying in accordance with the terms of any permission given by the CAA <sup>F41</sup>...

(3) The prohibition in paragraph (1) does not apply to flights by an aircraft flying in accordance with <sup>F42</sup>a Part-21] permit to fly.

(4) In the case of a <sup>F43</sup>non-Part-21] aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is, subject to article 37, a national certificate of airworthiness.

(5) In the case of <sup>F44</sup>a Part-21] aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is <sup>F44</sup>a Part-21] certificate of airworthiness issued by the CAA.

(6) For the purposes of paragraph (1), a certificate of airworthiness includes <sup>F45</sup>a Part-21] restricted certificate of airworthiness.

(7) An aircraft registered in the United Kingdom with <sup>F46</sup>a Part-21] certificate of airworthiness must not fly otherwise than in accordance with any conditions or limitations contained in its flight manual.

**F39** Word in art. 33(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)



- F40** Art. 33(2)(f) substituted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), **4**
- F41** Words in art. 33(2)(g) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **10**
- F42** Words in art. 33(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 8(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F43** Word in art. 33(4) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 8(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in art. 33(5) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 8(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in art. 33(6) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 8(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in art. 33(7) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 8(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

#### Issue of airworthiness directives for <sup>F47</sup>Part-21] aircraft

**34.**—(1) Subject to and in accordance with [<sup>F48</sup>article 70(1)] of the Basic <sup>F49</sup>... Regulation, the CAA may direct that [<sup>F50</sup>a Part-21] aircraft must not fly until one of the following has been completed to the satisfaction of the CAA—

- (a) maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft which has been made mandatory by a directive issued by the CAA;
- (b) an inspection for the purpose of ascertaining whether the aircraft remains airworthy which has been made mandatory by a directive issued by the CAA; or
- (c) any modification of the aircraft or of any equipment which is necessary for the airworthiness of the aircraft and has been made mandatory by a directive issued by the CAA for the purpose of ensuring that the aircraft remains airworthy.

(2) A directive under paragraph (1) ceases to have effect if—

- (a) it is withdrawn by the CAA; <sup>F51</sup>...
- <sup>F52</sup>(b) .....
- <sup>F53</sup>(3) .....

- F47** Word in art. 34 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in art. 34(1) substituted (13.4.2022) by [The Air Navigation \(Amendment\) Order 2022 \(S.I. 2022/321\)](#), arts. 1(1), **3**
- F49** Word in art. 34(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in art. 34(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)



- F51** Word in art. 34(2) omitted (31.12.2020) by virtue of The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 9(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F52** Art. 34(2)(b) omitted (31.12.2020) by virtue of The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 9(c)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F53** Art. 34(3) omitted (31.12.2020) by virtue of The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 9(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Requirement for a certificate of release to service for [<sup>F54</sup>Part-21] aircraft

**35.** [<sup>F55</sup>A Part-21] aircraft must not fly when a certificate of release to service is required by or under Part M or Part 145 unless such a certificate has been issued in accordance with Part M or Part 145 and is in force.

- F54** Word in art. 35 heading substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 10(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in art. 35 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 10(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Licensing of maintenance engineers

**36.—(1)** The CAA must grant an aircraft maintenance engineer's licence, subject to such conditions it deems appropriate, if it is satisfied that the applicant is—

- (a) a fit person to hold the licence; and
- (b) qualified by having the knowledge, experience, competence and skill in aeronautical engineering to act in the capacity to which the licence relates.

(2) For the purposes of paragraph (1) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.

(3) An aircraft maintenance engineer's licence authorises the holder—

- (a) to issue certificates of release to service under this Order for such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be specified;
- (b) to issue certificates of fitness for flight issued under paragraph 5 of the A Conditions for such aircraft as may be specified; or
- (c) to extend the validity period of the national airworthiness review certificate.

(4) Subject to article 253, an aircraft maintenance engineer's licence remains in force for the period specified in the licence, which must not exceed five years.

(5) An aircraft maintenance engineer's licence may be renewed by the CAA if it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).

(6) The CAA may issue a certificate rendering valid for the purposes of this Order any aircraft maintenance engineer's licence granted under the law of any country other than the United Kingdom.

(7) An aircraft maintenance engineer's licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil but if the licence is annexed to an aircraft maintenance licence issued under Part 66 it is sufficient if that Part 66 licence has such a signature.

(8) The holder of an aircraft maintenance engineer's licence granted under paragraph (1) or of an aircraft maintenance licence granted under Part 66 must not exercise the privileges of such a licence if the holder knows or suspects that their physical or mental condition renders them unfit to exercise such privileges.

## CHAPTER 2

### Initial airworthiness – [F56Non-Part-21] aircraft

**F56** Word in Pt. 4 Ch. 2 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 11** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, **Sch. 5 para. 1(1)**

### Certificate of airworthiness for State aircraft registered in the United Kingdom

**37.—**(1) This article applies to a [F57non-Part-21] aircraft registered in the United Kingdom which is a State aircraft but which is not a military aircraft.

(2) There must be in force for the aircraft either a national certificate of airworthiness or [F58a Part-21] certificate of airworthiness issued by the CAA.

(3) If there is in force [F59a Part-21] certificate of airworthiness issued by the CAA the aircraft must—

- (a) comply with the Basic F60... Regulation and any implementing rules made under that Regulation which would apply if it were [F61a Part-21] aircraft;
- (b) comply with any United Kingdom national requirements made in accordance with [F62article 70(1)] of the Basic F63... Regulation and in CAP 747 which would apply if it were [F64a Part-21] aircraft;
- (c) comply with any United Kingdom national requirements for State aircraft in CAP 747; and
- (d) not fly within the airspace of another State without the permission of the competent authority of that State.

(4) In this article, “CAP 747” means CAA publication CAP 747 entitled “Mandatory Requirements for Airworthiness” F65 ... M5.

**F57** Word in art. 37(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F58** Words in art. 37(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F59** Words in art. 37(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F60** Word in art. 37(3)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(ii)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F61** Words in art. 37(3)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(ii)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F62** Words in art. 37(3)(b) substituted (13.4.2022) by [The Air Navigation \(Amendment\) Order 2022](#) (S.I. 2022/321), arts. 1(1), 4

- F63** Word in art. 37(3)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(iii)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F64** Words in art. 37(3)(b) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(iii)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F65** Words in art. 37(4) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **11**

#### Marginal Citations

- M5** Issue 3, incorporating amendments to 2014/02 and dated 25th November 2014, was published by The Stationery Office on behalf of the CAA, under ISBN 9780117928824. It is also available online for download at <http://www.caa.co.uk/CAP747>

### Issue and renewal of national certificates of airworthiness

**38.—**(1) Subject to [<sup>F66</sup>paragraph (3)], the CAA must issue for any [<sup>F67</sup>non-Part-21] aircraft registered in the United Kingdom a national certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to—

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted in the aircraft), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as it may require.

(2) A national certificate of airworthiness issued by the CAA must be a non-expiring national certificate of airworthiness.

(3) If the CAA has issued a national certificate of airworthiness for an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is satisfied that the other aircraft conforms to such prototype or modification.

(4) Every national certificate of airworthiness must specify whether it is a Standard or Special Category certificate according to which is, in the opinion of the CAA, appropriate to the aircraft.

(5) A Special Category certificate must be issued subject to the condition that the aircraft may be flown only for the purposes indicated in Part 2 of Schedule 3 in relation to that category.

(6) The CAA may issue a national certificate of airworthiness subject to such other conditions it deems appropriate relating to the airworthiness of the aircraft.

(7) Nothing in this Order obliges the CAA to accept an application for the issue of a national certificate of airworthiness or for the variation or renewal of any such certificate if the application is not supported by such reports from such persons approved under article 268 as the CAA may specify, either generally or in a particular case or class of cases.

- F66** Words in art. 38(1) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **12**
- F67** Word in art. 38(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 13** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **National certificate of airworthiness ceasing to be in force and issue of airworthiness directives for [<sup>F68</sup>non-Part-21] aircraft**

**39.**—(1) Subject to paragraph (3), a national certificate of airworthiness issued for a [<sup>F69</sup>non-Part-21] aircraft registered in the United Kingdom ceases to be in force if—

- (a) 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 or maintained;
- (b) maintenance or an inspection of the aircraft or of any equipment necessary for the airworthiness of the aircraft is required by a maintenance programme established under article 54;
- (c) maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft has been made mandatory by a directive issued by the CAA;
- (d) an inspection for the purpose of ascertaining whether the aircraft remains airworthy has been made mandatory by a directive issued by the CAA; or
- (e) any modification of the aircraft or of any equipment which is necessary for the airworthiness of the aircraft, has been made mandatory by a directive issued by the CAA for the purpose of ensuring that the aircraft remains airworthy.

(2) A certificate of airworthiness which has ceased to be in force under paragraph (1) becomes valid again on the issue of a certificate of release to service under this Order or in accordance with paragraph 21A.163(d) of Part 21 relating to the overhaul, repair, replacement, modification, maintenance or inspection.

(3) A certificate of airworthiness which would not be in force by reason of paragraph (1) remains in force if the aircraft is flying in the circumstances specified in article 44(3).

**F68** Word in [art. 39](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 14** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F69** Word in [art. 39](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 14** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Issue of national permits to fly**

**40.**—(1) Subject to paragraph (2), the CAA or a person approved by the CAA for that purpose must issue for any [<sup>F70</sup>non-Part-21] aircraft registered in the United Kingdom a national permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The CAA or a person approved by the CAA for that purpose must refuse to issue a national permit to fly for a [<sup>F71</sup>non-Part-21] aircraft registered in the United Kingdom if it appears to the CAA that the aircraft is eligible for, and ought to fly under and in accordance with, a national certificate of airworthiness.

(3) The CAA or a person approved by the CAA for that purpose may issue a national permit to fly subject to such conditions it deems appropriate relating to the airworthiness, operation or maintenance of the aircraft.

(4) Nothing in this Order obliges the CAA or a person approved by the CAA for that purpose to accept an application for the issue, variation or renewal of a national permit to fly if the application is not supported by such reports from such persons approved under article 268 as the CAA may specify, either generally or in a particular case or class of cases.

- F70** Word in [art. 40\(1\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 15](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, [regs. 1\(3\), 12](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F71** Word in [art. 40\(2\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 15](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, [regs. 1\(3\), 12](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## National permits to fly ceasing to be in force and issue of airworthiness directives for permit aircraft

- 41.—**(1) A national permit to fly ceases to be in force if—
- (a) the CAA has issued a directive that requires—
    - (i) an inspection to be carried out for the purpose of ascertaining whether the aircraft remains airworthy; or
    - (ii) modification or maintenance of the aircraft or any of its equipment necessary for the airworthiness of the aircraft for the purpose of ensuring that the aircraft remains airworthy; or
  - (b) completion of an inspection, modification or maintenance of the aircraft is required as a condition of the permit to fly.
- (2) A national permit to fly which has ceased to be in force under paragraph (1) comes into force again as soon as—
- (a) any such inspection, modification or maintenance has been satisfactorily completed; and
  - (b) in the case of an inspection, any consequential repair, replacement or modification has been satisfactorily carried out.
- (3) A national permit to fly ceases to be in force—
- (a) if any condition (other than a condition of the permit requiring an inspection, modification or maintenance) is not complied with;
  - (b) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired, unless the repair or modification has been approved by the CAA or by a person approved by the CAA for that purpose.
- (4) A national permit to fly is not in force unless the permit includes a current certificate of validity issued by the CAA or by a person approved by the CAA for that purpose.
- (5) In this article “certificate of validity” means a certificate which certifies that a national permit to fly remains valid for the period specified in the certificate and a certificate of validity is current during that period.

## Limitations of national permits to fly

- 42.—**(1) An aircraft flying in accordance with a national permit to fly—
- (a) must not fly for the purpose of public transport or commercial air transport; and
  - (b) must not fly without the permission of the CAA—
    - [<sup>F72</sup>(i) for commercial operation other than commercial operation which consists of an aircraft flying for the purpose of a flying display, associated practice for a flying display, test and positioning flights or the exhibition or demonstration of the aircraft;]
    - (ii) at night or in accordance with Instrument Flight Rules; or
    - (iii) for hire.

(2) A placard must be affixed to any aircraft flying in accordance with a permit to fly in full view of the occupants which must be worded as follows—

### **Occupant Warning**

This aircraft has not been certificated to an International Requirement

**F72** Art. 42(1)(b)(i) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **13**

### **Aircraft weight schedule**

**43.—**(1) This article applies to any flying machine or glider which—

- (a) is not subject to Annexes III to VIII of the <sup>F73</sup>... Air Operations Regulations; and
- (b) has a certificate of airworthiness issued by the CAA or a national permit to fly.

(2) Every aircraft to which this article applies must be weighed, and the position of its centre of gravity determined, at such times and in such a manner as the CAA may require.

(3) The operator of an aircraft must—

- (a) when the aircraft is weighed, prepare a weight schedule showing—
  - (i) the mass, or such other weight as may be approved by the CAA <sup>F74</sup>... for that aircraft; and
  - (ii) the position of the centre of gravity at its mass or such other position of the centre of gravity as may be approved by the CAA <sup>F74</sup>... for that aircraft.
- (b) account for and properly document the accumulated effects of modifications and repairs on the mass and balance of the aircraft;
- (c) make available such information to the pilot in command; and
- (d) reweigh the aircraft if the effect of modifications on the mass and balance is not accurately known.

(4) Subject to article 238, the weight schedule must be preserved by the operator of the aircraft for at least six months after the next occasion on which the aircraft is weighed for the purposes of this article.

(5) In this article, “mass” means the empty mass of the aircraft established in accordance with the certification basis of the aircraft.

**F73** Word in art. 43(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 16(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F74** Words in art. 43(3)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 16(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)



## CHAPTER 3

### Continuing airworthiness for [<sup>F75</sup>Non-Part-21] aircraft

**F75** Word in Pt. 4 Ch. 3 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 17** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, **Sch. 5 para. 1(1)**

### Requirement for a certificate of release to service for [<sup>F76</sup>non-Part-21] aircraft

**44.**—(1) This article applies to each [<sup>F77</sup>non-Part-21] aircraft registered in the United Kingdom which has a certificate of airworthiness, except any such aircraft which is required to be maintained in accordance with Part 145.

(2) Subject to paragraph (3) and article 45, if an 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 39(1)(b) or (d), that aircraft must not fly unless there is in force for the aircraft a certificate of release to service issued under and in accordance with this Order.

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

- (a) 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; or
- (b) for such a certificate to be issued while the aircraft is at that place,

it may fly to a place which satisfies each of the criteria in paragraph (4).

(4) A place satisfies the criteria in this paragraph if it is—

- (a) the nearest place at which a certificate of release to service under this Order can be issued;
- (b) a place to which the aircraft can, in the reasonable opinion of the pilot in command, safely fly by a route for which it is properly equipped; and
- (c) a place to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board.

(5) Equipment provided in compliance with Schedule 5 or Schedule 6 must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected unless there is in force for the equipment, at the time when it is installed or placed on board, a certificate of release to service issued under this Order.

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

**F76** Word in art. 44 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 18** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F77** Word in art. 44 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 18** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Circumstances where a certificate of release to service is not required**

**45.** An aircraft to which article 44 applies does not require to have in force a certificate of release to service issued under this Order if it has in force a certificate of release to service issued in accordance with paragraph 21A.163(d) of Part 21.

### **Certificate of release to service issued by pilot owner**

**46.** In accordance with any guidance issued by the CAA a pilot owner of a private aircraft which has a maximum total mass authorised of not more than 2,730kg to which article 44 applies—

- (a) may carry out simple visual inspections or operations to check for general condition and obvious damage and normal operation of the airframe, engines, systems and components of the aircraft;
- (b) rectify any defects identified under paragraph (a); and
- (c) issue a certificate of release to service at the completion of any maintenance when satisfied that all maintenance required has been properly carried out.

### **Contents of a certificate of release to service**

**47.—**(1) A certificate of release to service must contain as a minimum—

- (a) details of the maintenance carried out;
- (b) the date such maintenance was completed;
- (c) the identity of the organisation and person issuing the release to service, including—
  - (i) the approval reference of the maintenance organisation approved in accordance with article 48 and the certifying staff issuing such a certificate;
  - (ii) the identity and, if applicable, licence number of the certifying staff issuing such a certificate; or
  - (iii) in the case of a certificate issued under article 46, the identity, signature and pilot licence number of the pilot owner issuing the certificate;
- (d) the limitations to airworthiness or operations, if any.

(2) When any maintenance prescribed for the aircraft cannot be completed, a certificate of release to service may be issued within the approved aircraft limitations provided that—

- (a) the inability to complete the maintenance; and
- (b) any resulting limitations to airworthiness or operations,

are noted in the certificate.

(3) A certificate of release to service must not be issued in the case of any known non-compliance which endangers flight safety.

### **Who may issue a certificate of release to service**

**48.—**(1) Subject to paragraph (2), 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 the holder to issue that certificate; or
  - (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;



- (b) a person approved by the CAA as being competent to issue such certification, and in accordance with that approval;
- (c) a person authorised by the CAA to issue the certificate in a particular case, and in accordance with that authorisation;
- (d) a person approved in accordance with Part 145, and in accordance with that approval;
- (e) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence; or
- (f) a pilot owner in accordance with article 46.

(2) The holder of an aircraft maintenance engineer's licence or authorisation as an aircraft maintenance engineer granted or issued by or under the law of any Contracting State other than the United Kingdom may issue a certificate of release to service for an aircraft registered in the United Kingdom if—

- (a) it is issued in accordance with the privileges endorsed on the licence or authorisation;
- (b) the overhaul, repair, replacement, modification, maintenance or inspection has been carried out in the Contracting State under the law of which the licence or authorisation has been granted or issued;
- (c) there is a certificate of airworthiness for the aircraft; and
- (d) the aircraft has a maximum take-off mass of not more than 2,730kg.

(3) In this article, in relation to a compass, the expression “repair” includes its adjustment and compensation.

#### **Requirement for and validity of a national airworthiness review certificate**

**49.**—(1) An aircraft with a national certificate of airworthiness must not fly unless it has a valid national airworthiness review certificate.

(2) Subject to articles <sup>F78</sup>... 50, 56, 57, 58 and 253, a national airworthiness review certificate is valid for one year.

**F78** Word in [art. 49\(2\)](#) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), [arts. 1, 14](#)

#### **Validity of the national airworthiness review certificate**

**50.** A national airworthiness review certificate becomes invalid if—

- (a) suspended or revoked;
- (b) the certificate of airworthiness is suspended or revoked; or
- (c) the aircraft ceases to be registered in the United Kingdom.

#### **Other circumstances in which an aircraft must not fly**

**51.** An aircraft with a national certificate of airworthiness must not fly if—

- (a) the continuing airworthiness of the aircraft or any component fitted to the aircraft does not meet the requirements of this Part;
- (b) the aircraft does not remain in conformity with the type design approved by the CAA;
- (c) the aircraft has been operated beyond the limitations of the approved flight manual or the airworthiness certificate, without subsequent appropriate action to restore airworthiness being taken;

- (d) the aircraft has been involved in an accident or incident that affects the airworthiness of the aircraft, without subsequent appropriate action to restore airworthiness being taken; or
- (e) the aircraft has a modification or repair for which a certificate or release to service has not been issued in accordance with this Order.

#### **Initial issue of national airworthiness review certificate**

**52.**—(1) This article applies to an aircraft with a national certificate of airworthiness which has not previously had a national airworthiness review certificate.

(2) A national airworthiness review certificate is issued for an aircraft to which this article applies in accordance with paragraph (3) or (4).

(3) A national airworthiness review certificate may be issued by the CAA following the satisfactory completion of an airworthiness review by the CAA.

(4) A national airworthiness review certificate may be issued by the CAA on receipt of a recommendation from—

- (a) a continuing airworthiness management organisation approved in accordance with article 61; or
- (b) in the case of an aircraft with a maximum total weight authorised of 2,730kg or less, an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(5) A recommendation under paragraph (4) may only be made when the organisation is satisfied that it may properly do so after carrying out an airworthiness review.

#### **Subsequent issue of national airworthiness review certificate**

**53.**—(1) This article applies to an aircraft with a national certificate of airworthiness which has previously had a national airworthiness review certificate.

(2) A national airworthiness review certificate may be issued for an aircraft to which this article applies in accordance with paragraph (3) or (4).

(3) A national airworthiness review certificate may be issued by the CAA—

- (a) following the completion of an airworthiness review by the CAA; or
- (b) in the case of an aircraft which has a maximum total weight authorised of 2,730kg or less and is not a commercial air transport aircraft, public transport aircraft or non-military State aircraft, on receipt of a recommendation for its issue from an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(4) A national airworthiness review certificate may be issued by a continuing airworthiness management organisation approved under article 61.

(5) A national airworthiness review certificate may be issued under paragraph (3)(a) or paragraph (4) only when the CAA or the issuing organisation is satisfied that it may properly do so after carrying out an airworthiness review.

(6) A recommendation to issue a national airworthiness review certificate under paragraph (3)(b) may be made only when the organisation making the recommendation is satisfied that it may properly do so after carrying out an airworthiness review.

#### **Aircraft maintenance programme**

**54.**—(1) An aircraft with a national certificate of airworthiness must be maintained in accordance with—

- (a) in the case of an aircraft which has a maximum total weight authorised of 2,730kg or less and is not a commercial air transport aircraft, public transport aircraft or non-military State aircraft, a maintenance programme declared by the owner of the aircraft in accordance with guidance issued by the CAA; or
  - (b) an aircraft maintenance programme approved in accordance with this article.
- (2) The aircraft maintenance programme in paragraph (1)(b), and any amendments, must be approved—
- (a) by the CAA; or
  - (b) in accordance with paragraphs (3) and (4).
- (3) When the continuing airworthiness of the aircraft is managed by a continuing airworthiness management organisation approved in accordance with article 61, the aircraft maintenance programme and its amendments may be approved by that organisation.
- (4) In that case, the approval procedure must be included by the continuing airworthiness management organisation in its continuing airworthiness management exposition required by article 61(2)(b).

#### **Commercial air transport aircraft, public transport aircraft and non-military State aircraft**

**55.** Aircraft with a national certificate of airworthiness which are commercial air transport aircraft, public transport aircraft or non-military State aircraft must—

- (a) be managed by a continuing airworthiness management organisation approved in accordance with article 61; and
- (b) have any maintenance carried out by a maintenance organisation which is approved under article 48(1)(b).

#### **Extension of a national airworthiness review certificate of an aircraft in a controlled environment**

**56.—**(1) The validity of a national airworthiness review certificate of an aircraft in a controlled environment may be extended by the continuing airworthiness management organisation which is managing the airworthiness of the aircraft.

(2) The continuing airworthiness management organisation may extend the validity of a national airworthiness review certificate on a maximum of two occasions, for a period of 12 months on each occasion.

(3) A national airworthiness review certificate may be extended only when the continuing airworthiness management organisation which is to extend it is satisfied that it is proper to do so.

#### **Extension of a national airworthiness review certificate of certain aircraft which are not in a controlled environment**

**57.—**(1) Subject to paragraph (2), this article applies to any aircraft which is not in a controlled environment and which has a maximum total weight authorised of 2,730kg or less.

(2) This article does not apply to any commercial air transport aircraft, public transport aircraft or non-military State aircraft.

(3) The validity period of a national airworthiness review certificate of an aircraft to which this article applies may be extended in accordance with paragraphs (4) and (5), on a maximum of two occasions, for a period of 12 months on each occasion.

(4) The validity period of a national airworthiness review certificate may be extended by—

- (a) an appropriately licensed engineer;

- (b) a continuing airworthiness management organisation approved in accordance with article 61; or
- (c) an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(5) The validity period of a national airworthiness review certificate may be extended only when the person who is to extend it is satisfied that it is proper to do so after carrying out an annual review.

#### **Extension of a national airworthiness review certificate of other aircraft which are not in a controlled environment**

**58.**—(1) This article applies to any aircraft with a national airworthiness review certificate which is not in a controlled environment and—

- (a) has a maximum total weight authorised of more than 2,730kg; or
- (b) is a commercial air transport aircraft, a public transport aircraft or a non-military State aircraft.

(2) The validity period of a national airworthiness review certificate of an aircraft to which this article applies may be extended, in accordance with paragraphs (3) and (4), on a maximum of two occasions, for a period of 12 months on each occasion.

(3) The validity period of a national airworthiness review certificate may be extended by a continuing airworthiness management organisation approved in accordance with article 61.

(4) The validity period of a national airworthiness review certificate may be extended only when the organisation which is to extend it is satisfied that it is proper to do so after carrying out an annual review.

#### **Conduct of an airworthiness review**

**59.**—(1) An airworthiness review referred to in articles 52 and 53 must be conducted in accordance with this article.

(2) A full documented review of the aircraft records must be carried out to confirm that all scheduled maintenance, overhaul, modification, repair, replacement, defect rectification and compliance with any airworthiness directive issued under article 38, has been completed so as to ensure the continued airworthiness of the aircraft.

(3) A physical survey of the aircraft must be carried out.

(4) For the physical survey, airworthiness review staff who do not hold an appropriate maintenance engineer licence under Part 66 or article 36 must be assisted by such qualified personnel.

(5) Through the physical survey of the aircraft, the staff carrying it out must determine whether—

- (a) all required markings and placards are properly installed;
- (b) the aircraft complies with its approved flight manual;
- (c) the aircraft configuration complies with the approved documentation;
- (d) any evident defect can be found that has not been addressed;
- (e) when, in their reasonable opinion, a check flight is necessary, the aircraft has completed a satisfactory check flight; and
- (f) any inconsistencies can be found between the aircraft and the documented review of records under paragraph (2).

(6) An airworthiness review may be anticipated by a maximum period of 90 days without loss of continuity of the airworthiness review pattern, to allow the physical review to take place during a maintenance check.

- (7) Airworthiness review tasks must not be sub-contracted.

### Conduct of an annual review

**60.** An annual review referred to in articles 57(5) and 58(4) means a check to establish that the following has been accomplished—

- (a) all maintenance has been carried out in accordance with a programme mentioned in article 54(1);
- (b) all modifications and inspections deemed mandatory by the CAA have been carried out as required by the CAA;
- (c) all defects entered in the aircraft records have been rectified or deferred in accordance with CAA approved procedures; and
- (d) all required certificates of release to service have been issued.

### Approval of continuing airworthiness management organisation

**61.—(1)** Any person may apply to the CAA for approval as a continuing airworthiness management organisation.

(2) The CAA must approve a person as a continuing airworthiness management organisation for the purposes of this Part if it is satisfied that—

- (a) the applicant is competent to exercise the privileges of such an organisation in this Part; and
- (b) the applicant has submitted a continuing airworthiness management exposition that satisfies the requirement specified in paragraph (3).

(3) The requirement referred to in paragraph (2)(b) is that the continuing airworthiness management exposition satisfies the requirements in CAA publication CAP 553 entitled “British Civil Airworthiness Requirements Section A - Airworthiness Procedures where the CAA has Primary Responsibility for Type Approval of the Product”<sup>F79</sup> ... <sup>M6</sup>.

(4) The continuing airworthiness management exposition and any amendments to it must be approved by the CAA.

**F79** Words in art. 61(3) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 15

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### Approval of aeroplane and rotorcraft maintenance organisation

**62.—(1)** Any person may apply to the CAA for approval as an aeroplane and rotorcraft maintenance organisation.

(2) The CAA must approve a person as an aeroplane and rotorcraft maintenance organisation for the purposes of this Part if it is satisfied that the applicant is competent to exercise the privileges of such an organisation in this Part.

### General provisions concerning airworthiness reviews

**63.—(1)** A copy of any national airworthiness review certificate issued or extended for an aircraft must be sent to the CAA within 10 days of the date of its issue or extension.

(2) Should the outcome of the airworthiness review be inconclusive, the person who has carried out the review must inform the CAA and must not issue or extend the certificate without the approval of the CAA.

(3) In this Part, “an aircraft in a controlled environment” is an aircraft—

- (a) which, during the previous 12 months has been continuously managed by a continuing airworthiness management organisation approved in accordance with article 61; and
- (b) in respect of which during the previous 12 months any maintenance has been carried out in accordance with paragraph (4).

(4) Maintenance is carried out in accordance with this paragraph if it is carried out by a maintenance organisation which is approved under article 48(1)(b).

(5) Whenever circumstances reveal the existence of a potential safety threat, the CAA may carry out the airworthiness review and issue the national airworthiness review certificate itself.

(6) When the CAA carries out the airworthiness review or issues the national airworthiness review certificate itself, the owner or operator must provide the CAA with—

- (a) the documentation required by the CAA;
- (b) suitable accommodation at the appropriate location for its personnel; and
- (c) when necessary, the support of personnel appropriately qualified in accordance with Part 66 or article 36.

## PART 5

### Operations

#### CHAPTER 1

##### Interpretation and application

#### Meaning of “[<sup>F80</sup>non-Part-21] aircraft” in this Part

**64.** For the purposes of this Part, “[<sup>F81</sup>non-Part-21] aircraft” means an aircraft which, when conducting the flight or operation, is not subject to any of Annexes III to VIII of the <sup>F82</sup>... Air Operations Regulation.

- F80** Word in [art. 64](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 19\(a\)](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F81** Word in [art. 64](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 19\(a\)](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F82** Word in [art. 64](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 19\(b\)](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

#### Application of Chapters 2 and 7

**65.** Chapters 2 [<sup>F83</sup>(other than articles 77(1) and 79)] and 7 apply only to [<sup>F84</sup>non-Part-21] aircraft.

**F83** Words in [art. 65](#) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **16**

**F84** Word in [art. 65](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 20** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER 2

### Operational rules for <sup>F85</sup>Non-Part-21] aircraft

**F85** Word in [Pt. 5 Ch. 2](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 21** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### SECTION 1

#### *Crew required to be carried*

#### **Flight crew required by aircraft registered elsewhere than in the United Kingdom**

**66.**—(1) This article applies to an aircraft registered in a country other than the United Kingdom.

(2) An aircraft must 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.

#### **Flight crew required by aircraft registered in the United Kingdom**

**67.**—(1) An aircraft registered in the United Kingdom must carry a flight crew adequate in number and description to ensure the safety of the aircraft.

(2) An aircraft—

- (a) which has a flight manual, must carry a flight crew of at least the number and description specified in that flight manual;
- (b) which does not currently have a flight manual but has done in the past, must carry a flight crew of at least the number and description specified in that flight manual.

### SECTION 2

#### *Duties of Pilot in Command*

#### **Responsibilities and authority of pilot in command**

**68.** The pilot in command of an aircraft is responsible—

- (a) before every flight, for defining the roles and duties of each crew member;
- (b) for the operation and safety of the aircraft and for the initiation, continuation, termination or diversion of a flight in the interest of safety; and
- (c) during aircraft operations, for ensuring the safety of all crew members, passengers and cargo on board.

### **Obligations of pilot in command**

**69.**—(1) The pilot in command must only use aerodromes and operating sites that are adequate for the type of aircraft and operation concerned.

#### *Flight preparation*

- [<sup>F86</sup>(2) Before commencing a flight the pilot in command must be satisfied that—
- (a) the flight can be made safely, taking into account the latest information available as to the route and aerodrome to be used; and
  - (b) the ground and water facilities, including any required communication and navigation facilities, are adequate for the intended flight.]

#### *Operating procedures*

- (3) The pilot in command must ensure that—
- (a) the flight is performed in such a way that the operating procedures specified in the flight manual, or where required the operations manual, for the preparation and execution of the flight are followed; and
  - (b) procedures are established and followed for any reasonably foreseeable emergency situation.

#### *Meteorological conditions*

- (4) The pilot in command must only commence or continue—
- (a) a Visual Flight Rules flight if—
    - (i) the latest available meteorological information indicates that the weather conditions along the route and at the intended destination aerodrome at the estimated time of use will be at or above the applicable Visual Flight Rules operating minima; and
    - (ii) the pilot in command has planned an alternative course of action to provide for the eventuality that the flight cannot be completed as planned because of weather conditions;
  - (b) a flight under Instrument Flight Rules towards the planned destination aerodrome if the latest available meteorological information indicates that, at the estimated time of arrival, the weather conditions at the destination or at least one destination alternate aerodrome are at or above the applicable aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority.

#### *Selection of destination alternate aerodrome*

(5) If, according to the information available, an aircraft would be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

(6) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable destination alternate aerodrome is available must not be commenced by the pilot in command unless—

- (a) an instrument approach procedure notified, prescribed or otherwise designated by the relevant competent authority is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before until two hours after the estimated time of arrival.



*Navigation and landing during loss of navigational capability*

(7) The pilot in command must ensure that sufficient means are available to navigate and land at the destination aerodrome or at any destination alternate aerodrome in the case of loss of navigational capability for the intended approach and landing operation.

*Airworthiness, equipment, baggage and cargo*

- (8) The pilot in command must ensure that—
- (a) the aircraft is airworthy;
  - (b) instruments and equipment required for the execution of the flight are installed in the aircraft and are operative, unless operation with inoperative or missing equipment is permitted by <sup>F87</sup> ... the CAA;
  - (c) all equipment, baggage and cargo are properly loaded and secured and that an emergency evacuation of the aircraft remains possible.

*Mass and balance requirements*

(9) The pilot in command must ensure that during any phase of operation, the loading, the mass and, except for balloons, the centre of gravity position of the aircraft comply with any limitation specified in the flight manual, the weight schedule required by article 43, or equivalent document.

*Fuel, oil and ballast*

- (10) The pilot in command must ensure that—
- (a) in the case of a flying machine or airship, sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;
  - (b) in the case of a public transport flight, the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with; and
  - (c) in the case of an airship or balloon, sufficient ballast is carried for the intended flight.

*Performance based navigation*

- (11) The pilot in command must ensure that when performance based navigation is required for the route or procedure to be flown—
- (a) the relevant performance based navigation specification is stated in the flight manual or other document that has been approved by the CAA or another competent authority;
  - (b) any navigational database required for performance based navigation is suitable and current; and
  - (c) the aircraft is operated in conformity with the relevant navigation specification and limitations in the flight manual or other document mentioned in sub-paragraph (a).

**F86** Art. 69(2) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **17(a)**

**F87** Words in art. 69(8)(b) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **17(b)**

**Pilot to remain at controls and be secured in seat**

- 70.**—(1) During flight, the pilot in command must—
- (a) keep any safety belt fastened while at the pilot's station; and

- (b) remain at the controls of the aircraft at all times except if another pilot is taking the controls.
- (2) If the aircraft is required by or under this Order to carry two pilots, the pilot in command must cause both pilots to remain at the controls during take-off and landing.
- (3) If the aircraft carries two or more pilots (whether or not it is required to do so) and is flying on a flight for the purpose of the public transport of passengers, the pilot in command must remain at the controls during take-off and landing.
- (4) An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article [F88137] to act as pilot in command of the helicopter.

**F88** Word in art. 70(4) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **18**

### **Passengers to be seated and properly secured**

- 71.** The pilot in command of an aircraft other than a balloon must ensure that—
- (a) prior to and during taxiing, take-off and landing; and
  - (b) whenever deemed necessary in the interest of safety,

each passenger on board occupies a seat or berth and has their safety belt or restraint device properly secured.

### **Survival equipment**

- 72.—**(1) This article applies to any aircraft registered in the United Kingdom.
- (2) The pilot in command must be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the pilot in command reasonably considers necessary for the purposes of facilitating the survival of the persons carried in the aircraft.
- (3) In complying with paragraph (2) the pilot in command must have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.
- (4) The pilot in command must determine the risks to survival of the occupants of the aircraft in the event of a ditching when deciding if life-jackets must be worn by all occupants.

### **Passenger briefings**

- 73.—**(1) The pilot in command must ensure that before or, where appropriate, during the flight, passengers are given a briefing on emergency equipment and procedures.
- (2) This article does not apply to the pilot in command of an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate.

### **Demonstration and use of oxygen**

- 74.—**(1) The pilot in command must ensure that—
- (a) before or, where appropriate, during the flight, passengers are given a briefing on use of supplemental oxygen where it is proposed that during the flight the cabin altitude will exceed 13,000 feet;

- (b) the pilot and flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight use supplemental oxygen continuously whenever the cabin altitude exceeds—
  - (i) 10,000 feet for a period of more than 30 minutes; or
  - (ii) 13,000 feet; and
- (c) whenever the cabin altitude exceeds 13,000 feet, all passengers are recommended to use supplemental oxygen.

### SECTION 3

#### *Take-off and landing conditions*

#### **Take-off and landing conditions**

**75.**—(1) Before commencing take-off, the pilot in command—

- (a) of a balloon must be satisfied that, according to the information available, the weather at the operating site or aerodrome would not prevent a safe take-off and departure;
- (b) of all other aircraft must be satisfied that—
  - (i) according to the information available, the weather at the aerodrome or operating site and the condition of the runway or final approach and take-off area intended to be used would not prevent a safe take-off and departure; and
  - (ii) aerodrome operating minima notified, prescribed or otherwise designated by the relevant competent authority will be complied with.

(2) Before commencing an approach to land, the pilot in command must be satisfied that, according to the information available, the weather at the aerodrome or the operating site and the condition of the runway or final approach and take-off area intended to be used would not prevent a safe approach, landing or missed approach.

<sup>F89</sup>(3) .....

**F89** Art. 75(3) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **19**

#### **Aerodrome operating minima**

**76.**—(1) The pilot in command must use the departure and approach procedures notified, prescribed or otherwise designated by the relevant competent authority for the runway or final approach and take-off area to be used.

(2) The pilot in command may deviate from a departure route, arrival route or approach procedure—

- (a) provided obstacle clearance criteria can be observed, full account is taken of the operating conditions and any air traffic control clearance is adhered to; or
- (b) when being radar-vectorred by an air traffic control unit.

#### *Operating minima*

(3) For flights under Instrument Flight Rules, the pilot in command must select and use aerodrome operating minima for each departure, destination and destination alternate aerodrome which—

- (a) must not be lower than those notified, prescribed or otherwise designated by the relevant competent authority;

- (b) when undertaking low visibility operations, have been approved by the CAA or the law of the country in which the aircraft is registered.
- (4) The pilot in command may commence an instrument approach regardless of the reported runway visual range or visibility.
- (5) If the reported runway visual range or visibility is less than the applicable minimum notified, prescribed or otherwise designated by the relevant competent authority, the pilot in command must not continue the approach—
  - (a) below 1,000 feet above the aerodrome; or
  - (b) into the final approach segment in the case where the decision height or the minimum descent height is more than 1,000 feet above the aerodrome.
- (6) If, after passing 1,000 feet above the aerodrome, the reported runway visual range or visibility falls below the applicable minimum notified, prescribed or otherwise designated by the relevant competent authority, the pilot in command may continue the approach to the decision height or the minimum descent height.
- (7) The pilot in command may continue the approach below the decision height or the minimum descent height and the landing may be completed provided that the visual reference adequate for the type of approach operation and for the intended runway is established at the decision height or the minimum descent height and is maintained.
- (8) Where the runway visual range is not available, the pilot in command may derive the runway visual range values by converting the reported visibility.

#### *SECTION 4*

##### *Equipment of aircraft*

#### **Equipment of aircraft**

- 77.—(1) An aircraft must not fly unless it is equipped with equipment which—
- (a) complies with the law of the country in which the aircraft is registered or the State of the operator; and
  - (b) enables communications to be made and the aircraft to be navigated, in accordance with—
    - (i) the provisions of this Order and any regulations made under this Order; or
    - (ii) any notified airspace requirements.
- (2) Paragraphs (3) and (4) apply to any aircraft registered in the United Kingdom [<sup>F90</sup>other than when flying for public transport].
- (3) An aircraft to which this paragraph applies must not fly unless it is so equipped and marked in accordance with Schedule 5 (aircraft equipment).
- (4) The equipment in Schedule 5 must be—
- (a) of a type approved by <sup>F91</sup>... the CAA either generally or in relation to a class of aircraft or in relation to that aircraft, unless it is equipment listed in paragraph 1(2) of that Schedule; and
  - (b) installed in a manner approved by <sup>F91</sup>... the CAA.
- (5) The equipment carried in compliance with this article must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.
- (6) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

[<sup>F92</sup>(7) Any equipment installed or carried in an aircraft must be installed, carried, maintained and adjusted so that such equipment—

- (a) does not impair the airworthiness of the aircraft or the proper functioning of any other instrument or equipment necessary for the safety of the aircraft; and
- (b) is not a source of danger to the aircraft.]

- F90** Words in art. 77(2) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **20(a)**
- F91** Words in art. 77(4) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 22** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F92** Art. 77(7) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **20(b)**

## Minimum equipment requirements

<sup>F93</sup>78. ....

- F93** Art. 78 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **21(1)**

## SECTION 5

### *Operation of radio and navigation equipment*

#### [<sup>F94</sup>Carriage of equipment

**78A.**—(1) This article applies to any aircraft registered in the United Kingdom.

(2) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use.

(3) An aircraft to which this article applies must not commence a flight if any of the equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use unless the aircraft does so in accordance with the terms of a permission granted to the operator under paragraph (2).]

- F94** Art. 78A inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **21(2)**

#### Operation of radio in aircraft

**79.**—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

- (a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and
- (b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) The radio station in an aircraft must not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services.

### **Operation of, and training in operation of, airborne collision avoidance system**

**80.**—(1) Subject to paragraph (2), when ACAS II is used—

- (a) operational procedures and training must be in accordance with the Airborne Collision Avoidance Regulation;
- (b) the pilot in command—
  - (i) must apply the appropriate operational procedures and be adequately trained;
  - (ii) must not commence a flight unless satisfied that every member of the flight crew has had the training specified in sub-paragraph (c)(i);
- (c) every member of the flight crew—
  - (i) must apply the appropriate operational procedures and be adequately trained; and
  - (ii) must not act as a member of the flight crew on a flight unless that person has had that training.

(2) In the case of an aircraft which is registered elsewhere than in the United Kingdom, the airborne collision avoidance system must be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

### **Minimum navigation performance**

**81.**—(1) An aircraft registered in the United Kingdom must not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) The equipment required by paragraph (1) must—

- (a) be approved by <sup>F95</sup>... the CAA;
- (b) be installed in a manner approved by the CAA;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

**F95** Words in [art. 81\(2\)\(a\)](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 23](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **Height keeping performance – aircraft registered in the United Kingdom**

**82.**—(1) An aircraft registered in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace unless—

- (a) it is equipped with height keeping systems which enable the aircraft to maintain the required height keeping performance capability; or
  - (b) it is otherwise authorised by the appropriate air traffic control unit.
- (2) The equipment required by paragraph (1) must—
- (a) be approved by <sup>F96</sup>... the CAA;
  - (b) be installed in a manner approved by the CAA;

- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

**F96** Words in art. 82(2)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 24** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Height keeping performance – aircraft registered elsewhere than in the United Kingdom**

**83.**—(1) An aircraft registered elsewhere than in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace in the United Kingdom unless—

- (a) it complies with paragraph (2); or
- (b) it is otherwise authorised by the appropriate air traffic control unit.

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any designated airspace; and
- (b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance notified for the airspace in which the aircraft is flying, and it is so operated.

### **Area navigation and required navigation performance capabilities – aircraft registered in the United Kingdom**

**84.**—(1) Subject to paragraph (3), an aircraft registered in the United Kingdom must not fly in Required Navigation Performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability notified, prescribed or otherwise designated for that airspace.

(2) The equipment required by paragraph (1) must—

- (a) be approved by <sup>F97</sup>... the CAA;
- (b) be installed in a manner approved by the CAA;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

(3) An aircraft need not comply with the requirements of this article if—

- (a) the appropriate air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
- (b) the aircraft complies with any instructions the air traffic control unit may give.

**F97** Words in art. 84(2)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 25** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Area navigation and required navigation performance capabilities – aircraft registered elsewhere than in the United Kingdom**

**85.**—(1) Subject to paragraph (3), an aircraft registered elsewhere than in the United Kingdom must not fly in Required Navigation Performance airspace in the United Kingdom unless it complies with paragraph (2).

(2) An aircraft complies with this paragraph if it is registered elsewhere than in the United Kingdom and—

- (a) it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace; and
- (b) the navigation equipment is capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified for the airspace in which the aircraft is flying, and is so operated.

(3) Paragraph (2) does not apply to an aircraft if—

- (a) the appropriate United Kingdom air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
- (b) the aircraft complies with any instructions the air traffic control unit may give.

## **CHAPTER 3**

### **Specialised activities**

#### **Flying displays**

**86.**—(1) Subject to paragraphs (15), (16) and (18), no person may act as the organiser of a flying display (in this article referred to as “the flying display director”) without first applying for and obtaining the permission of the CAA for that flying display.

(2) Subject to paragraphs (16) and (18), the pilot in command of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that—

- (a) the flying display director has been granted an appropriate permission under paragraph (6);
- (b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and
- (c) the pilot has been granted an appropriate pilot display authorisation.

(3) Subject to paragraphs (16) and (18), the pilot in command of an aircraft who is participating in a flying display for which a permission has been granted must comply with any conditions subject to which that permission may have been granted.

(4) Subject to paragraphs (16) and (18), a person acting as pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.

(5) Subject to paragraphs (16) and (18), the flying display director must not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(6) The CAA must grant a permission required by paragraph (1) if it is satisfied that the flying display director is fit and competent to safely organise the proposed flying display, having regard in particular to the flying display director's—

- (a) previous conduct and experience; and
- (b) organisation, staffing and other arrangements.



(7) The CAA may grant such a permission subject to such conditions, which may include conditions concerning military aircraft, as the CAA thinks fit.

(8) The CAA must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display if it is satisfied that the applicant is—

- (a) a fit person to hold the authorisation; and
- (b) is qualified by having the knowledge, experience, competence, skill, and physical and mental fitness to fly in accordance with the authorisation.

(9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.

(10) The CAA may authorise a person to conduct such examinations or tests for the purposes of this article as it may specify.

(11) Subject to article 253, a pilot display authorisation granted in accordance with this article remains in force for the period indicated in the authorisation.

(12) Subject to paragraph (13), for the purposes of this article, an appropriate pilot display authorisation means an authorisation which is valid and appropriate to the intended flight and which has been—

- (a) granted by the CAA under paragraph (8); or
- (b) granted by the competent authority of a JAA Full Member State.

(13) A pilot display authorisation granted by the competent authority of a JAA Full Member State is not an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.

(14) A direction may be issued under paragraph (13) either for a particular authorisation, a specified category of authorisations or generally.

(15) Paragraph (1) does not apply to—

- (a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or
- (b) a flying display at which the only participating aircraft are military aircraft.

(16) Paragraphs (1) to (5) do not apply to a flying display at which the only participating aircraft are balloons.

(17) Subject to paragraph (18), the flying display director must not permit any military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which the permission for the flying display may have been granted.

(18) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot in command or pilot whether or not such race or contest is held in association with a flying display.

(19) No person may be carried during flights for the purpose of flying displays or demonstration flying (except for the minimum required flight crew), unless the prior permission of the CAA has been obtained.

## **Towing of gliders**

**87.—**(1) An aircraft in flight must not tow a glider unless—

- (a) the towing aircraft has a certificate of airworthiness and—

- (i) that certificate has been issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
  - (ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or
- (b) the towing aircraft has been authorised to do so by—
  - (i) the CAA; or
  - (ii) an organisation approved by the CAA to provide such an authorisation.
- (2) The length of the combination of towing aircraft, tow rope and glider in flight must not exceed 150 metres.
- (3) The pilot in command of an aircraft which is about to tow a glider must be satisfied, before the towing aircraft takes off that—
  - (a) the tow rope is in good condition and is of adequate strength for the purpose;
  - (b) the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination;
  - (c) after separation the towing aircraft can make a safe landing at the place of intended destination;
  - (d) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
  - (e) emergency signals have been agreed between the pilot in command of the towing aircraft and the pilot in command of the glider, to be used, respectively, by the pilot in command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot in command of the glider to indicate that the tow cannot be released.
- (4) The glider must be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

### **Towing, picking up and raising of persons and articles**

**88.**—(1) Subject to the provisions of this article, an aircraft in flight must not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless—

- (a) there is a certificate of airworthiness and—
  - (i) that certificate has been issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
  - (ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or
- (b) the aircraft has been authorised to do so by—
  - (i) the CAA; or
  - (ii) an organisation approved by the CAA to provide such an authorisation.
- (2) An aircraft must not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.
- (3) An aircraft in flight must not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.
- (4) The length of the combination of towing aircraft, tow rope, and article in tow, must not exceed 150 metres.

(5) A helicopter must not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger must not be carried in a helicopter at any time when an article, person or animal is suspended from the helicopter, other than—

- (a) a passenger who has duties to perform in connection with the article, person or animal;
- (b) a passenger who has been picked up or raised by means external to the helicopter; or
- (c) a passenger who it is intended will be lowered to the surface by means external to the helicopter.

(7) Nothing in this article—

- (a) prohibits the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
- (b) prohibits the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) applies to any aircraft while it is flying in accordance with the B Conditions; or
- (d) permits the towing or picking up of a glider otherwise than in accordance with article 87.

### **Dropping of articles and animals**

**89.**—(1) Articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraphs (3) and (4), articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom except—

- (a) under and in accordance with the terms of an aerial application certificate granted under article 91; or
- (b) with the permission of the CAA.

(3) Paragraph (2) does not apply to the dropping of articles by, or with the authority of, the pilot in command of the aircraft in any of the following circumstances—

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order; or
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft.

(4) Paragraph (2) does not apply to the lowering of any article or animal from a helicopter to the surface, if—

- (a) there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered; and
- (b) that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

(5) In this article, “dropping” includes projecting and lowering.

### **Dropping of persons and grant of parachuting permissions**

**90.**—(1) Subject to paragraphs (9), (10) and (11), a person must not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator's certificate or a parachuting permission granted by the CAA under this article.

(2) A person must not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(3) The CAA must grant a parachuting permission if it is satisfied that the applicant is a fit person to hold the permission and is competent to conduct parachuting safely, having regard in particular to the applicant's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing and other arrangements.

(4) An aircraft must not be used for the purpose of dropping persons unless the aircraft—

- (a) has a certificate of airworthiness and—
  - (i) that certificate has been issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
  - (ii) that certificate, or the flight manual for the aircraft, includes an express provision that it may be used for that purpose; or
- (b) has been authorised for the purpose of dropping persons by—
  - (i) the CAA; or
  - (ii) an organisation approved by the CAA to provide such an authorisation, and is operated in accordance with a written permission granted by the CAA under this article; or
- (c) is operated under and in accordance with the terms of a police air operator's certificate.

(5) Every applicant for and holder of a parachuting permission must make available to the CAA if requested a parachuting manual.

(6) The holder of a parachuting permission must make such amendments or additions to its parachuting manual as the CAA may require.

(7) The holder of a parachuting permission must make its parachuting manual available to every employee or person who is engaged or may engage in parachuting activities conducted by the holder.

(8) The manual must contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(9) Nothing in this article applies to the descent of persons by parachute from an aircraft in an emergency.

(10) Nothing in this article prohibits the lowering of any person in an emergency or for the purpose of saving life.

(11) Nothing in this article prohibits the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

(12) In this article, “dropping” includes projecting and lowering.

### **Dropping articles for purposes of agriculture etc. and grant of aerial application certificates**

**91.**—(1) An aircraft must not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The CAA must grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1), having regard in particular to the applicant's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing and other arrangements.

(3) If the CAA grants an aerial application certificate it may do so subject to such conditions it deems appropriate, including conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(4) Every applicant for and holder of an aerial application certificate must make available to the CAA if requested an aerial application manual.

(5) The holder of an aerial application certificate must make its aerial application manual available to every member of the operating staff.

(6) The manual must contain all such information and instructions as may be necessary to enable the operating staff to perform their duties.

(7) The holder of an aerial application certificate must make such amendments or additions to the manual as the CAA may require.

## **CHAPTER 4**

### **Other aerial activities**

#### **Mooring, tethering, towing, use of cables, etc.**

**92.**—(1) This article applies to or in relation to—

- (a) balloons except unmanned free balloons;
- (b) gliders;
- (c) kites;
- (d) parascending parachutes; and
- (e) airships,

within the United Kingdom (which are referred to in this article as “relevant aircraft”).

(2) A relevant aircraft which is launched, moored, tethered or [<sup>F98</sup>ground towed] must not be operated—

- (a) in such a manner as to—
  - (i) represent a hazard to other airspace users; or
  - (ii) without the permission of the CAA, result in any part of the relevant aircraft whilst it is being launched or [<sup>F98</sup>ground towed], or its tether, mooring or towing equipment, extending more than 60 metres above ground level;
- (b) within <sup>F99</sup>... airspace notified for the purpose of this article;
- (c) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome except—

- (i) during the day and in Visual Meteorological Conditions; and
  - (ii) with the permission of the person in charge of the aerodrome, the appropriate air traffic control unit or the CAA.
- (3) A relevant aircraft which is flown, launched, moored, tethered or [<sup>F98</sup>ground towed] must be operated in accordance with any guidance issued from time to time by the CAA relating to such operation.
- (4) An airship—
- (a) must not be moored within 2km of a congested area unless—
    - (i) it is moored on a notified aerodrome; or
    - (ii) it has the permission of the CAA;
  - (b) must not be moored within the aerodrome traffic zone of a notified aerodrome unless it has the permission of the person in charge of the aerodrome or the air traffic control unit;
  - (c) when moored in the open must be securely moored and must not be left unattended.
- (5) A balloon—
- (a) in captive flight must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings;
  - (b) in captive or tethered flight must not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

**F98** Words in art. 92(2)(3) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **22(a)**

**F99** Words in art. 92(2)(b) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **22(b)**

### Release of small balloons

- 93.**—(1) A person must not cause or permit—
- (a) a group of small balloons of more than 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA at least 28 days previous notice in writing of the release;
  - (b) a group of small balloons of more than 2,000 but not more than 10,000 in number to be simultaneously released at a single site—
    - (i) within airspace notified for the purposes of this sub-paragraph; or
    - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,
 except with the permission of the CAA; and
  - (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.

[<sup>F100</sup>(2) In this article, a specified number of balloons counts as “simultaneously released at a single site” if released during a period of not more than 15 minutes from within an area not more than 1km square.]

**F100** Art. 93(2) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **23**

## Small unmanned aircraft [<sup>F101</sup>: requirements]

<sup>F102</sup>**94.** . . . . .

**F101** Word in art. 94 heading inserted (30.7.2018) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2), **6(a)**

**F102** Art. 94 omitted (31.12.2020) by virtue of [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **6** (with art. 13)

## [<sup>F103</sup>[<sup>F104</sup>[<sup>F105</sup>Certain unmanned aircraft: permission for flights that are over or near aerodromes

**94A.**—(1) If the permission that is required under paragraph (4) of this article for a flight, or a part of a flight, by an unmanned aircraft has not been obtained—

- (a) the UAS operator must not cause or permit the unmanned aircraft to be flown on that flight or that part of the flight, and
- (b) the remote pilot must not fly the unmanned aircraft on that flight or that part of that flight.]

<sup>F106</sup>(2) . . . . .

<sup>F107</sup>(3) . . . . .

(4) [<sup>F108</sup>Subject to paragraph (4A),] permission for a flight, or a part of a flight, by [<sup>F109</sup>an unmanned aircraft] in the flight restriction zone of a protected aerodrome is required—

- (a) from any air traffic control unit at the protected aerodrome, if the flight, or the part of the flight, takes place during the operational hours of the air traffic control unit;
- (b) from any flight information service unit at the protected aerodrome, if the flight, or the part of the flight, takes place during the operational hours of the flight information service unit and either—
  - (i) there is no air traffic control unit at the protected aerodrome, or
  - (ii) the flight, or the part of the flight, takes place outside the operational hours of the air traffic control unit at the protected aerodrome;
- (c) from the operator of the protected aerodrome, if—
  - (i) there is neither an air traffic control unit nor a flight information service unit at the protected aerodrome, or
  - (ii) the flight, or the part of the flight, takes place outside the operational hours of any such unit or units at the protected aerodrome.

[<sup>F110</sup>(4A) Permission is not required under paragraph (4) for a flight, or a part of a flight, by an unmanned aircraft subject to certification.]

(5) In this article, “operational hours”, in relation to an air traffic control unit or flight information service unit, means the operational hours—

- (a) notified in relation to the unit, or
- (b) set out in the UK military AIP in relation to the unit.

(6) In this article and article 94B, “protected aerodrome” means—

- (a) an <sup>F111</sup>... certified aerodrome,
- (b) a Government aerodrome,
- (c) a national licensed aerodrome, or
- (d) an aerodrome that is prescribed, or of a description prescribed, for the purposes of this paragraph.

(7) The [<sup>F112</sup>“flight restriction zone of a protected aerodrome”] is to be determined for the purposes of this article in accordance with the following table—

<i>Type of protected aerodrome</i>	<i>The “[<sup>F113</sup>flight restriction zone of a protected aerodrome]”</i>
A protected aerodrome which is— (a) an <sup>F114</sup> ... certified aerodrome, (b) a Government aerodrome, or (c) a national licensed aerodrome, and which has an aerodrome traffic zone.	The [ <sup>F113</sup> flight restriction zone of a protected aerodrome] consists of—  (a) the aerodrome traffic zone at the aerodrome,  (b) any runway protection zones at the aerodrome, and  (c) any additional boundary zones at the aerodrome.
A protected aerodrome which is— (a) an <sup>F114</sup> ... certified aerodrome, (b) a Government aerodrome, or (c) a national licensed aerodrome, but which does not have an aerodrome traffic zone.	The [ <sup>F113</sup> flight restriction zone of a protected aerodrome] consists of the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of two nautical miles.  But if the longest runway does not have a notified mid-point, the mid-point of that runway is to be used instead for the purposes of determining the [ <sup>F113</sup> flight restriction zone of a protected aerodrome].
A protected aerodrome that is prescribed, or of a description prescribed, under paragraph (6) (d).	The [ <sup>F113</sup> flight restriction zone of a protected aerodrome] consists of the zone that is prescribed for the purposes of this paragraph.

**F103** Arts. 94A-94G inserted (30.7.2018 for specified purposes, 30.11.2019 in so far as not already in force) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2)(4), **7**

**F104** Arts. 94A, 94B substituted (13.3.2019) by [The Air Navigation \(Amendment\) Order 2019 \(S.I. 2019/261\)](#), arts. 1(2), **4**

**F105** Art. 94A(1) substituted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **7(2)** (with art. 13)

**F106** Art. 94A(2) omitted (31.12.2020) by virtue of [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **7(3)** (with art. 13)

**F107** Art. 94A(3) omitted (31.12.2020) by virtue of [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **7(3)** (with art. 13)



- F108** Words in art. 94A(4) inserted (31.12.2020) by The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), **7(4)(a)** (with art. 13)
- F109** Words in art. 94A(4) substituted (31.12.2020) by The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), **7(4)(b)** (with art. 13)
- F110** Art. 94A(4A) inserted (31.12.2020) by The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), **7(5)** (with art. 13)
- F111** Word in art. 94A(6) omitted (31.12.2020) by virtue of The Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1593), regs. 1(2), **85(2)**
- F112** Words in art. 94A(7) substituted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(1)(a)**
- F113** Words in art. 94A(7) table substituted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(1)(b)**
- F114** Word in art. 94A(7) omitted (31.12.2020) by virtue of The Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1593), regs. 1(2), **85(2)**

### **Interpretation of expressions used in the definition of [<sup>F115</sup>“flight restriction zone of a protected aerodrome”]**

**94B.**—(1) This article makes provision about the meaning of expressions used in the definition of [<sup>F116</sup>“flight restriction zone of a protected aerodrome”] in article 94A(7) that applies in relation to a protected aerodrome which is—

- (a) an <sup>F117</sup>... certified aerodrome,
- (b) a Government aerodrome, or
- (c) a national licensed aerodrome,

and which has an aerodrome traffic zone.

(2) Subject to paragraph (4), there is one runway protection zone for each runway threshold of each runway at the aerodrome.

(3) A “runway protection zone”, in relation to a runway threshold at the aerodrome, is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a rectangle—

- (a) whose longer sides measure 5 km,
- (b) whose shorter sides measure—
  - (i) 1 km (except in the case of Heathrow Airport), or;
  - (ii) 1.5 km, in the case of Heathrow Airport, and
- (c) which is positioned so that—
  - (i) one of the shorter sides of the rectangle (“side A”) runs across the runway threshold, and
  - (ii) the two longer sides of the rectangle are parallel to, and equidistant from, the extended runway centre line as it extends from side A out to, and beyond, the runway end to which the runway threshold relates.

(4) There is no runway protection zone—

- (a) for any runway threshold at the London Heliport;
- (b) for any runway threshold that is prescribed, or of a description prescribed, for the purposes of this paragraph.

(5) The “runway threshold” of a runway at the aerodrome is the location that, for the purpose of demarcating the start of the portion of the runway that is useable for landing, is—

- (a) notified as the threshold of the runway, or
- (b) set out as the threshold of the runway in the UK military AIP.

(6) The “extended runway centre line”, in relation to a runway at the aerodrome, is an imaginary straight line which runs for the length of the runway along its centre and then extends beyond both ends of the runway.

(7) An “additional boundary zone” is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within any part of the area between—

- (a) the boundary of the aerodrome, and
- (b) a line that is 1 km from the boundary of the aerodrome (the “1 km line”),

that is neither within the aerodrome traffic zone nor within any runway protection zone at the aerodrome.

(8) The 1 km line is to be drawn so that the area which is bounded by it includes every location that is 1 km from the boundary of the aerodrome, measured in any direction from any point on the boundary.]]

**F103** Arts. 94A-94G inserted (30.7.2018 for specified purposes, 30.11.2019 in so far as not already in force) by [The Air Navigation \(Amendment\) Order 2018 \(S.I. 2018/623\)](#), arts. 1(2)(4), **7**

**F104** Arts. 94A, 94B substituted (13.3.2019) by [The Air Navigation \(Amendment\) Order 2019 \(S.I. 2019/261\)](#), arts. 1(2), **4**

**F115** Words in art. 94B heading substituted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), **5(2)**

**F116** Words in art. 94B(1) substituted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), **5(2)**

**F117** Word in art. 94B(1)(a) omitted (31.12.2020) by virtue of [The Unmanned Aircraft \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1593\)](#), regs. 1(2), **85(3)**

#### **[<sup>F118</sup>Certain unmanned aircraft: permission for flights that are over or near space sites**

**94BA.**—(1) If the permission that is required under paragraph (2) for a flight, or a part of a flight, by an unmanned aircraft has not been obtained—

- (a) the UAS operator must not cause or permit the unmanned aircraft to be flown on that flight or that part of the flight, and
- (b) the remote pilot must not fly the unmanned aircraft on that flight or that part of the flight.

(2) Subject to paragraph (3), permission for a flight, or part of a flight, by an unmanned aircraft in the flight restriction zone of a protected space site is required from the operator of the protected space site.

(3) Permission is not required under paragraph (2) for a flight, or a part of a flight, by an unmanned aircraft subject to certification.

(4) In this article—

“protected space site” means—

- (a) a spaceport, as defined by section 3(2) of the Space Industry Act 2018, or
- (b) an installation at sea, at which controlled and planned landings of spacecraft take place or are to take place, which can be moved from place to place without major dismantling or modification,

which is not a certified aerodrome, a Government aerodrome or a national licensed aerodrome;

“spacecraft” has the meaning given in section 2(6) of the Space Industry Act 2018.

(5) The “flight restriction zone of a protected space site” consists of the airspace extending from the surface to a height of 2,000 feet above the level of the protected space site within the area bounded by a circle centred on the mid-point of the launch pad that has the largest area and which has a radius of five kilometres.]

**F118** Art. 94BA inserted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), 5(3)

### **Certain small unmanned aircraft: registration as an SUA operator**

**F119** 94C. ....

**F119** Art. 94C omitted (31.12.2020) by virtue of The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), 8 (with art. 13)

### **Certain small unmanned aircraft: requirement for registration as SUA operator**

**F120** 94D. ....

**F120** Art. 94D omitted (31.12.2020) by virtue of The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), 8 (with art. 13)

### **Certain small unmanned aircraft: competency of remote pilots**

**F121** 94E. ....

**F121** Art. 94E omitted (31.12.2020) by virtue of The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), 8 (with art. 13)

### **Certain small unmanned aircraft: requirement for acknowledgement of competency**

**F122** 94F. ....

**F122** Art. 94F omitted (31.12.2020) by virtue of The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), 8 (with art. 13)

### **Meaning of “remote pilot” and “SUA operator”**

**F123** 94G. ....

**F123** Art. 94G omitted (31.12.2020) by virtue of The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), 8 (with art. 13)

### **Small unmanned surveillance aircraft**

**F124** 95. ....

**F124** Art. 95 omitted (31.12.2020) by virtue of [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 8 (with art. 13)

## Rockets

**96.**—(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article does not apply to—

- (a) an activity to which the Outer Space Act 1986 <sup>F125</sup> applies; <sup>F125</sup> ...
- [<sup>F126</sup>(aa) an activity to which the Space Industry Act 2018 applies; or]
- (b) a military rocket.

(3) No person may launch a small rocket unless the conditions in paragraph (4), and any of the conditions in paragraphs [<sup>F127</sup>(5) and (6)] which are applicable, are satisfied.

(4) The first condition is that the person launching the rocket is satisfied on reasonable grounds that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight remain, clear of any obstructions including any aircraft in flight.

(5) The second condition is that the person launching the rocket on a flight within controlled airspace has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace.

(6) The third condition is that the person launching the rocket on a flight within an aerodrome traffic zone of an aerodrome during its notified operating hours—

- (a) has obtained the permission of the air traffic control unit at the aerodrome; or
- (b) if there is no air traffic control unit, has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or
- (c) if there is no air traffic control unit and no aerodrome flight information service unit, has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely;

<sup>F128</sup>(7) .....

(8) A flight by a large rocket must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

[<sup>F129</sup>(9) The CAA may only grant permission under paragraph (8) if satisfied that—

- (a) the person launching the rocket—
  - (i) has provided a safety case which demonstrates that the risks to public safety and to property are as low as reasonably practicable; and
  - (ii) has in place adequate insurance arrangements in respect of those risks for each proposed launch; and
- (b) the level of risk to public safety and to property is acceptable to the CAA.]

- F125** Word in art. 96(2)(a) omitted (19.8.2021) by virtue of The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(4)(a)**
- F126** Art. 96(2)(aa) inserted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(4)(b)**
- F127** Words in art. 96(3) substituted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(4)(c)**
- F128** Art. 96(7) omitted (19.8.2021) by virtue of The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(4)(d)**
- F129** Art. 96(9) inserted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **5(4)(e)**

#### Marginal Citations

**M7** 1986 c.38.

## CHAPTER 5

### Dangerous goods

#### Carriage of dangerous goods

- 97.**—(1) The Secretary of State may make regulations prescribing—
- (a) the classification of certain articles and substances as dangerous goods;
  - (b) the categories of dangerous goods which an aircraft may not carry;
  - (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
  - (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
  - (e) any other provisions for securing the safety of aircraft and any apparatus attached to aircraft, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
  - (f) the persons to whom information about the carriage of dangerous goods must be provided;
  - (g) the documents which must be produced to the CAA or an authorised person on request; and
  - (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made under this article.
- (2) It is an offence to contravene or permit the contravention of or fail to comply with any regulations made under this article.
- (3) The provisions of this article and of any regulations made under this article are additional to and not in derogation from articles 98 and 99.

#### Carriage of weapons and of munitions of war – requirement for permission and for pilot in command to be informed

- 98.**—(1) This article applies to a [<sup>F130</sup>non-Part-21] aircraft.
- (2) Subject to article 100(1) and (3), an aircraft must not carry any munition of war unless—
- (a) the munition of war is carried with the permission of the CAA; and
  - (b) the pilot in command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(3) Subject to article 100(2) and (3), it is unlawful for an aircraft to carry any sporting weapon or munition of war unless it is stowed in the aircraft in a place that is inaccessible to passengers during flight.

**F130** Word in art. 98(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 26** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Prohibition on carrying on board sporting weapons or munitions of war**

**99.**—(1) Subject to [<sup>F131</sup>article 100(2), (2A) and (3)], it is unlawful for a person to carry or have in their possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage on an aircraft any sporting weapon or munition of war unless the provisions of paragraph (2) are complied with.

(2) The provisions referred to in paragraph (1) are that—

- (a) the sporting weapon or munition of war—
  - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo;
  - (ii) is stowed in the aircraft in a place that is inaccessible to passengers during flight; and
  - (iii) in the case of a firearm, is unloaded;
- (b) information about the sporting weapon or munition of war has been supplied by that passenger or by the consignor to the operator before the flight commences; and
- (c) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

**F131** Words in art. 99(1) substituted (5.12.2018) by [The Air Navigation \(Amendment\) \(No. 2\) Order 2018](#) (S.I. 2018/1160), arts. 1, 3

### **Exceptions concerning carriage of weapons and munitions of war**

**100.**—(1) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the pilot in command of the aircraft must be informed of the matters referred to in article 98(2)(b) but need not be so informed in writing.

(2) Article 98(3) and article 99 do not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

[<sup>F132</sup>(2A) Article 99 does not apply to a police officer who takes a munition of war on board an aircraft if—

- (a) the officer is acting in the course of the officer's duty; and
- (b) the munition of war is removed from the aircraft before the aircraft takes off.]

(3) Nothing in this Part applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

**F132** Art. 100(2A) inserted (5.12.2018) by [The Air Navigation \(Amendment\) \(No. 2\) Order 2018](#) (S.I. 2018/1160), arts. 1, 4

## CHAPTER 6

### Air operator certificates

#### Requirement for and grant of national air operator's certificate

**101.**—(1) Subject to article 134, an aircraft registered in the United Kingdom must not fly on a public transport flight, otherwise than under and in accordance with the terms of—

- (a) a national air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by the holder on such flights are operated safely;
- (b) a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA; or
- (c) in the case of an A to A public transport flight by an aeroplane, an air operator certificate specified in sub-paragraphs (a) or (b) <sup>F133</sup>...

(2) The CAA must grant a national air operator's certificate if it is satisfied that the operator is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes specified, having regard in particular to the operator's—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.

**F133** Words in [art. 101\(1\)\(c\)](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 27](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, [regs. 1\(3\), 12](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Requirement for an EU-OPS air operator certificate

<sup>F134</sup>**102.** . . . . .

**F134** [Art. 102](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), [reg. 1](#), [Sch. 1 para. 28](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, [regs. 1\(3\), 12](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Requirement for a Part-CAT air operator certificate

**103.** A person must not operate an aircraft registered in the United Kingdom on a commercial air transport operation otherwise than under and in accordance with the terms of a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA.

#### Offering commercial transport and public transport flights

**104.**—(1) No person may hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of public transport or commercial air transport unless the person being held out holds—

- (a) in the case of a commercial air transport operation, a valid Part-CAT air operator certificate;
- (b) in the case of a public transport flight, a valid national air operator's certificate or a valid Part-CAT air operator certificate; or



- (c) in the case of an A to A commercial air transport aeroplane operation, a valid Part-CAT air operator certificate <sup>F135</sup> ...
- (2) Paragraph (1) does not apply where—
  - (a) the person being held out as offering such a flight has applied for a certificate which would authorise the flight in question in accordance with paragraph (1);
  - (b) the person holding out reasonably believes that the person being held out will hold such a certificate by the time the offered flight is made.

**F135** Words in art. 104(1)(c) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 29** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER 7

### Additional requirements for public transport operations

#### SECTION 1

##### *Duties of the pilot in command*

#### **Public transport of passengers – pilot in command to ensure demonstration of lifejackets**

**105.**—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Subject to paragraph [<sup>F136</sup>(6)], in the case of a flight in an aircraft which is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) Subject to paragraph (6), and if the circumstances described in paragraph (5) apply, in the case of an aircraft which is not a seaplane and which is required by article 112(2) to carry cabin crew, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(5) The circumstances referred to in paragraph (4) are that—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(6) If the requirement to give a demonstration required by paragraph (3) or (4) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(7) In the case of an aircraft which is a seaplane, the pilot in command must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.



(8) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

**F136** Word in [art. 105\(3\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 24

### **Public transport of passengers – pilot in command to ensure crew, passengers and baggage secure**

**106.**—(1) Subject to paragraph (2), this article applies to a public transport flight by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Before the aircraft takes off and before it lands, the pilot in command must take all reasonable steps to ensure that—

- (a) the crew of the aircraft are properly secured in their seats; and
- (b) any cabin crew carried in compliance with article 112(2) are properly secured in seats which are in a passenger compartment and which are so situated that the cabin crew can readily assist passengers.

(4) During the period and in the circumstances described in paragraph (5) the pilot in command must take all reasonable steps to ensure that—

- (a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;
- (b) all passengers under the age of two years are properly secured by means of a child restraint device; and
- (c) those items of baggage in the passenger compartment—
  - (i) which the pilot in command reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and
  - (ii) in the case of an aircraft capable of seating more than 30 passengers, are either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.

(5) The period and circumstances referred to in paragraph (4) are—

- (a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;
- (b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and
- (c) whenever, by reason of turbulent air or any emergency occurring during the flight the pilot in command considers it necessary to take the steps specified in paragraph (4).

### **Public transport of passengers – pilot in command to ensure demonstration of use of oxygen**

**107.**—(1) Subject to paragraph (4), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or

after 1st January 1989 must take all reasonable steps to ensure that each of the actions described in column 1 of the following table is carried out.

<i>Column 1</i>	<i>Column 2</i>
Before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.	Before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 119 and Part 1 of Schedule 6 is demonstrated to all passengers.
When flying above flight level 120 all passengers and cabin crew are recommended to use oxygen.	When flying above flight level 130 all passengers and cabin crew are recommended to use oxygen.
During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.	During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

(3) The pilot in command of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st January 1989 must take all reasonable steps to ensure that each of the actions described in either column 1 or in column 2 of the table in paragraph (2) is carried out.

(4) This article does not apply—

- (a) to a flight under and in accordance with the terms of a police air operator's certificate; or
- (b) in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

## *SECTION 2*

### *Crew to be carried*

#### **Pilots required on public transport flights by flying machines over 5,700kg**

**108.** A flying machine registered in the United Kingdom must carry at least two pilots as members of the flight crew if it—

- (a) is flying for the purpose of public transport; and
- (b) has a maximum take-off mass of more than 5,700kg.

#### **Pilots required on public transport flights by aeroplanes of 5,700kg or less**

**109.**—(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

- (a) is flying for the purpose of public transport;
- (b) has a maximum take-off mass of 5,700kg or less;
- (c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules; and
- (d) comes within paragraph (2).

(2) Subject to paragraph (3), 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, where it is not provided with a means of pressurising the personnel compartments; or
  - (e) two or more piston engines.
- (3) An aeroplane does not come within paragraph (2)(d) or (e) if 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.
- (4) An aeroplane—
- (a) described in paragraph (2)(d) or (e) which is equipped with an approved autopilot is not required to carry two pilots even though 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 (2)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate is not required to carry two pilots.

#### **Pilots required on public transport flights by helicopters of 5,700kg or less**

**110.**—(1) Subject to paragraph (2), a helicopter registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

- (a) is flying for the purpose of public transport;
  - (b) has a maximum take-off mass of 5,700kg or less; and
  - (c) is flying in circumstances where the pilot in command is required to comply with the Instrument Flight Rules or is flying at night on a special VFR flight.
- (2) A helicopter described in paragraph (1) is not required to carry two pilots if it—
- (a) is equipped with an autopilot with altitude hold and heading mode which is serviceable on take-off;
  - (b) is equipped with such an autopilot even though before take-off the autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or
  - (c) is flying by day and remains clear of cloud and with the surface in sight.

#### **Flight navigators or navigational equipment required on public transport flights**

**111.**—(1) In the circumstances specified in paragraph (2) an aircraft registered in the United Kingdom flying on a public transport flight must carry—

- (a) a flight navigator as a member of the flight crew; or
  - (b) navigational equipment suitable for the route to be flown.
- (2) The circumstances referred to in paragraph (1) are that on the route or on any diversion from it, 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.
- (3) A flight navigator carried in compliance with paragraph (1) must be carried in addition to any person who is carried in accordance with this Part to perform other duties.

### **Required cabin crew of aircraft**

**112.**—(1) This article applies to each public transport flight 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.

(2) The crew of the aircraft on each such flight must include cabin crew.

(3) Subject to paragraph (4), on each such flight there must be carried not less than one member of the cabin crew [<sup>F137</sup>and if there are 51 to 100 inclusive passenger seats installed, not less than two members and, if there are 101 to 150 inclusive passenger seats installed, not less than three members and so on].

(4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if—

- (a) the CAA has granted permission to the operator to carry a lesser number on that flight;
- (b) the operator carries the number specified in that permission; and
- (c) the operator complies with any conditions subject to which the permission is granted.

**F137** Words in [art. 112\(3\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **25**

## **SECTION 3**

### *Operator responsibilities*

#### **Flight data monitoring, accident prevention and flight safety programme**

**113.**—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport must establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the United Kingdom with a maximum take-off mass of more than 27,000kg flying for the purpose of public transport must include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme must be designed and managed to meet that objective.

(4) It is not the purpose of an accident prevention and flight safety programme to apportion blame or liability.

#### **Public transport – operator's responsibilities in relation to crew**

**114.**—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first designating from among the flight crew a pilot to be the pilot in command of the aircraft for the flight.

(2) Subject to paragraph (5), the operator of an aircraft registered in the United Kingdom must not permit any person to be a member of the crew during any public transport flight (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

- (a) that person has had the training, experience, practice and periodical tests specified in Part 3 of Schedule 9 for the duties to be performed; and
- (b) the operator is satisfied that person is competent to perform their duties, and in particular to use the equipment provided in the aircraft for the purpose of those duties.

(3) The operator must maintain, preserve, produce and supply information respecting records relating to the matters specified in paragraph (2) in accordance with Part 3 of Schedule 9.

(4) During any flight for the purpose of the public transport of passengers the operator of an aircraft registered in the United Kingdom must not permit any member of the flight crew to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

(5) Paragraph (2) does not apply to the operator of a balloon registered in the United Kingdom provided that the operator—

- (a) ensures that any person acting as a member of the crew during any flight for the purpose of public transport has had the training, experience, practice and periodical tests for the duties to be performed required by—
  - (i) paragraph 1 of Part 3 of Schedule 9 within a period of three years immediately preceding the commencement of the flight; and
  - (ii) paragraph 2(5)(b) of Part 3 of Schedule 9 within a period of 13 months immediately preceding the commencement of the flight; and
- (b) specifies the periods mentioned in sub-paragraphs (a)(i) and (ii) in its operations manual.

#### **Public transport – operator's responsibilities in relation to routes and aerodromes**

**115.**—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft.

(2) Subject to paragraph (3), the operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that—

- (a) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and
- (b) in particular those places will be adequately staffed and equipped and will have such staffing and equipment as may be prescribed at the time at which it is reasonably estimated such a take-off or landing will be made to ensure so far as practicable the safety of the aircraft and its passengers.

(3) The operator of an aircraft is not required for the purposes of this article to be satisfied as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

### **SECTION 4**

#### *Operations and training manuals*

#### **Operations manual**

**116.**—(1) Subject to paragraphs (2) and (3), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to an aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

- (3) This article does not apply to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.
- (4) An operator of an aircraft to which this article applies must—
- (a) make available to each member of the operating staff an operations manual which complies with paragraph (5);
  - (b) ensure that each copy of the operations manual is kept up to date; and
  - (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.
- (5) An operations manual—
- (a) complies with this paragraph if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part 1 of Schedule 9;
  - (b) is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.
- (6) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of the whole of the operations manual in effect for the aircraft.
- (7) Any amendments or additions to the operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.
- (8) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.
- (9) The operator must make such amendments or additions to the operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

### **Training manual**

- 117.**—(1) Subject to paragraph (2), this article applies to public transport aircraft registered in the United Kingdom.
- (2) This article does not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.
- (3) The operator of every aircraft to which this article applies must—
- (a) make available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 114(2) a training manual which complies with paragraph (4); and
  - (b) ensure that each copy of that training manual is kept up to date.
- (4) A training manual complies with this paragraph if it contains all information and instructions necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 114(2) to perform that person's duties, including in particular information and instructions relating to the matters specified in Part 2 of Schedule 9.
- (5) An aircraft to which this article applies must not fly unless at least 30 days before such flight the operator of the aircraft has supplied to the CAA a copy of the whole of the training manual relating to the crew of that aircraft.

(6) Any amendments or additions to the training manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the training manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

## SECTION 5

### Equipment

#### **Wearing of survival suits by crew**

**118.**—(1) Paragraph (2) does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(2) Each member of the crew of an aircraft registered in the United Kingdom must wear a survival suit if such a suit is required to be carried by article 119 and Part 1 of Schedule 6.

#### **Equipment of public transport aircraft**

**119.**—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) An aircraft to which this article applies must not fly unless it is equipped and marked in accordance with Schedule 6 (aircraft equipment).

(3) The equipment in Schedule 6 must be—

- (a) of a type approved by <sup>F138</sup>... the CAA either generally or in relation to a class of aircraft or in relation to that aircraft, unless it is equipment listed in paragraph 3 of that Schedule; and
- (b) installed in a manner approved by <sup>F138</sup>... the CAA.

(4) The equipment carried in compliance with this article must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

[<sup>F139</sup>(4A) Any equipment installed or carried in an aircraft must be installed, carried, maintained and adjusted so that such equipment—

- (a) does not impair the airworthiness of the aircraft or the proper functioning of any other instrument or equipment necessary for the safety of the aircraft; and
- (b) is not a source of danger to the aircraft.]

(5) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

(6) In every such aircraft registered in the United Kingdom there must be provided individually for each passenger or, if the CAA so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (7).

(7) A notice complies with this paragraph if it is relevant to the aircraft in question and contains pictorial—

- (a) instructions on the brace position to be adopted in the event of an emergency landing;
- (b) instructions on the method of use of the safety belts and safety harnesses as appropriate;

- (c) information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (d) information as to where the lifejackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2), are to be found and instructions as to how they are to be used.

(8) The operator of a helicopter on which a vibration health monitoring system is required to be carried by paragraph 4(12) of Part 1 of Schedule 6 must operate that equipment in accordance with procedures approved by the CAA.

- F138** Words in [art. 119\(3\)](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 30](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F139** [Art. 119\(4A\)](#) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, [26](#)

### **Functioning of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters**

**120.**—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) Subject to paragraph (5), whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit from the aeroplane or helicopter and every internal door in the aeroplane or helicopter must be in working order.

(3) Subject to paragraph (4), during take-off and landing and during any emergency, every exit and door in the aeroplane or helicopter must be kept free of obstruction and must not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(4) In the case of—

- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the pilot in command of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) does not apply.

(5) Subject to compliance with paragraph (6), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) This paragraph is complied with if—

- (a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words “exit” or “emergency exit” are covered, and the exit is marked by



a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

### **Marking of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters**

**121.**—(1) This article applies to A to A commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) An operator must ensure that every exit from an aeroplane or helicopter to which this article applies is marked in accordance with this article.

(3) Every exit from such an aeroplane or helicopter must be marked on interior surfaces with the words “exit” or “emergency exit” in capital letters, which must be red in colour and if necessary outlined in white to contrast with the background.

(4) Every exit from such an aeroplane or helicopter must be marked on exterior surfaces with the words “exit” or “emergency exit” in capital letters, which must be located on a background which provides adequate contrast.

(5) Every exit from such an aeroplane or helicopter must be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be red in colour and located on a background which provides adequate contrast.

(6) Every exit from such an aeroplane or helicopter which may be opened from the outside must be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be located on a background which provides adequate contrast.

(7) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

## **SECTION 6**

### *Loading*

### **Operator's duty concerning the loading of public transport aircraft**

**122.**—(1) This Section applies to an aircraft registered in the United Kingdom which is being loaded for a public transport flight.

(2) The operator of an aircraft to which this Section applies must not cause or permit it to be loaded except in accordance with this Section.

(3) In this Section, loading includes the suspension of a load from the aircraft.

### **Requirement to load in accordance with loading instructions**

**123.**—(1) An aircraft to which this Section applies may only be loaded under the supervision of a person whom the operator has caused to be supplied with written instructions as to the distribution and securing of the load (in this Section called “the loading instructions”) which—

- (a) conform with paragraph (3); and
- (b) subject to article 126(1), conform with paragraph (4).

(2) The operator must not cause or permit the aircraft to be loaded in contravention of the loading instructions.

- (3) Loading instructions conform with this paragraph if they ensure—
  - (a) the load may safely be carried on the flight; and
  - (b) any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.
- (4) Loading instructions conform with this paragraph if they—
  - (a) indicate the additional items included in the weight of the aircraft prepared for service;
  - (b) show the position of the centre of gravity of the aircraft at that weight; and
  - (c) indicate the weight of the aircraft prepared for service.
- (5) In sub-paragraph (4)(c), the weight of the aircraft prepared for service means the aggregate of the weight of the aircraft, shown in the weight schedule referred to in article 43, and the weight of such additional items in or on the aircraft as the operator thinks fit to include.

### **Requirement for a load sheet**

**124.**—(1) Subject to article 126(1) and (2), the person supervising the loading of an aircraft to which this Section applies must—

- (a) before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements; and
- (b) if not the pilot in command of the aircraft, submit the load sheet for examination by the pilot in command of the aircraft who must sign it.
- (2) Subject to paragraph (3), one copy of the load sheet—
  - (a) must be carried in the aircraft when article 229 so requires until the flights to which it relates have been completed; and
  - (b) together with the loading instructions, must be preserved by the operator for at least six months after the flights and must not be carried in the aircraft.
- (3) In the case of—
  - (a) an aeroplane which has a maximum take-off mass of not more than 2,730kg; or
  - (b) a helicopter,

if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter in a container approved by the CAA for that purpose.

### **Carriage of baggage**

**125.**—(1) Subject to paragraph (2), the operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) the baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, the amount of baggage does not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

(2) Paragraph (1)(b) does not apply to baggage carried in accordance with a permission issued under article 106(4)(c)(ii).

### **Loading instructions: exceptions**

**126.**—(1) The loading instructions need not conform with article 123(4) and article 124(1) does not apply if the aircraft—

- (a) has a maximum take-off mass of not more than 1,150kg;
  - (b) has a maximum take-off mass of not more than 2,730kg and the flight is—
    - (i) solely for training persons to perform duties in an aircraft and intended not to exceed 60 minutes in duration; or
    - (ii) intended to begin and end at the same aerodrome and not to exceed 60 minutes in duration; or
  - (c) is a helicopter which—
    - (i) has a maximum take-off mass of not more than 3,000kg; and
    - (ii) a total seating capacity of not more than five persons.
- (2) Article 124(1) does not apply if—
- (a) the load and the way it is to be distributed and secured on the next intended flight are to be unchanged from the previous flight; and
  - (b) the pilot in command of the aircraft makes and signs an endorsement to that effect on the load sheet for the previous flight, indicating—
    - (i) the date of the endorsement;
    - (ii) the place of departure on the next intended flight; and
    - (iii) the next intended place of destination.

## SECTION 7

### *Performance requirements and operating minima*

#### **Aeroplanes registered in the United Kingdom – public transport operating conditions and performance requirements**

**127.**—(1) An aeroplane registered in the United Kingdom and flying for the purpose of public transport must comply with section 1 of Subpart C of Part-CAT unless it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment must be based on additional data acceptable to the CAA.

(4) The Secretary of State may [<sup>F140</sup>make regulations prescribing] requirements for aeroplanes registered in the United Kingdom, which are [<sup>F141</sup>not] Part-CAT aeroplanes, in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(5) The CAA may grant for any aeroplane a permission authorising it to comply with the applicable provisions of the requirements prescribed in accordance with paragraph (4).

(6) Subject to paragraph (8), an aeroplane to which this paragraph applies must fly at such an altitude as would enable the aeroplane—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane, to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) applies to an aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) and flying over water for the purpose of public transport.

(8) Paragraph (6) does not apply to an aeroplane flying as may be necessary for the purpose of taking off or landing.

(9) Without prejudice to paragraph (6), an aeroplane to which this paragraph applies must not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units.

(10) Paragraph (9) applies to an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) if either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X.

(11) For the purposes of paragraph (9), flying time is calculated at normal cruising speed with one power unit inoperative.

**F140** Words in [art. 127\(4\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 27

**F141** Word in [art. 127\(4\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, [Sch. 1 para. 31](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **Helicopters registered in the United Kingdom – public transport operating conditions and performance requirements**

**128.**—(1) The Secretary of State may [<sup>F142</sup>make regulations prescribing] requirements for helicopters registered in the United Kingdom which are not Part-CAT helicopters in respect of their weight and related performance and flight in specified meteorological conditions or at night.

(2) Subject to paragraph (3), a helicopter registered in the United Kingdom must not fly for the purpose of public transport unless the helicopter complies with the applicable provisions of the requirements which have been prescribed for its weight and related performance and flight in specified meteorological conditions or at night.

(3) Paragraph (2) does not apply to a flight for the sole purpose of training persons to perform duties in a helicopter.

(4) The assessment of the ability of a helicopter to comply with paragraph (2) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the helicopter.

(5) In the event of the approved information in the flight manual being insufficient for that purpose the assessment must be based on additional data acceptable to the CAA.

(6) Subject to paragraph (7), a helicopter registered in the United Kingdom when flying over water for the purpose of public transport must fly at such an altitude as would enable the helicopter—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) does not apply to a helicopter flying as may be necessary for the purpose of taking off or landing.

**F142** Words in [art. 128\(1\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **28**

### **Helicopters registered in the United Kingdom carrying out Performance Class 3 operations**

**129.**—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 3 operation must comply with paragraphs (2), (3), (4) and (5).

(2) The helicopter must not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus.

(3) If the helicopter is equipped with the required apparatus and is flying under and in accordance with the terms of a national air operator's certificate, it must not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA.

(4) If the helicopter is equipped with the required apparatus and is flying on a flight under and in accordance with the terms of a police air operator's certificate on which—

- (a) is carried any passenger who is not a permitted passenger, it must not fly in the specified circumstances on any flight for more than 20 minutes; or
- (b) no passenger is carried other than a permitted passenger, it must not fly over water on any flight for more than 10 minutes while more than five minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

(5) The helicopter must not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points—

- (a) Hammersmith Bridge (512918N) (0001351W); and
- (b) Greenwich Reach (512906N) (0000043W),

between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

(6) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out Performance Class 3 operations if—

- (a) the maximum take-off mass for the helicopter is less than 3,175kg; and
- (b) not more than nine passengers are carried.

(7) For the purposes of this article, flying time must be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

(8) In this article—

“permitted passenger” means—

- (a) a police officer;
- (b) an employee of a police authority in the course of their duty;
- (c) a medical attendant;
- (d) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation;
- (e) a CAA Flight Operations Inspector;
- (f) a Home Office police aviation adviser;

- (g) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004<sup>M8</sup>;
- (h) an Officer of Revenue and Customs;
- (i) an employee of the Ministry of Defence in the course of their duty; or
- (j) such other person being carried for purposes connected with police operations as may be permitted by the CAA;

“required apparatus” means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and

“specified circumstances” means, in respect of a helicopter, circumstances in which it is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

#### Marginal Citations

M8 2004 c.21.

### Helicopters registered in the United Kingdom carrying out Performance Class 1 operations and Performance Class 2 operations

**130.**—(1) Without prejudice to article 128(6), a helicopter registered in the United Kingdom carrying out a Performance Class 1 operation or Performance Class 2 operation which is flying under and in accordance with the terms of—

- (a) a national air operator's certificate, must not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;
- (b) a police air operator's certificate on which any passenger is carried who is not a permitted passenger and which is not equipped with the required apparatus, must not fly over any water on any flight for more than 15 minutes.

(2) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out a Performance Class 2 operation if—

- (a) the maximum take-off mass of the helicopter is less than 5,700kg; and
- (b) not more than 15 passengers are carried on the helicopter.

(3) In this article “permitted passenger” and “required apparatus” have the same meaning as in article 129(8).

### Public transport aircraft registered in the United Kingdom – aerodrome operating minima

**131.**—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) Subject to paragraphs (3) and (4), the operator of an aircraft to which this article applies must establish and include in the operations manual or the police operations manual relating to the aircraft the required information.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required by this Order; or
- (b) it is not practicable to include the required information in the operations manual or the police operations manual,

the operator must comply with paragraph (4).

(4) If this paragraph applies the operator of the aircraft must—

- (a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required information calculated in accordance with the required data and instructions provided in accordance with paragraph (5) or (6); and
- (b) cause a copy of the required information to be retained on the ground for at least three months after the flight.

(5) The operator of an aircraft for which an operations manual or a police operations manual is required by this Order must include in that operations manual the required data and instructions.

(6) The operator of an aircraft for which neither an operations manual nor a police operations manual is required by this Order must—

- (a) before the commencement of the flight, cause to be supplied in writing to the pilot in command of the aircraft the required data and instructions; and
- (b) cause a copy of the required data and instructions to be retained on the ground for at least three months after the flight.

(7) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(8) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft must take into account—

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;
- (d) the dimensions of the runways which may be selected for use; and
- (e) in relation to any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use—
  - (i) whether or not there are such aids in use at the relevant aerodrome;
  - (ii) the nature of any such aids that are in use; and
  - (iii) the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids.

(9) The operator must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which may reasonably be expected.

(10) An aircraft to which this article applies must not commence a flight at a time when—

- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the pilot in command of the aircraft it would not be able without contravening paragraphs (11) or (12), to land at the aerodrome of intended destination at the estimated time of arrival there and at any destination alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(11) An aircraft to which article 116 applies, when making a descent to an aerodrome, must not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(12) An aircraft to which this article applies, when making a descent to an aerodrome, must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(13) If, according to the information available, an aircraft would as regards any flight be required to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select before take-off a destination alternate aerodrome unless no aerodrome suitable for that purpose is available.

(14) In this article—

“the required information” means detailed information about the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every destination alternate aerodrome;

“specified” in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as has been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or supplied in writing to the pilot in command of the aircraft by the operator in accordance with paragraph (4); and

“the required data and instructions” means such data and instructions as will enable the pilot in command of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator before the commencement of the flight.

### **Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima**

**132.—**(1) This article applies to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies must not fly in or over the United Kingdom unless the operator has made available to the flight crew aerodrome operating minima which comply with paragraph (3) for every aerodrome at which it is intended to land or take off and every destination alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) must be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(4) An aircraft must not undertake low visibility operations otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(5) An aircraft must not take off from or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.



(7) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless, in either case, the specified visual reference for landing is established and maintained from such height.

(8) In this article, “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).

**A to A commercial air transport aeroplane operations and public transport flights by aeroplanes at night or in specified meteorological conditions**

**133.**—(1) This article applies to any aeroplane which is—

- (a) registered elsewhere than in the United Kingdom;
- (b) powered by one power unit only; and
- (c) flying on an A to A commercial air transport aeroplane operation or a public transport flight.

(2) An aeroplane to which this article applies must not fly—

- (a) at night; or
- (b) when there is prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any destination alternate aerodrome—
  - (i) a cloud ceiling of less than 1,000 feet; or
  - (ii) visibility of less than one nautical mile.

*SECTION 8*

*State aircraft operations*

**Requirement for, and grant of, police air operator's certificate**

**134.**—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority is, for the purposes of this Order, deemed to be a public transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of the public transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of public transport or the public transport of passengers.

(4) An aircraft registered in the United Kingdom must not fly on any flight in the service of a police authority otherwise than under and in accordance with the terms of—

- (a) a police air operator's certificate granted to the operator;
- (b) a national air operator's certificate granted to the operator;
- (c) both—
  - (i) a Part-CAT air operator certificate granted to the operator; and

(ii) Part-CAT and Part-ORO as though the flight were a commercial air transport operation; or

(d) a permission given by the CAA.

[<sup>F143</sup>(5) The CAA must grant a police air operator's certificate if it is satisfied that the applicant is competent to secure that the operation of aircraft of the types specified in the certificate will be as safe as is appropriate when flying on flights of the description and for the purposes specified, having regard in particular to the applicant's—

(a) previous conduct and experience; and

(b) equipment, organisation, staffing, maintenance and other arrangements.]

**F143** Art. 134(5) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 29

### **Police operations manual**

**135.**—(1) This article applies to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(2) An aircraft to which this article applies must not fly except under and in accordance with the terms of Part 1 and Part 2 of a police operations manual, Part 1 of which must have been approved for the aircraft by the CAA.

(3) The operator of every aircraft to which this article applies must—

(a) make available to each member of its operating staff a police operations manual which complies with paragraph (4);

(b) ensure that each copy of the operations manual is kept up to date; and

(c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.

(4) A police operations manual complies with this paragraph if it contains all information and instructions necessary to enable the operating staff to perform their duties as such.

(5) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of Part 2 of the police operations manual in effect for the aircraft.

(6) Any amendments or additions to Part 2 of the police operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously apply, that aircraft must not fly in the service of a police authority under and in accordance with the terms of the police operator's certificate until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the police operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

## PART 6

### Aircrew

#### CHAPTER 1

##### Flight crew licensing – requirement for licence

#### **Requirement for appropriate licence to act as member of flight crew of [<sup>F144</sup>Part-21] aircraft registered in the United Kingdom**

**136.**—(1) Subject to paragraph (2), a person must not act as a pilot of [<sup>F145</sup>a Part-21] aircraft that is registered in the United Kingdom—

- (a) without holding an appropriate licence granted, converted or rendered valid under the <sup>F146</sup>... Aircrew Regulation; or
- (b) unless—
  - (i) the person—
    - (aa) holds an appropriate licence granted under article 152; and
    - (bb) acts as a pilot of [<sup>F147</sup>a Part-21] aircraft pursuant to the derogation in article 12 of the <sup>F148</sup>... Aircrew Regulation; or
  - (ii) the aircraft is a glider and is being flown otherwise than for the purpose of public transport.

(2) A person may act as a pilot of [<sup>F149</sup>a Part-21] aircraft without holding an appropriate licence granted, converted or rendered valid under the <sup>F150</sup>... Aircrew Regulation when undergoing flying training, including solo flying training authorised and supervised by a flight instructor.

(3) Subject to the exceptions set out in articles 139 and 144 a person must not act as a flight radiotelephony operator, a flight engineer or a flight navigator of [<sup>F151</sup>a Part-21] aircraft that is registered in the United Kingdom without holding an appropriate licence granted or rendered valid under this Order.

**F144** Word in art. 136 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(2)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F145** Words in art. 136(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(3)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F146** Word in art. 136(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(3)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F147** Words in art. 136(1)(b)(i)(bb) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(3)(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F148** Word in art. 136(1)(b)(i)(bb) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(3)(c)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F149** Words in art. 136(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(4)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

- F150** Word in art. 136(2) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(4)(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F151** Words in art. 136(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 32(5)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Requirement for appropriate licence to act as member of flight crew of [<sup>F152</sup>non-Part-21] aircraft registered in the United Kingdom**

**137.**—(1) Subject to articles 139 to 147, a person must not act as a member of the flight crew of an aircraft to which this paragraph applies without holding an appropriate licence granted or rendered valid under this Order.

(2) Paragraph (1) applies to any [<sup>F153</sup>non-Part-21] aircraft registered in the United Kingdom other than such an aircraft that is referred to in [<sup>F154</sup>paragraph (1)(a)(ii), (d) or (g) of Annex I] of the Basic <sup>F155</sup>... Regulation and that is flying for the purpose of commercial air transport (an “excepted aircraft”).

- (3) A person must not act as a member of the flight crew of an excepted aircraft unless—
- (a) the person acts as a flight radiotelephony operator, flight engineer or flight navigator and holds an appropriate licence granted or rendered valid under this Order; or
  - (b) the person holds an appropriate licence granted, converted or rendered valid under the <sup>F156</sup>... Aircrew Regulation.

- F152** Word in art. 137 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 33(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F153** Word in art. 137(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 33(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F154** Words in art. 137(2) substituted (13.4.2022) by [The Air Navigation \(Amendment\) Order 2022](#) (S.I. 2022/321), arts. 1(1), **5**
- F155** Word in art. 137(2) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 33(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F156** Word in art. 137(3)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 33(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Appropriate licence**

**138.** An appropriate licence for the purposes of this Part and Schedule 8 means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.

### **Flight crew licence requirement – exception to act as flight radiotelephony operator**

**139.**—(1) A person may act as a flight radiotelephony operator within the United Kingdom, the Channel Islands and the Isle of Man without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) apply.

- (2) The conditions referred to in paragraph (1) are that the person is—

- (a) the pilot of a balloon or glider and does not communicate by radiotelephony with any air traffic control unit, flight information unit or air/ground communications service unit; or
- (b) being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft.

**Flight crew licence requirement – exception for solo flying training in [<sup>F157</sup>non-Part-21] aircraft**

**140.**—(1) A person may act as pilot in command of a [<sup>F158</sup>non-Part-21] 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 or certificate in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the person is at least 16 years of age unless the aircraft is a balloon or a glider, in which case the person must be at least 14 years of age;
- (b) the person satisfies the requirements of paragraph (3);
- (c) no other person is carried in the aircraft;
- (d) the aircraft is not flying for the purpose of commercial air transport, public transport or commercial operation other than commercial operation which consists of the giving of instruction in flying or the conducting of flying examinations; and
- (e) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a Part-FCL licence, in each case being a licence which includes a flight instructor rating, a flight instructor certificate or a flight instructor (restricted) certificate entitling that other person to give instruction in flying the type of aircraft being flown.

(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 161 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 made in accordance with article 163 which would be required by virtue of article 163(2) for the person to exercise the privileges of the relevant licence or rating.

**F157** Word in art. 140 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 34** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F158** Word in art. 140 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 34** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**Flight crew licence requirement – exception for dual flying training in [<sup>F159</sup>non-Part-21] aircraft**

**141.**—(1) A person may act as pilot of a [<sup>F160</sup>non-Part-21] aircraft of which the flight crew required to be carried by or under this Order is not more than 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 or certificate in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the aircraft is not flying for the purpose of commercial air transport, public transport or commercial operation other than commercial operation which consists of the giving of instruction in flying or the conducting of flying examinations;
- (b) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a Part-FCL licence, in each case being a licence which includes a flight instructor rating, a flight instructor certificate or an flight instructor (restricted) certificate entitling that other person to give instruction in flying the type of aircraft being flown; and
- (c) the aircraft is fitted with—
  - (i) dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls; or
  - (ii) controls designed for and capable of use by two persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

**F159** Word in [art. 141](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 35](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F160** Word in [art. 141](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 35](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Flight crew licence requirement – exception for balloons**

**142.**—(1) A person may act as pilot in command of a balloon within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the person is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the person has not within the immediately preceding 13 months carried out as pilot in command at least five flights each of not less than five minutes duration;
- (b) the person acts in accordance with instructions given by a person authorised by the CAA—
  - (i) to supervise flying in the type of balloon being flown (“the instructor”); or
  - (ii) to conduct such examinations or tests in the type of balloon being flown (“the examiner”) as the CAA may require;
- (c) no person is carried other than—
  - (i) the instructor unless the instructor is carried and is the holder of an appropriate licence granted or rendered valid under this Order entitling the instructor to act as pilot in command for the flight; or
  - (ii) the examiner; and

- (d) the balloon is not flying for the purpose of commercial air transport, public transport or commercial operations other than commercial operations which consist of the giving of instruction in flying or the conducting of flying examinations.

**Flight crew licence requirement – exception for pilot undergoing training or tests in [<sup>F161</sup>non-Part-21] aircraft**

**143.**—(1) Unless the certificate of airworthiness in force for the aircraft otherwise requires, a person may act as pilot of a [<sup>F162</sup>non-Part-21] 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 or certificate without being the holder of an appropriate licence, if the conditions in paragraph (2) and either paragraph (3) or (4) are satisfied.

(2) The condition first referred to in paragraph (1) is that no other person is carried in the aircraft or in an aircraft which it is towing except—

- (a) a person carried as a member of the flight crew in compliance with this Order;
- (b) a person authorised by the CAA to witness the training or tests or to conduct the tests; or
- (c) 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.

(3) The conditions secondly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—

- (a) within the preceding six months was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces; and
- (b) the person's physical condition has not, so far as the person is aware, so deteriorated during that period as to render the person unfit for the licence or rating for which the training or tests are being given or conducted.

(4) The conditions thirdly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—

- (a) holds a Part-FCL licence or a pilot's, a flight navigator's or a flight engineer's licence granted under article 152;
- (b) the purpose of the training or tests is to enable that person 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 that person's licence; and
- (c) the person acts under the supervision of another person who is the holder of an appropriate licence.

**F161** Word in art. 143 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 36** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F162** Word in art. 143 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 36** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)



### **Flight crew licence requirement – exception for navigators and flight engineers in [<sup>F163</sup>non-Part-21] aircraft**

**144.** A person may act as a member of the flight crew (otherwise than as a pilot) of a [<sup>F164</sup>non-Part-21] aircraft registered in the United Kingdom without being the holder of an appropriate licence if—

- (a) the flight is for the purpose 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 in such a licence; and
- (b) the person 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.

**F163** Word in [art. 144](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 37](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F164** Word in [art. 144](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 37](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Flight crew licence requirement – exception for members of HM Forces**

**145.** 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, the person is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces.

### **Flight crew licence requirement – exception for [<sup>F165</sup>non-Part-21] gliders**

**146.** A person may act as the pilot in command or co-pilot of a [<sup>F166</sup>non-Part-21] glider without being the holder of an appropriate licence if the flight is not for the purpose of public transport.

**F165** Word in [art. 146](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 38](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F166** Word in [art. 146](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 38](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Flight crew licence requirement – exception for [<sup>F167</sup>non-Part-21] aircraft where CAA permission granted**

**147.—**(1) Nothing in this Order prohibits the holder of a pilot's licence from acting as pilot of a [<sup>F168</sup>non-Part-21] aircraft certificated for single pilot operation if the holder is testing any person for the purposes of articles 152(1) and (8), 154(2), 155(2), 156 or 157 with the permission of the CAA.

(2) Paragraph (1) applies even though—

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



- F167** Word in art. 147 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 39** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F168** Word in art. 147 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 39** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Requirement for appropriate licence to act as member of flight crew of<sup>F169</sup> ... aircraft registered elsewhere than in the United Kingdom**

**148.**—(1) Subject to paragraph (2), this article applies to any<sup>F170</sup> ... aircraft registered in a country other than the United Kingdom.

<sup>F171</sup>(2) .....

(3) A person must not act as a member of the flight crew which must by or under this Order be carried in an aircraft to which this article applies unless—

- (a) in the case of [<sup>F172</sup>an] aircraft flying for the purpose of commercial air transport, public transport or commercial operation, that person 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 [<sup>F173</sup>an] aircraft on a non-commercial flight [<sup>F174</sup>and where the operator of the aircraft is neither resident nor established in the United Kingdom,] that person 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; [<sup>F175</sup>or]
- [<sup>F176</sup>(c) in the case of an aircraft on a non-commercial flight, where the operator of the aircraft is resident or established in the United Kingdom, that person is the holder of the appropriate licence granted or rendered valid under the Aircrew Regulation.]

- F169** Word in art. 148 heading omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F170** Word in art. 148 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F171** Art. 148(2) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F172** Word in art. 148(3)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F173** Word in art. 148(3)(b) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(c)(ii)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F174** Words in art. 148(3)(b) inserted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(c)(ii)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F175** Word in art. 148(3)(b) inserted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(c)(ii)(cc)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F176** Art. 148(3)(c) inserted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 40(c)(iii)** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**Requirement for appropriate licence to act as member of flight crew of EASA aircraft and specified non-EASA aircraft registered elsewhere than in the United Kingdom**

<sup>F177</sup>**149.** . . . . .

**F177** Art. 149 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 41** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**Deeming a non-United Kingdom flight crew licence and any Part-FCL licence valid for [<sup>F178</sup>non-Part-21] aircraft registered in the United Kingdom and deeming a non-United Kingdom radiotelephony licence valid for any aircraft**

**150.**—(1) Subject to paragraph (2), this article applies to any licence which authorises the holder to act as a member of the flight crew of an aircraft and is—

- (a) granted under the law of a Contracting State other than the United Kingdom <sup>F179</sup>....;
- (b) granted under the law of a relevant overseas territory; or
- (c) a Part-FCL licence.

(2) This article does not apply to such a licence if it authorises the holder to act as a student pilot only.

(3) Subject to paragraph (6), for the purposes of this Part, a licence to which this article applies is, unless the CAA gives a direction to the contrary, deemed to be a licence rendered valid under this Order in respect of a [<sup>F180</sup>non-Part-21] aircraft registered in the United Kingdom.

(4) Subject to paragraph (5), the privileges of a licence deemed valid under paragraph (3) are restricted so that it does not entitle the holder to act as a member of the flight crew of any aircraft flying for the purpose of public transport or commercial air transport.

(5) The restriction in paragraph (4) does not apply to a Part-FCL licence.

(6) A Part-FCL licence with single-engine piston aeroplane privileges is not deemed to be rendered valid for a microlight aeroplane unless the holder of the licence has undergone differences training in accordance with Chapter 2 of Part 2 of Schedule 8, appropriate for a microlight aeroplane class rating.

(7) A Part-FCL licence which—

- (a) authorises the holder to exercise the privileges of a Part-FCL light aircraft pilot licence or a Part-FCL private pilot licence; and
- (b) is valid in all respects save that the holder does not hold a medical certificate,

is deemed to be a licence rendered valid [<sup>F181</sup>under this Order if] the requirements of paragraph (8) are satisfied.

(8) The requirements are that the holder—

- (a) has made a medical declaration in accordance with article 163(3); and
- (b) complies with the conditions in article 163(5).

(9) The holder of a Part-FCL licence deemed to be rendered valid under paragraph (7) may only exercise the privileges of an equivalent private pilot licence granted under article 152.

- F178** Word in art. 150 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 42(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F179** Words in art. 150(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 42(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F180** Word in art. 150(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 42(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F181** Words in art. 150(7) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **30**

### Permission required where pilot's licence does not meet relevant minimum standards

**151.**—(1) This article applies to any pilot's licence <sup>F182</sup>..., endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention.

(2) The holder of such a licence, which has been granted or rendered valid under this Order, must 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 a permission granted by the competent authority of that State.

(3) The holder of a pilot's licence, which has been granted or rendered valid under the law of a Contracting State other than the United Kingdom, must not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with a permission granted by the CAA, whether or not the licence is rendered valid under this Order.

- F182** Words in art. 151(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 43** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER 2

### Flight crew licensing – grant of licence and maintenance of privileges

#### Grant, renewal and privileges of United Kingdom flight crew licences

**152.**—(1) Subject to article 172, the CAA or a person approved by the CAA for that purpose must grant licences of any of the classes specified in Part 1 of Schedule 8, authorising the holder to act as a member of the flight crew of a [<sup>F183</sup>non-Part-21] aircraft registered in the United Kingdom, if it is satisfied that the applicant is—

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

(2) For the purposes of paragraph (1) the applicant must supply such evidence and undergo such assessments, examinations and tests (including in particular medical assessments and examinations) and undertake such courses of training as the CAA or a person approved by the CAA for that purpose may require.

(3) A licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil.

(4) Subject to article 253—

- (a) a licence granted under this article remains in force for the period indicated in the licence, not exceeding the period specified for a licence of that class in Part 1 of Schedule 8;
  - (b) if no period is indicated in the licence, it remains in force for the lifetime of the holder.
- (5) A licence granted under this article may be renewed by the CAA or a person approved by the CAA for that purpose on being satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).
- (6) A licence granted under this article must not be granted to any person who is under the minimum age specified for that class of licence in Part 1 of Schedule 8.
- (7) Nothing in this Order obliges the CAA or a person approved by the CAA for that purpose to accept an application for the issue of a National Private Pilot's Licence when the application is not supported by such reports from such persons approved under article 268 as the CAA or a person approved by the CAA for that purpose may specify, either generally or in a particular case or class of cases.
- (8) Subject to any conditions of the licence including those specified in Part 1 of Schedule 8, the other provisions of this Part and article 253, a licence of any class entitles the holder to exercise the privileges specified for that licence in Chapter 2 of Part 1 of that Schedule under the heading "Privileges" or Chapter 3 of Part 1 of that Schedule under the heading "Privileges and conditions" on a [<sup>F184</sup>non-Part-21] aircraft.
- (9) The CAA or a person approved by the CAA for that purpose may grant a licence subject to such conditions it deems appropriate.

- F183** Word in [art. 152\(1\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 44](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F184** Word in [art. 152\(8\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 44](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## Ratings and certificates

**153.**—(1) The CAA may include—

- (a) in any United Kingdom licence any rating or certificate specified in Chapter 1 or 2 of Part 2 of Schedule 8;
  - (b) in any National Private Pilot's Licence (Aeroplanes) any rating or certificate specified in Chapter 2 of Part 2 of Schedule 8;
  - (c) in any National Private Pilot's Licence (Helicopters) any rating specified in Chapter 3 of Part 2 of Schedule 8.
- (2) The CAA must include a rating or certificate if it is satisfied that the applicant is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the rating or certificate relates.
- (3) A rating or certificate is deemed to form part of the licence.
- (4) A rating or certificate of any class entitles the holder of the licence in which the rating or certificate is included to exercise the privileges specified for that rating or certificate in Part 2 of Schedule 8 on a [<sup>F185</sup>non-Part-21] aircraft.
- (5) The CAA may grant a rating or certificate subject to such conditions as it deems appropriate.

**F185** Word in [art. 153\(4\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 45](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **Maintenance of privileges of aircraft ratings specified in Chapter 1 of Part 2 of Schedule 8 in United Kingdom pilot licences for balloons, airships and gyroplanes**

**154.**—(1) This article applies to United Kingdom airship, balloon and gyroplane licences.

(2) Subject to paragraphs (3), the holder of such a pilot licence is not entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating;
- (b) the certificate is appropriate to the functions to be performed on that flight in accordance with Chapter 1 of Part 3 of Schedule 8; and
- (c) the certificate is issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

(3) The holder of a United Kingdom Private Pilot's Licence (Balloons and Airships) is entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight if the licence does not have a certificate referred to in paragraph (2).

### **Maintenance of privileges of aircraft ratings specified in Chapter 1 of Part 2 of Schedule 8 in United Kingdom aeroplane and helicopter licences**

**155.**—(1) This article applies to United Kingdom aeroplane and helicopter licences.

(2) The holder of a licence to which this article applies is not entitled to exercise the privileges of an aircraft rating specified in Chapter 1 of Part 2 of Schedule 8 which is included in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating;
- (b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8;
- (c) the holder—
  - (i) has undertaken the differences training specified in paragraph FCL 710 of Part-FCL; or
  - (ii) is the holder of a licence with single-engine piston aeroplane privileges who wishes to exercise such privileges on a microlight aeroplane and has undergone differences training in accordance with Chapter 2 of Part 2 of Schedule 8, appropriate for a microlight aeroplane class rating; and
- (d) detailed information about that differences training is entered in the holder's personal flying log.

### **Maintenance of privileges of other certificates and ratings specified in Chapter 1 of Part 2 of Schedule 8**

**156.**—(1) The holder of a United Kingdom licence is not entitled to exercise the privileges of a certificate or rating specified in paragraph (2) unless—

- (a) the licence in which the certificate or rating is included has a certificate of revalidation; and
- (b) the certificate of revalidation is appropriate, issued and valid in accordance with Chapter 1 or 2 of Part 3 of Schedule 8.

- (2) The certificates and ratings referred to in paragraph (1) are—
- (a) an instrument meteorological conditions rating (aeroplanes);
  - (b) an instrument rating (aeroplane);
  - (c) an instrument rating (helicopter); and
  - (d) any instructor certificate.

### **Maintenance of privileges of certificates and ratings specified in Chapters 2 and 3 of Part 2 of Schedule 8**

**157.** The holder of a United Kingdom licence or a National Private Pilot's Licence is not entitled to exercise the privileges of any certificate or rating specified in Chapter 2 or 3 of Part 2 of Schedule 8 which is included in the licence unless—

- (a) the licence includes a certificate of revalidation for the certificate or rating; and
- (b) the certificate of revalidation is appropriate, issued and valid in accordance with Chapter 2 of Part 3 of Schedule 8.

### **Maintenance of privileges of Flight Engineers' Licences**

**158.** The holder of a United Kingdom Flight Engineer's Licence is not entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating; and
- (b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

### **Maintenance of privileges of Flight Navigators' Licences**

**159.** The holder of a United Kingdom Flight Navigator's Licence is not entitled to exercise the privileges of the licence on a flight to which article 111 applies unless—

- (a) the licence has a certificate of revalidation; and
- (b) the certificate is appropriate, issued and valid in accordance with Chapter 1 of Part 3 of Schedule 8.

## **CHAPTER 3**

### **Medical certificates**

#### **Requirement for a medical certificate for a United Kingdom licence**

**160.—**(1) This article applies to any licence granted under article 152.

(2) Subject to article 163, the holder of a licence to which this article applies is not entitled to perform any of the functions to which the licence relates unless—

- (a) the licence includes a valid medical certificate issued under article 161; or
- (b) the holder of the licence has a valid medical certificate issued under Part-MED that is not a Light Aircraft Pilot Licence medical certificate.

#### **Issue and validity of a medical certificate for a United Kingdom licence**

**161.—**(1) The CAA may approve a person to carry out a medical assessment or examination for the purposes of this article and to issue a medical certificate in accordance with paragraph (6).

(2) An approval may be granted generally or in a particular case or class of cases.

(3) Every applicant for, or holder of, a licence under article 152 must, whenever the CAA requires, submit to a medical assessment or examination by a person approved by the CAA.

(4) The approved person must make a report of the assessment or examination to the CAA in such form as the CAA may require.

(5) On the basis of such medical assessment or examination, the approved person must assess whether the applicant for or holder of the licence meets the requirements specified by the CAA.

(6) If the approved person assesses the applicant for or holder of the licence as meeting the requirements specified by the CAA, the approved person must issue a certificate to that effect.

(7) Subject to articles 166(3) and 253, a medical certificate is valid for the period specified in the certificate.

(8) A medical certificate forms part of the licence.

#### **Requirement for a Part MED medical certificate for a Part-FCL licence**

<sup>F186</sup>**162.** The holder of a Part-FCL licence is not entitled to exercise any of the privileges of the licence unless the holder—

- (a) has a valid medical certificate in accordance with point MED.A.030 of Part-MED, or
- (b) has made a medical declaration in accordance with article 163(3) and complies with the conditions in article 163(5).]

**F186** Art. 162 substituted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), 6

#### **Medical requirements for specified United Kingdom licences and National Private Pilot's Licences**

**163.**—(1) In this article, a specified licence means—

- (a) a National Private Pilot's Licence or United Kingdom Private Pilot's Licence; or
- (b) a United Kingdom Commercial Pilot's Licence (Balloons) that is restricted to commercial operation and to the privileges of a United Kingdom Private Pilot's Licence (Balloons and Airships).

(2) Subject to paragraph (7), the holder of a specified licence, or of a licence which includes the privileges of a specified licence, may exercise any of the privileges of the specified licence if the holder has—

- (a) a valid medical certificate issued under article 161;
- (b) a medical certificate granted under Section 2 of Subpart A of Part-MED, including one which is valid for a Light Aircraft Pilot Licence issued under Part-FCL; or
- (c) made a medical declaration in accordance with paragraph (3) which has not ceased to be valid in accordance with paragraph (4) and the holder complies with the conditions in paragraph (5).

(3) The holder of a licence makes a medical declaration in accordance with this article if they—

- (a) reasonably believe that they—
  - (i) meet the medical requirements for a Group 1 Licence issued by the Driver and Vehicle Licensing Agency; and
  - (ii) are not subject to a disqualifying medical condition.



- (b) make a declaration to that effect to the CAA in such form and in such manner as may be required or specified by the CAA; and
  - (c) in the case of a licence holder aged 70 years or more, have made such a declaration within the previous three years.
- (4) A declaration made in accordance with paragraph (3)—
- (a) ceases to be valid if it is withdrawn;
  - (b) must be withdrawn by the holder if they no longer reasonably believe that they satisfy the requirements of paragraph (3);
  - (c) may be withdrawn by the CAA if it has reason to believe that the holder—
    - (i) no longer meets the medical requirements in paragraph (3)(a)(i); or
    - (ii) is subject to a disqualifying medical condition.
- (5) The holder of a licence who does not have a medical certificate and relies on satisfying the requirements of paragraph (3) may only exercise the privileges of the licence—
- (a) in an aircraft with a maximum take-off mass of 5,700kg or less;
  - (b) with not more than three passengers on board;
  - (c) by day or when exercising the privileges of a night rating;
  - (d) in visual meteorological conditions or when exercising the privileges of an instrument meteorological conditions rating; and
  - (e) within the United Kingdom unless the holder has the permission of the competent authority for the airspace in which the aircraft is being flown.
- (6) For the purposes of this article, “disqualifying medical condition” means any physical or mental condition or illness, or any history of such a condition or illness, including—
- (a) any alcohol or drug abuse, addiction or misuse;
  - (b) any neurological condition;
  - (c) any functional disability;
  - (d) any surgery or medical treatment;
  - (e) any collapse, fainting or loss of consciousness;
  - (f) any history of (a) to (e); or
  - (g) such other medical conditions as the CAA may specify,
- that might impair the safe operation of normal flight controls or render the licence holder unfit at any time to perform any function for which the licence is granted.
- (7) The holder of a specified licence wishing to exercise night rating privileges must additionally meet the colour vision requirements of MED.B.075 of Part-MED in order to be so entitled.

#### **Issue of Light Aircraft Pilot Licence medical certificates**

**164.**—(1) For the purposes of MED.D.035(a)(2) of Part-MED, the requirements for a general medical practitioner to act as an authorised aeromedical examiner in relation to the issue, revalidation or renewal of Light Aircraft Pilot Licence medical certificates in accordance with Part-MED are those set out in paragraph (2).

- (2) The requirements referred to in paragraph (1) are that the general medical practitioner must—
- (a) be in general practice or be a Medical Officer of Her Majesty's naval, military or air forces who is included in the General Practitioner Register maintained by the General Medical Council;



- (b) hold a valid licence to practise medicine from the General Medical Council; and
  - (c) have access to and be able to consult the medical records of the applicant.
- (3) A general medical practitioner who issues a Light Aircraft Pilot Licence medical certificate must, in relation to that certificate, keep for a period of 10 years after the expiry of the certificate—
- (a) the signed and completed Light Aircraft Pilot Licence medical application form;
  - (b) a copy of the completed assessment or examination forms; and
  - (c) a copy of the medical certificate.

### **Occupational health medical practitioners**

**165.** For the purposes of paragraph MED.D.040(b) of Part-MED an “occupational health medical practitioner” is any doctor listed in the Specialist Register of the General Medical Council as having specialist registration in occupational medicine.

### **Licence holder not to act as member of flight crew when unfit**

**166.**—(1) Subject to paragraph (6), a person [<sup>F187</sup>(P)] must not act as a member of the flight crew of an aircraft registered in the United Kingdom if [<sup>F188</sup>P knows or suspects P’s] physical or mental condition [<sup>F189</sup>renders P] temporarily or permanently unfit to perform such functions or to act in such capacity, including unfitness by reason of—

- (a) injury or sickness;
  - (b) taking or using any prescribed or non-prescribed medication which is likely to interfere with the ability to perform such functions;
  - (c) receipt of any medical, surgical or other treatment that is likely to interfere with the ability to perform such functions;
  - (d) the effects of any psychoactive substance; or
  - (e) fatigue.
- (2) Every holder of a medical certificate issued under article 161 <sup>F190</sup>... who—
- (a) suffers any personal injury involving incapacity to undertake the holder's functions as a member of the flight crew;
  - (b) suffers any significant 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,

must inform an aeromedical examiner authorised by the CAA 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.

(3) The medical certificate <sup>F191</sup>... is suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy.

- (4) In the case of injury or illness the suspension ceases upon—
- (a) the holder being medically assessed under arrangements made by the CAA and pronounced fit to resume the holder's functions as a member of the flight crew; or
  - (b) the CAA exempting, subject to such conditions it deems appropriate, the holder from the requirement of a medical assessment.
- (5) In the case of pregnancy, the suspension—

- (a) may be lifted by the CAA or an aeromedical examiner authorised by the CAA for such period and subject to such conditions as the CAA or the aeromedical examiner thinks fit; and
  - (b) ceases upon the holder being medically assessed 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.
- (6) Paragraph (1) does not apply to the holder of a Part-FCL licence when the holder is exercising the privileges of the licence in <sup>F192</sup>a Part-21] aircraft.

- F187** Word in art. 166(1) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **31(a)(i)**
- F188** Words in art. 166(1) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **31(a)(ii)**
- F189** Words in art. 166(1) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **31(a)(iii)**
- F190** Words in art. 166(2) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **31(b)**
- F191** Words in art. 166(3) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **31(c)**
- F192** Words in art. 166(6) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 46** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER 4

### Flight crew licensing – general provisions

#### Person not to fly after failing test

**167.** The holder of a licence who, on the last occasion when the holder took a test for the purposes of articles 154, 155, 156, 157, 158 or 159 failed that test, is not entitled to fly in the capacity for which that test would have qualified the holder had it been passed.

#### Approval of training and testing

- 168.** The CAA may, for the purposes of articles 36 and 187, and <sup>F193</sup>Chapter 2 of this Part]—
- (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.

- F193** Words in art. 168 substituted (5.12.2018) by [The Air Navigation \(Amendment\) \(No. 2\) Order 2018](#) (S.I. 2018/1160), arts. 1, **5**

#### Validation of licences

**169.** <sup>F194</sup>... 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 that of the United Kingdom.

**F194** Words in [art. 169](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 47](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Instruction in flying

**170.**—(1) 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 under this Order or Part-FCL; or
  - (b) the inclusion, variation, renewal or revalidation of any rating, certificate or qualification in a pilot's licence under this Order or Part-FCL.
- (2) A person must not give any instruction in flying to which this article applies unless—
- (a) they hold a licence, granted or rendered valid under this Order or a Part-FCL licence, entitling them 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) the licence includes an instructor's rating or certificate entitling the holder to give the instruction.

### Glider pilots – minimum age

**171.** A person under 14 years of age must not act as pilot in command of a [<sup>F195</sup>non-Part-21] glider.

**F195** Word in [art. 171](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 48](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Licences and ratings no longer to be granted

**172.** The CAA must not grant—

- (a) a United Kingdom Commercial Pilot's Licence (Helicopters and Gyroplanes); or
- (b) a United Kingdom Airline Transport Pilot's Licence (Helicopters and Gyroplanes),

to any person who was not on 31st December 2002 the holder of such a licence.

### Status of licences issued by the CAA

**173.**—(1) This article applies to pilot licences issued by the CAA prior to 17th September 2012 that were not entitled to be mutually recognised by the JAA Full Member States in accordance with JAR-FCL 1 or JAR-FCL 2.

(2) The following have effect—

- (a) any United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) that includes a restriction specified in paragraph (3) is deemed to be a United Kingdom Private Pilot's Licence (Aeroplanes);
- (b) any United Kingdom Basic Commercial Pilot's Licence (Aeroplanes), other than a licence referred to in sub-paragraph (a), is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes);

- (c) any JAA Commercial Pilot Licence (Aeroplane) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes);
  - (d) any JAA Airline Transport Pilot Licence (Aeroplane) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Airline Transport Pilot's Licence (Aeroplanes); and
  - (e) any JAA Commercial Pilot Licence (Helicopter) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Commercial Pilot's Licence (Helicopters).
- (3) A restriction referred to in paragraph (2)(a) is a restriction that the holder must not fly as pilot in command or co-pilot for the purposes of public transport or commercial operation, apart from commercial operation for—
- (a) the giving of instruction in flying;
  - (b) the conducting of flying examinations for the purpose of this Order;
  - (c) the towing of a glider in flight;
  - (d) the giving of flying displays; or
  - (e) parachute dropping.

## CHAPTER 5

### Fatigue of crew and protection of crew from cosmic radiation

#### **Application and interpretation of this Chapter**

**174.**—(1) Subject to paragraphs (2) and (4), articles 175 and 176 apply to an aircraft registered in the United Kingdom which is—

- (a) flying on a public transport flight;
- (b) operated by the holder of a national air operator's certificate;
- (c) a helicopter flying on a commercial air transport operation; or
- (d) an aeroplane with a flight crew of one pilot flying for the purpose of commercial air transport.

(2) [<sup>F196</sup>Article 176(1)] also applies to an aircraft registered in the United Kingdom which is flying on—

- (a) a non-commercial flight; and
- (b) a commercial operations flight.

(3) In this Chapter—

“day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time;

“flight time” means all time spent by a person as a member of the crew while it is in flight in—

- (a) a civil aircraft, whether or not registered in the United Kingdom, which is flying for the purpose of—
  - (i) commercial air transport;
  - (ii) public transport
  - (iii) commercial operation; or
  - (iv) a flight subject to Part-NCC; or
- (b) a military aircraft.

(4) For the purposes of this Chapter, a helicopter is 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.

**F196** Words in art. 174(2) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 32

### **Fatigue of crew – operator's responsibilities**

**175.**—(1) The operator of an aircraft to which this article applies must not cause or permit that aircraft to make a flight unless—

- (a) the operator has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the CAA;
- (c) either—
  - (i) the scheme is incorporated in the operations manual required by article 116; or
  - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in the aircraft as a member of its crew; and
- (d) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with by every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies must not cause or permit any person to fly as a member of its crew who the operator knows or has reason to believe is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies must not cause or permit any person to fly in the aircraft as a member of its flight crew unless the operator possesses an accurate and up-to-date record for that person and for the 28 days immediately preceding the flight showing—

- (a) all flight times<sup>[F197]</sup>, duty periods and rest periods]; and
- (b) brief details of the nature of the functions performed in the course of those flight times.

(4) Subject to article 238, the record referred to in paragraph (3) must be preserved by the operator of the aircraft for at least 12 months after the flight referred to in that paragraph.

**F197** Words in art. 175(3)(a) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 33

### **Fatigue of crew – responsibilities of crew**

**176.**—(1) A person <sup>[F198]</sup>(P) must not act as a member of the crew of an aircraft to which this article applies if <sup>[F199]</sup>P knows or suspects P is] suffering from or, having regard to the circumstances of the flight to be undertaken, <sup>[F200]</sup>is likely] to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person must not act as a member of the flight crew of an aircraft to which this article applies without first ensuring that the operator of the aircraft is aware of their flight times during the period of 28 days preceding the flight.

- F198** Word in [art. 176\(1\)](#) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **34(a)**
- F199** Words in [art. 176\(1\)](#) substituted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **34(b)**
- F200** Words in [art. 176\(1\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **34(c)**

### Flight times – responsibilities of flight crew

**177.**—(1) Subject to paragraphs (2) and (3), a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if, at the beginning of the flight, the aggregate of all that person's previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article does not apply to non-commercial flights except for flights subject to Part-NCC.

(3) A person may act as a member of the flight crew on a private or commercial operation flight where the operator does not hold a national air operator's certificate if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since last being medically examined and found fit by a person approved by the CAA for the purpose of article 161(3) is not more than 25 hours.

### Protection of air crew from cosmic radiation

<sup>F201</sup>**178.** . . . . .

- F201** [Art. 178](#) revoked (7.8.2019) by [The Air Navigation \(Cosmic Radiation Protection of Air Crew and Space Crew and Consequential Amendments\) Order 2019 \(S.I. 2019/1115\)](#), arts. 1, **28(1)(a)** (with art. 3)

### Fatigue of crew – responsibilities of <sup>F202</sup>... Part-CAT operators

**179.**—(1) This article applies to an operator of <sup>F203</sup>... a Part-CAT aeroplane which—

- (a) is registered in the United Kingdom; and
- (b) has a flight crew of at least two pilots.

(2) An operator to which this article applies must not cause or permit an aircraft to fly for the purpose of commercial air transport unless—

- (a) the scheme for the regulation of flight times required under [<sup>F204</sup>Subpart Q of Annex III to the Technical Harmonisation Regulation] or Part-CAT has been approved by the CAA; and
- (b) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aeroplane as a member of its crew.

- F202** Words in [art. 179](#) heading omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 49(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F203** Words in art. 179(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 49(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F204** Words in art. 179(2)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 49(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## PART 7

### Air traffic services

#### CHAPTER 1

##### Air traffic services

#### Requirement for an air traffic control approval

**180.**—(1) Subject to paragraph (3), a person in charge of the provision of an air traffic control service must not provide such a service for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services unless that person has been given and complies with the terms of an air traffic control approval granted by the CAA.

(2) The CAA must grant an air traffic control approval if it is satisfied that the applicant is competent to provide a service which is safe for use by aircraft, having regard to the applicant's organisation, staffing, equipment, maintenance and other arrangements.

(3) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.

#### Duty of person in charge to be satisfied as to competence of controllers

**181.** The holder of an approval granted under article 180 must not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

- (a) that person holds an appropriate licence; and
- (b) the approval holder is satisfied that the person is competent to perform the duties of an air traffic controller or a student air traffic controller.

#### Manual of air traffic services

**182.**—(1) Subject to paragraph (2), a person must not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services for that place;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions are made to the manual as the CAA may from time to time require.

(2) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.

### Provision of air traffic services

**183.** In the case of an aerodrome (other than a Government aerodrome) for which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome must—

- (a) inform the CAA in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by that person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

### Making of an air traffic direction in the interests of safety

**184.**—(1) The CAA may, in the interests of safety, direct the person in charge of an aerodrome that there must be provided for that aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(2) The CAA may, in the interests of safety, direct the holder of a licence to provide air traffic services granted under Part I of the Transport Act 2000 <sup>M9</sup> that there must be provided, for airspace specified in paragraph (3), such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(3) The airspace referred to in paragraph (2) is United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services, otherwise than in respect of an aerodrome.

(4) The CAA may specify in the direction the periods during which, the times at which, the manner in which and the airspace within which such service or such means must be provided.

(5) The person who has been directed must cause such a service or means to be provided in accordance with the direction.

(6) The CAA may, pending inquiry into or consideration of the case, make a provisional air traffic direction.

(7) A provisional air traffic direction—

- (a) may contain any of the requirements which may be included in an air traffic direction made in accordance with paragraph (1) or (2);
- (b) has effect as though it were an air traffic direction made in accordance with paragraph (1) or (2).

#### Marginal Citations

**M9** 2000 c.38.

### Making of a direction for airspace policy purposes

**185.**—(1) After consultation with the Secretary of State the CAA may direct any person in charge of the provision of air traffic services to provide air traffic services for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air traffic services.

(2) A direction under paragraph (1) may be made—

- (a) in the interests of ensuring the efficient use of airspace; or



- (b) to require that air traffic services are provided to a standard considered appropriate by the CAA for the airspace classification.
- (3) The CAA may specify in a direction under paragraph (1)—
  - (a) the air traffic services and the standard to which they are to be provided; and
  - (b) the periods during which, the times at which, the manner in which, and the airspace within which such services must be provided.
- (4) The person who has been directed must cause such a service to be provided in accordance with the direction.

### **Use of radio call signs at aerodromes**

**186.** The person in charge of an aerodrome provided with means of two-way radio communication must not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

### **Approval of instrument flight procedures**

- 187.**—(1) An instrument flight procedure within the United Kingdom must not be notified unless that procedure has been designed or approved by the CAA.
- (2) The CAA must not notify or approve an instrument flight procedure unless it is satisfied that the procedure is safe for use by aircraft.
- (3) Subject to paragraph (5), the CAA may approve an instrument flight procedure where an application for approval of the procedure has been made.
- (4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the CAA may require.
- (5) The CAA is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under paragraph (6).
- (6) The CAA must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if it is satisfied that the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.
- (7) The applicant for an approval under paragraph (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

## **CHAPTER 2**

### **Licensing of air traffic controllers**

#### **Prohibition of unlicensed student air traffic controllers and air traffic controllers**

**188.**—<sup>F205</sup>(1) .....

(2) A person must not provide air traffic control services in the North Atlantic Shanwick Oceanic Control Area unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4) which contains—

- (a) an Area Control Surveillance Rating and an Oceanic Control endorsement; or
- (b) an Area Control Procedural Rating and an Oceanic Control endorsement.

<sup>F206</sup>(3) .....

(4) A student air traffic controller licence or air traffic controller licence [<sup>F207</sup>referred to in paragraph (2)] is a licence issued under the [<sup>F208</sup>Air Traffic Controller Licensing Regulation by the CAA].

- F205** Art. 188(1) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **35(a)**
- F206** Art. 188(3) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **35(a)**
- F207** Words in art. 188(4) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **35(b)**
- F208** Words in art. 188(4) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 50** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

#### Period for which a student air traffic controller licence remains in force

<sup>F209</sup>**189.** . . . . .

- F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

#### Inclusion of national endorsements

<sup>F209</sup>**190.** . . . . .

- F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

#### Fatigue of air traffic controllers

<sup>F209</sup>**191.** . . . . .

- F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

#### Acting under the influence of psychoactive substances or medicines

<sup>F209</sup>**192.** . . . . .

- F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

#### Failing exams, assessments or tests

<sup>F209</sup>**193.** . . . . .

- F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

## Use and approval of simulators

<sup>F209</sup>**194.** . . . . .

**F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

## Approval of courses, persons and simulators

<sup>F209</sup>**195.** . . . . .

**F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

## Certification of training organisations

<sup>F209</sup>**196.** . . . . .

**F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

## Certified training organisation: production of records

<sup>F209</sup>**197.** . . . . .

**F209** Arts. 189-197 omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **36**

## Meaning of terms used in this Chapter

**198.** Terms used in this [<sup>F210</sup>Chapter] have the same meaning as equivalent terms used in the <sup>F211</sup>... Air Traffic Controller Licensing Regulation.

**F210** Word in art. 198 substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **37**

**F211** Word in art. 198 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 51** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER 3

### Flight information services and licensing of flight information service officers

## Prohibition of unlicensed flight information service officers

**199.**—(1) A person must not act as a flight information service officer at any aerodrome or area control centre or hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may so act unless—

- (a) they hold and comply with the terms of a flight information service officer's licence granted under this Order authorising the holder to act as such an officer at that aerodrome or area control centre; and
  - (b) they have identified themselves in such a manner as may be notified.
- (2) In this Chapter, “acting as a flight information service officer” means giving a flight information service.

### **Licensing of flight information service officers**

**200.**—(1) The CAA must grant a flight information service officer licence to any person aged 18 years or more if it is satisfied that the applicant—

- (a) is a fit person to hold the licence; and
  - (b) is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates.
- (2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.
- (3) The licence may be issued subject to such conditions as the CAA thinks fit.
- (4) A licence to act as a flight information service officer—
- (a) may be renewed by the CAA from time to time, when it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1);
  - (b) remains in force, subject to article 253, for the period indicated in the licence or if no period is indicated, for the lifetime of the holder.
- (5) A flight information service officer's licence does not authorise the giving of a flight information service at an aerodrome or area control centre unless—
- (a) that aerodrome or area control centre has been specified in the licence by a person authorised by the CAA for the purpose; and
  - (b) the licence has been validated for that aerodrome or area control centre by a person authorised for the purpose by the CAA.
- (6) If, throughout any period of 90 days, the holder of the licence has not at any time given such a service at a particular aerodrome or area control centre, the licence ceases to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated for that aerodrome or area control centre by a person authorised by the CAA for the purpose.
- (7) A licence to act as a flight information service officer is not valid unless it has been signed by the holder in ink or indelible pencil.
- (8) Every holder of a flight information service officer's licence must, on such occasions as the CAA may require, submit to such examinations and tests and supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

### **Flight information service manual**

**201.**—(1) Subject to paragraph (2), a person must not provide a flight information service at any aerodrome or area control centre unless—

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual for that aerodrome or area control centre;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and

- (c) such amendments or additions have been made to the manual as the CAA may from time to time require.
- (2) Paragraph (1) does not apply to any person who is required to be certified under Article 7 of the Service Provision Regulation.

## CHAPTER 4

### Certificate of competence to operate an aeronautical radio station

#### **Prohibition of unauthorised operation of an aeronautical radio station**

**202.**—(1) Subject to paragraph (3), a person must not operate an aeronautical radio station for any purposes specified in paragraph (4), or hold themselves out, whether by use of a radio call sign or in any other way, as one who may do so unless that person—

- (a) held on 9th August 2012 an Air Ground Communication Service Radio Operator's Certificate of Competence or an Offshore Communication Service Radio Operator's Certificate of Competence issued by the CAA; or
- (b) holds and complies with the terms of an aeronautical radio station operator certificate of competence granted under article 203 authorising the holder to provide such a service.

(2) In this article, “operate an aeronautical radio station” means activate or alter any of the external controls of any of the apparatus comprised in the station or transmit or receive messages.

(3) Nothing in this article prevents a person operating an aeronautical radio station for the purpose of avoiding immediate danger.

(4) The purposes specified for the purpose of paragraph (1) are to provide—

- (a) an air/ground communications service;
- (b) a service to give information to pilots of aircraft flying to or from offshore installations and to other aircraft operating in the vicinity of these aircraft; or
- (c) a service to give information to pilots of aircraft flying for the purpose of the dropping of persons by parachute and to persons who have been dropped by parachute.

#### **Aeronautical radio station operator certificate of competence**

**203.**—(1) The CAA must grant an aeronautical radio station certificate of competence if it is satisfied that the applicant—

- (a) is at least 18 years of age; and
- (b) is qualified by having the knowledge, experience and skill to act in the capacity to which the certificate of competence relates.

(2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

(3) An aeronautical radio station certificate of competence—

- (a) remains in force, subject to article 253, for the period indicated in the certificate or if no period is indicated, for the lifetime of the holder; and
- (b) may be renewed by the CAA from time to time, if it is satisfied that the applicant is qualified in accordance with paragraph (1).

(4) An aeronautical radio station operator certificate of competence does not authorise the holder to provide a service at an aerodrome unless the certificate has been endorsed by the person in charge of the aeronautical radio station at the aerodrome in accordance with paragraph (5).

(5) An endorsement is in accordance with this paragraph if it certifies that the person in charge of the aeronautical radio station at the aerodrome is satisfied that the holder of the certificate is familiar with the terms and conditions of the wireless telegraphy licence issued under the Wireless Telegraphy Act 2006 for the aeronautical radio station and has been informed of any relevant operational information concerning the types of equipment and operating procedures for the station.

(6) Every holder of an aeronautical radio station operator certificate of competence must, on such occasions as the CAA may require, submit to such examinations and tests, supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

(7) Nothing in this Order obliges the CAA to accept an application for the issue, variation or renewal of an aeronautical radio station operator certificate of competence if the application is not supported by such reports from such persons approved under article 268 as the CAA may specify, either generally or in a particular case or class of cases.

### **Approval of courses, persons, examinations and simulators**

**204.** Without prejudice to any other provision of this Order the CAA may, for the purposes of this Chapter, approve—

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

## **CHAPTER 5**

### **Air traffic service equipment**

#### **Air traffic service equipment**

**205.**—(1) A person must not cause or permit any air traffic service equipment to be established or used in the United Kingdom otherwise than under and in accordance with an approval granted by the CAA to the person in charge of the equipment.

(2) An approval must be granted under paragraph (1) if the CAA is satisfied—

- (a) as to the intended purpose of the equipment;
- (b) that the equipment is fit for its intended purpose; and
- (c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a public use licence has been granted or at [F212a] certified aerodrome must cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may include such other conditions as the CAA thinks fit including—

- (a) a condition requiring the person in charge of the equipment to use a person approved by the CAA under paragraph (6) for the provision of particular services in connection with the equipment; and
- (b) a condition requiring that the equipment be flight checked by such an approved person.

(6) The CAA may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted for one or more persons or generally.

(8) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

**F212** Word in [art. 205\(3\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, [Sch. 1 para. 52](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Air traffic service equipment records

**206.**—(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

- (a) keep records for such equipment or apparatus in accordance with Part 1 of Schedule 11; and
- (b) preserve such records for one year or such longer period as the CAA may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit must provide recording apparatus in accordance with paragraph (4).

(3) The CAA may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

- (a) when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; and
- (b) in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

- (a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;
- (b) ensure that each record made by the apparatus complies with Part 2 of Schedule 11;
- (c) not cause or permit that apparatus to be used unless it is approved by the CAA; and
- (d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the CAA may have regard to the matters specified in Part 3 of Schedule 11.

(7) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the CAA may have had regard under paragraph (6); and
- (b) for one or more persons or generally.

(8) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus must ensure that, so far as practicable—

- (a) a record is kept which complies with Part 2 of Schedule 11; and
- (b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft are recorded.

(9) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(10) The person in charge of any air traffic service equipment must preserve any record made in compliance with paragraph (5) or (8) for 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the CAA may in a particular case direct.

(11) A person required by this article to preserve any record by reason of being the person in charge of the air traffic service equipment is in this article called “the first person in charge”.

(12) If the first person in charge ceases to be in charge of the air traffic service equipment, they must continue to preserve the record until paragraph (14) is complied with.

(13) In the event of the death of the first person in charge, the duty to preserve the record falls on their personal representative.

(14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or their personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.

(15) The person in charge of any air traffic service equipment must within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

(16) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

## PART 8

### [<sup>F213</sup> Aerodromes, lighting and en-route obstacles]

**F213** Pt. 8 heading substituted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), 7

## CHAPTER 1

### Aerodromes, aeronautical lights and dangerous lights

#### **Requirement to use national licensed, <sup>F214</sup>... certified or Government aerodrome**

**207.**—(1) This article applies to any aircraft flying on a flight specified in article 208.

(2) An aircraft to which this article applies must not take off or land at a place in the United Kingdom other than—

- (a) a national licensed aerodrome which is licensed for the take-off and landing of such aircraft;



- (b) [<sup>F215</sup>a] certified aerodrome which may under its certificate be used for the take-off and landing of such aircraft;
- (c) a Government aerodrome notified as available for the take-off and landing of such aircraft; or
- (d) a Government aerodrome where the person in charge of the aerodrome has given permission for the particular aircraft to take off or land.

(3) When taking off or landing at an aerodrome specified in paragraph (2), an aircraft to which this article applies must do so in accordance with any conditions subject to which the aerodrome may have been certified, licensed or notified, or subject to which such permission may have been given.

**F214** Word in [art. 207](#) heading omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 53\(a\)](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F215** Word in [art. 207\(2\)\(b\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 53\(b\)](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Flights which must use licensed or Government aerodrome

**208.**—(1) Subject to paragraph (6), article 207 applies to any aeroplane which has a maximum take-off mass of more than 5,700kg flying on a flight—

- (a) for the purpose of the commercial air transport of passengers or the public transport of passengers;
- (b) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
- (c) for the purpose of carrying out flying examinations for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence.

(2) Subject to paragraph (6), article 207 applies to any aeroplane which has a maximum take-off mass of not more than 5,700kg flying on a flight which is—

- (a) a scheduled journey for the purpose of the commercial air transport of passengers or the public transport of passengers;
- (b) for the purpose of the commercial air transport of passengers or the public transport of passengers and which begins and ends at the same aerodrome; or
- (c) for the purpose of the commercial air transport of passengers or the public transport of passengers and which is at night.

(3) Subject to paragraph (6), article 207 applies to any helicopter or gyroplane flying on a flight which is a scheduled journey for the purpose of the public transport of passengers.

(4) Subject to paragraph (6), article 207 applies to any helicopter or gyroplane of which the maximum take-off mass is more than 3,175kg flying on a flight—

- (a) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
- (b) for the purpose of a flying test for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.

(5) Subject to paragraph (6), article 207 applies to any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of—

- (a) the public transport of passengers; or
- (b) instruction in flying.

(6) Article 207 does not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

### **Aerodromes – use for purposes of flying instruction and testing**

**209.**—(1) The operator of an aerodrome which is neither a national licensed aerodrome nor [<sup>F216</sup>a] certified aerodrome must not permit an aircraft flying or intended to fly for a purpose specified in paragraph (3) to take off from or land at the aerodrome unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(2) The pilot in command of an aircraft must not take off from or land at an aerodrome which is neither a national licensed aerodrome nor [<sup>F217</sup>a] certified aerodrome on a flight for a purpose specified in paragraph (3) unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(3) A flight is for a purpose specified in this paragraph if it is for the purpose of—

- (a) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
- (b) carrying out flying examinations for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.

**F216** Word in [art. 209\(1\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 54](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F217** Word in [art. 209\(2\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, [Sch. 1 para. 54](#) (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### **Helicopters flying for public transport at night**

**210.**—(1) The person in charge of any area in the United Kingdom intended to be used for the take-off or landing of helicopters at night must cause there to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area at night, such lighting as will enable the pilot of the helicopter—

- (a) when landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
- (b) when taking off, to make a safe take-off.

(2) A helicopter flying for the purpose of the public transport of passengers at night must not take off or land at a place to which paragraph (1) applies unless there is in operation such lighting.

(3) Paragraph (1) does not apply to an aerodrome specified in article 207(2).

## Use of Government aerodromes

**211.** With the concurrence of the Secretary of State and subject to such conditions it deems appropriate, the CAA may notify any Government aerodrome as an aerodrome available for the take-off and landing of aircraft flying on flights for the purpose of—

- (a) the commercial air transport of passengers;
- (b) the public transport of passengers; or
- (c) instruction in flying,

or of any classes of such aircraft.

## Licensing of aerodromes

**212.—**(1) The CAA must grant a licence (“a national aerodrome licence”) for any <sup>F218</sup>... aerodrome in the United Kingdom [<sup>F219</sup>for which the operator is not required by the Aerodromes Regulation to hold an aerodrome certificate] if it is satisfied that—

- (a) the applicant is competent, having regard to its previous conduct and experience, and its equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings;
- (c) an effective safety management system is in place; and
- (d) the aerodrome manual submitted under paragraph (9) is adequate.

(2) If the CAA grants a national aerodrome licence it may do so subject to such conditions it deems appropriate.

(3) Subject to paragraph (4) and article 253, a national aerodrome licence remains in force for the period specified in the licence.

(4) A national aerodrome licence expires immediately in the event that an <sup>F220</sup>... aerodrome certificate is issued for the aerodrome.

(5) A national aerodrome licence holder must supply to any person on request information concerning the terms of the licence.

(6) A national aerodrome licence holder must not contravene or cause or permit to be contravened any condition of the national aerodrome licence at any time in relation to an aircraft flying on a flight specified in article 208, but the licence does not cease to be valid by reason only of such a contravention.

(7) A national aerodrome licence holder must take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(8) On making an application for an aerodrome licence the applicant must submit to the CAA an aerodrome manual for that aerodrome.

(9) An aerodrome manual required under this article must contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 12.

(10) Every national aerodrome licence holder must—

- (a) supply to the CAA any amendments or additions to the aerodrome manual before or immediately after they come into effect;

- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the CAA may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
  - (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.
- (11) Every national aerodrome licence holder must make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to their duties and ensure that each such copy is kept up to date.
- (12) Every national aerodrome licence holder must take all reasonable steps to secure that all members of the aerodrome operating staff—
- (a) are aware of the contents of every part of the aerodrome manual which is relevant to their duties; and
  - (b) undertake their duties in conformity with the relevant provisions of the manual.
- (13) In this article—
- “aerodrome operating staff” means all persons (whether or not the national aerodrome licence holder and whether or not employed by the national aerodrome licence holder) whose duties—
- (a) are concerned with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft; or
  - (b) require them to have access to the aerodrome manoeuvring area or apron;
- “national aerodrome licence holder” means a person who has been granted a licence under paragraph (1);
- “visual traffic pattern” means—
- (a) the aerodrome traffic zone of the aerodrome; or
  - (b) in the case of an aerodrome which is not notified for the purposes of rule 11 of the Rules of the Air Regulations 2015, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

**F218** Word in art. 212(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 55(a)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F219** Words in art. 212(1) inserted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 55(a)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F220** Word in art. 212(4) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 55(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Issue of aerodrome safety directives for national licensed aerodromes

**213.**—(1) The CAA may issue a directive (“an aerodrome safety directive”) to a national aerodrome licence holder if it has determined the existence of an unsafe condition at a national licensed aerodrome which requires immediate action.

- (2) An aerodrome safety directive must contain, as a minimum, the following information—
- (a) details of the unsafe condition;
  - (b) the actions required and the rationale for requiring them; and
  - (c) the time limit for compliance with the required actions.

### **Public use licence**

**214.**—(1) If the applicant for a national aerodrome licence requests or if the CAA considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, the CAA may grant a national aerodrome licence with a public use condition in addition to any other conditions.

(2) A public use condition is a condition that the aerodrome is to be available to all persons on equal terms and conditions at all times when it is available for the take-off or landing of aircraft.

(3) A national aerodrome licence with a public use condition is in this Order referred to as “a public use licence”.

(4) The holder of a public use licence must cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft flying on flights for the purpose of the commercial air transport of passengers, the public transport of passengers or instruction in flying.

### **Charges at aerodromes with a public use licence**

**215.** The holder of a public use licence must, when required by the Secretary of State, supply to the Secretary of State such information as he may require about the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

### **Use of aerodromes by aircraft of Contracting States and of the Commonwealth**

**216.** The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom must cause the aerodrome and all of its air navigation facilities to be available for use by aircraft registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom.

### **Powers of aerodrome firefighters in an emergency**

**217.**—(1) A member of the Rescue and Fire Fighting Service at a national licensed aerodrome or [F221a] certified aerodrome may do anything on the aerodrome the member reasonably believes to be necessary—

- (a) if the member reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;
- (b) if the member reasonably believes an aircraft accident or incident to have occurred, for the purpose of rescuing people or protecting them from serious harm; or
- (c) for the purpose of preventing or limiting damage to property resulting from any action taken as mentioned in sub-paragraph (a) or (b).

(2) In particular, a member of the Rescue and Fire Fighting Service at a national licensed aerodrome or [F221a] certified aerodrome, when acting in accordance with paragraph (1), may on the aerodrome—

- (a) enter an aircraft, by force if necessary, without the consent of the owner or operator;
- (b) restrict the access of persons to an aircraft, premises or a place.

(3) A person who without reasonable excuse obstructs or interferes with a member of the Rescue and Fire Fighting Service at a national licensed aerodrome or [F221a] certified aerodrome taking action authorised under this article commits an offence.

**F221** Word in [art. 217](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 56** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Noise and vibration caused by aircraft on aerodromes

**218.**—(1) The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, national licensed aerodromes, <sup>F222</sup>...certified aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft.

(2) Section 77(2) of the Civil Aviation Act 1982 applies to any aerodrome in relation to which the Secretary of State has prescribed conditions in accordance with paragraph (1).

**F222** Word in [art. 218\(1\)](#) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 57** (with [Sch. 3](#)) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Customs and Excise aerodromes

**219.**—(1) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs, by order revoke any designation so made.

### Aviation fuel at aerodromes

**220.**—(1) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be delivered to the installation unless satisfied that—

- (a) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
- (b) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
- (c) in the case of delivery from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation and is fit for use in aircraft.

(2) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be dispensed from the installation to an aircraft unless satisfied as the result of sampling that the fuel is fit for use in aircraft.

(3) Paragraph (1) does not apply to fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(4) The aviation fuel installation manager must keep a written record for each installation of which they have the management, which record must include detailed information about—

- (a) the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) the maintenance and cleaning of the installation.

- (5) The aviation fuel installation manager must—
- (a) preserve the written record required under paragraph (4) for 12 months or such longer period as the CAA may in a particular case direct; and
  - (b) within a reasonable time after being requested to do so by an authorised person, produce such record to that person.
- (6) A person must not cause or permit any aviation fuel to be dispensed for use in an aircraft if the person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
- (7) If it appears to the CAA or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the CAA or that authorised person may direct the aviation fuel installation manager not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the CAA or by an authorised person.
- (8) In this article—
- “aviation fuel” means fuel intended for use in aircraft;
  - “aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft;
  - “aviation fuel installation manager” means a person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom.

## CHAPTER 2

### Lights and lighting

#### Aeronautical lights

**221.**—(1) Except with the permission of the CAA and in accordance with any conditions subject to which the permission may be granted, a person must not establish, maintain or alter the character of—

- (a) an aeronautical beacon within the United Kingdom; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at a national licensed aerodrome, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the CAA must not give its permission for the purpose of this article except with the consent of that authority.

(3) A person must not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the CAA.

#### Lighting of en-route obstacles

**222.**—(1) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval of not more than 52 metres.

(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.

(3) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as reasonably practicable.

(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(5) In any particular case the CAA may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as it may specify.

(6) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(7) This article does not apply to any en-route obstacle for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(8) In this article, an “en-route obstacle” means any building, structure or erection, the height of which is 150 metres or more above ground level, but it does not include a building, structure or erection—

- (a) which is in the vicinity of a national licensed aerodrome or [<sup>F223</sup>a] certificated aerodrome; and
- (b) to which section 47 of the Civil Aviation Act 1982 (warning of presence of obstructions near licensed aerodromes) applies.

**F223** Word in art. 222(8)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 58** (with **Sch. 3**) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, **Sch. 5 para. 1(1)**

### **Lighting of wind turbine generators in United Kingdom territorial waters**

**223.**—(1) Subject to paragraph (10), this article applies to any wind turbine generator—

- (a) the height of which is 60 metres or more above the level of the sea at the highest astronomical tide; and
- (b) which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator must ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) If four or more wind turbine generators are located together in the same group, with the permission of the CAA only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) Subject to paragraph (5), the light or lights required by paragraph (2) must be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light must be elevated to between three and four degrees above the horizontal plane;
- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type is to be visible at the horizontal plane;
- (c) not more than 10% of the minimum peak intensity specified for a light of this type is to be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) Subject to paragraph (7), the person in charge of a wind turbine generator must ensure that by night, any light required to be fitted by this article is displayed.



(7) In the event of the failure of any light which is required by this article to be displayed by night the person in charge of a wind turbine generator must repair or replace the light as soon as reasonably practicable.

(8) If visibility in all directions from every wind turbine generator in a group is more than 5km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(9) In any particular case the CAA may direct that a wind turbine generator must be fitted with and display such additional lights in such positions and at such times as it may specify.

(10) This article does not apply to any wind turbine generator for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(11) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(12) In this article—

- (a) “wind turbine generator” is a generating station which is wholly or mainly driven by wind;
- (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and
- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—
  - (i) it is within 2km of that other wind turbine generator; or
  - (ii) it is within 2km of a wind turbine generator which is in the same group as that other wind turbine generator.

### **Lights liable to endanger**

**224.**—(1) A person must not exhibit in the United Kingdom any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the CAA to be a light described in paragraph (1) is exhibited, the CAA may direct the person who is the occupier of the place where the light is exhibited or who has charge of the light, to take such steps within a reasonable time as are specified in the direction—

- (a) to extinguish or screen the light; and
- (b) to prevent in the future the exhibition of any other light which may similarly endanger aircraft.

(3) The direction may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the CAA under this article must not be exercised except with the consent of that authority.

### **Lights which dazzle or distract**

**225.** A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

## [<sup>F224</sup>CHAPTER 3

### Notifications relating to en-route obstacles

**F224** Pt. 8 Ch. 3 inserted (6.9.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(2), 8

#### Notifications relating to en-route obstacles

**225A.**—(1) In respect of an existing en-route obstacle, the relevant person must, as soon as reasonably practicable, notify the CAA in writing of—

- (a) the obstacle’s type;
- (b) the obstacle’s position, represented by geographical coordinates in degrees, minutes and seconds;
- (c) the obstacle’s elevation above mean sea level and height above ground level to the nearest metre or foot; and
- (d) the type and colour of any obstacle lighting.

(2) Paragraph (1) does not apply where the CAA has already been notified.

(3) In respect of planned works which have a confirmed commencement date, the relevant person must notify the CAA in writing of the information specified in paragraph (4) in accordance with paragraph (5).

(4) The information referred to in paragraph (3) is—

- (a) the obstacle’s type, or planned type;
- (b) the obstacle’s position, represented by geographical coordinates in degrees, minutes and seconds;
- (c) the obstacle’s elevation above mean sea level and height above ground level to the nearest metre or foot prior to and upon completion of the necessary works;
- (d) the type and colour of any lighting to be fitted to it, or to be removed from it; and
- (e) the scheduled dates of commencement and completion of the works.

(5) Notice under paragraph (3) must be given—

- (a) at least 8 weeks before the commencement of the planned works; or
- (b) as soon as reasonably practicable where there is insufficient time to give 8 weeks’ notice or there is an urgent need to commence the planned works.

(6) The relevant person must notify the CAA in writing of the completion of the planned works and whether there has been any change to the information provided under paragraph (4) no later than 30 days after the completion of the works.

(7) In this article—

“en-route obstacle” means any building, structure or erection, the height of which is 100 metres or more above ground level;

“planned works” means works to—

- (a) erect a new en-route obstacle;
- (b) increase the height of an existing en-route obstacle;
- (c) decrease the height of an existing en-route obstacle;
- (d) develop an existing building, structure or erection into an en-route obstacle;

- (e) remove an existing en-route obstacle;
- (f) fit obstacle lighting to an en-route obstacle; or
- (g) remove previously fitted obstacle lighting from an en-route obstacle;

“relevant person” means—

- (a) in relation to paragraph (1), the person in charge of an existing en-route obstacle;
- (b) in relation to paragraphs (3) and (6), the person in charge of the planned works which would, on completion of those works, result in the creation, modification or removal of an en-route obstacle.]

## PART 9

### Documents and records

#### **Aircraft continuing airworthiness record system for [<sup>F225</sup>non-Part-21] aircraft**

**226.**—(1) In addition to any other log books required to be kept by or under this Order, aircraft continuing airworthiness records must be kept for [<sup>F226</sup>non-Part-21] aircraft registered in the United Kingdom, comprising of—

- (a) an aircraft log book;
  - (b) a separate engine log book or engine module log cards for each engine fitted in the aircraft; and
  - (c) a separate propeller log book for each variable pitch propeller fitted to the aircraft; and
  - (d) log cards for any service life limited component, as appropriate.
- (2) The continuing airworthiness records must include the information specified in Schedule 7.
- (3) Each entry in the continuing airworthiness records—
- (a) must be made—
    - (i) in the case of a certificate of release to service, as soon as practicable, but in no case more than 30 days after the date on which the maintenance was completed;
    - (ii) in all other cases, as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the national airworthiness review certificate in force for the aircraft at the time of the occurrence;
  - (b) must be made on each occasion that any overhaul, repair, replacement, modification, maintenance or inspection is undertaken on the engine or propeller;
  - (c) must be clear and accurate; and
  - (d) where it is necessary to correct an earlier entry in the aircraft continuing airworthiness records, must be made in a manner that clearly shows the original entry.
- (4) Any document which is incorporated by reference in the continuing airworthiness records is deemed, for the purposes of this Order, to be part of the continuing airworthiness records.
- (5) It is the duty of the operator of every aircraft for which continuing airworthiness records are required to be kept to—
- (a) keep them or cause them to be kept in accordance with this article; and
  - (b) present them to the CAA upon request.

(6) Subject to article 238, continuing airworthiness records must be preserved by the operator of the aircraft in accordance with paragraph 4 of Schedule 7.

(7) The operator must ensure that—

- (a) when an aircraft is permanently transferred from one operator to another, the continuing airworthiness records and, if applicable, operator's technical log are also transferred;
- (b) when the continuing airworthiness management tasks are contracted to a continuing airworthiness management organisation, the continuing airworthiness records are transferred to the organisation.

(8) Where a transfer of the continuing airworthiness records and, if applicable, operator's technical log happens in accordance with paragraph (7), the time periods for retention of records or log in paragraph 4 of Schedule 7 apply to the new operator or continuing airworthiness management organisation.

**F225** Word in [art. 226](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 59(a)** (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F226** Word in [art. 226\(1\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 59(b)** (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Technical log for <sup>F227</sup>non-Part-21] aircraft

**227.**—(1) This article applies to each <sup>F228</sup>non-Part-21] aircraft registered in the United Kingdom for which a certificate of airworthiness is in force and which is a commercial air transport aircraft, public transport aircraft or commercial operation aircraft.

(2) Subject to paragraph (3), a technical log containing the information in paragraph 5 of Schedule 7 must be kept for every aircraft to which this article applies.

(3) In the case of an aircraft which has a maximum total weight authorised of 2,730kg or less and which is not operated by the holder of a national air operator's certificate, a record approved by the CAA (in this article called “an approved record”) may be kept instead of a technical log.

(4) Subject to paragraph (5), at the end of every flight the pilot in command must enter in the technical log or the approved record—

- (a) the times when the aircraft took off and landed;
- (b) information about any defect which is known to the pilot in command and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to the pilot in command, an entry to that effect; and
- (c) such other information about the airworthiness or operation of the aircraft as the CAA may require,

and must sign and date the entries.

(5) Subject to paragraph (6), if there are two or more consecutive flights, each of which begins and ends—

- (a) within the same period of 24 hours;
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as pilot in command of the aircraft,

the pilot in command may make the entries specified in paragraph (4) at the end of the last of such consecutive flights.

(6) Paragraph (5) does not apply if the pilot in command becomes aware of a defect during an earlier flight.

(7) When any defect which has been entered in a technical log or approved record is rectified the person issuing a certificate of release to service issued under this Order or in respect of that defect must enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(8) Subject to paragraph (9) and Schedule 10, the technical log or approved record—

- (a) must be carried in the aircraft when article 229 so requires; and
- (b) a copy of the entries required by this article must be kept on the ground.

(9) In the case of an aircraft with a maximum take-off mass of not more than 2,730kg and which is not a commercial air transport aircraft, a public transport aircraft or a non-military state aircraft, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the aircraft.

(10) Subject to article 238, a technical log or approved record required by this article must be preserved by the operator of the aircraft to which it relates for at least two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the CAA may permit in a particular case.

**F227** Word in [art. 227](#) heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 60(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F228** Word in [art. 227\(1\)](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 60(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Personal flying log

**228.**—(1) A personal flying log must be kept by—

- (a) every member of the flight crew of an aircraft registered in the United Kingdom; and
- (b) every person who engages in flying for the purpose of qualifying for the—
  - (i) grant of a flight crew licence under this Order;
  - (ii) grant of a flight crew licence issued by the CAA under Part-FCL;
  - (iii) grant, renewal or revalidation of a rating or certificate under this Order; or
  - (iv) grant, renewal or revalidation of a certificate under Part-FCL.

(2) The information to be recorded is—

- (a) the name and address of the holder of the log;
- (b) detailed information about 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 the holder's employer (if any).

(3) Detailed information about each flight during which the holder of the log acted either—

- (a) as a member of the flight crew of an aircraft; or
- (b) for the purpose of qualifying for the grant, renewal or revalidation of a licence, rating or certificate under this Order or Part-FCL,

must be recorded in the log as soon as reasonably practicable after the end of each flight.

(4) The information recorded in accordance with paragraph (3) must include—

- (a) the date, the places at which the holder of the log embarked on and disembarked from the aircraft and the time spent during the course of a flight when the holder 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) information about any special conditions under which the flight was conducted, including night flying and instrument flying; and
  - (e) information about any test or examination undertaken by the holder of the log whilst in flight.
- (5) Information about any test or examination undertaken whilst in a flight simulator must be recorded in the log, 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.
- (6) 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.

### Documents to be carried

**229.**—(1) An aircraft must not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) Subject to paragraphs (3) and (4), an aircraft registered in the United Kingdom must, when in flight, carry documents in accordance with Schedule 10.

[<sup>F229</sup>(3) Paragraph (2) does not apply to an aircraft flying in accordance with the <sup>F230</sup>... Air Operations Regulation.]

<sup>F231</sup>(4) .....

**F229** Art. 229(3) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **38(a)**

**F230** Word in art. 229(3) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 61** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F231** Art. 229(4) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017](#) (S.I. 2017/1112), arts. 1, **38(b)**

### Keeping and production of records of exposure to cosmic radiation

<sup>F232</sup>**230.** .....

**F232** Art. 230 revoked (7.8.2019) by [The Air Navigation \(Cosmic Radiation Protection of Air Crew and Space Crew and Consequential Amendments\) Order 2019](#) (S.I. 2019/1115), arts. 1, **28(1)(b)** (with arts. 3, 28(3))

## Use of flight recording systems

**231.**—(1) On a flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder and flight data recorder is required by paragraph 4(4) [<sup>F233</sup>or (5)] of Part 1 of Schedule 6 to be carried in an aeroplane, the recorder must always be in use from the beginning of the take-off run to the end of the landing run.

(2) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder and flight data recorder is required by paragraph [<sup>F234</sup>4(13)] of Part 1 of Schedule 6 to be carried in a helicopter, the recorder must always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

**F233** Words in [art. 231\(1\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [39\(a\)](#)

**F234** Word in [art. 231\(2\)](#) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, [39\(b\)](#)

## Preservation of records of aeroplane flight data recorder

**232.**—(1) Subject to article 238, the operator of an aeroplane must at all times—

- (a) preserve the last 25 hours of recording made by any flight data recorder which must by or under this Order be carried in an aeroplane; and
- (b) preserve a record of at least one representative flight made within the last 12 months.

(2) The representative flight referred to in paragraph (1)(b) must include a take-off, climb, cruise, descent, approach to landing and landing.

(3) The record required by paragraph (1)(b) must include a means of identifying the flight to which it relates.

(4) The operator of an aeroplane must preserve the records required by this article for such period as the CAA may direct.

## Preservation of records of helicopter flight data recorder

**233.**—(1) This article applies to a helicopter required to carry a flight data recorder specified in paragraph (1) or (2) of Scale SS of paragraph 5 of Part 1 of Schedule 6.

(2) Subject to article 238, the operator of such a helicopter must at all times preserve the last eight hours of recording made by the flight data recorder.

## Preservation of records of helicopter cockpit voice recorder and flight data recorder

**234.**—(1) This article applies to any helicopter required to carry a combined cockpit voice recorder and flight data recorder specified in paragraph (3) of Scale SS of paragraph 5 of Part 1 of Schedule 6.

(2) Subject to article 238, the operator of a helicopter must at all times preserve either the last eight hours of recording made by the combined cockpit voice recorder and flight data recorder or the recording specified in paragraph (3).

(3) The recording referred to in paragraph (2) is—

- (a) the last five hours of recording or the duration of the last flight, whichever is the greater; and
- (b) an additional period of recording in accordance with paragraph (4) and which together with the period preserved under sub-paragraph (a) amounts to eight hours.

- (4) The additional period of recording referred to in paragraph (3) is—
- (a) the period immediately preceding the period preserved under paragraph (3)(a); or
  - (b) such period or periods as the CAA may permit in any particular case or class of cases or generally.
- (5) The additional recording specified in paragraph (4) must be retained in accordance with arrangements approved by the CAA.

### Production of documents and records

**235.**—(1) The pilot in command of an aircraft must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force for the aircraft;
- (b) the licences of its flight crew; and
- (c) any other documents which the aircraft is required by article 229 or [<sup>F235</sup>a Safety] Regulation to carry when in flight.

(2) The operator of an aircraft registered in the United Kingdom must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any of the documents or records specified in paragraph (3) which have been requested by that person.

(3) The documents and records referred to in paragraph (2) are—

- (a) the documents referred to in Schedule 10 as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 43(4);
- (d) in the case of a public transport aircraft or commercial operation aircraft, the documents referred to in Schedule 10 as Documents D, E, F and H;
- (e) the records of flight times, duty periods and rest periods which the operator is required by article 175(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any operations manuals required to be made available under article 116(4)(a); and
- (g) the record made by any flight data recorder required to be carried by or under this Order.

(4) The holder of a licence granted or rendered valid under this Order or by the CAA under the <sup>F236</sup>... Aircrew Regulation or of a medical certificate required under article 160 or article 162 or of a medical declaration under article 163 must, within a reasonable time after being requested to do so by an authorised person, cause the licence, including any certificate of validation issued under article 169, the medical certificate or the medical declaration, to be produced to that person.

(5) During the period of two years beginning with the date of the last entry in it every person required by article 228 to keep a personal flying log must cause it to be produced to an authorised person within a reasonable time after being requested to do so by that person.

**F235** Words in art. 235(1)(c) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 62(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F236** Word in art. 235(4) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 62(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)



## Production of air traffic service equipment documents and records

**236.** The holder of an approval under article 205 or 206 must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

## Power to inspect and copy documents and records

**237.** An authorised person has the power to inspect and copy any certificate, licence, log, declaration, document or record which the authorised person has the power under this Order, under any regulations made under this Order, <sup>F237</sup>... or under [<sup>F238</sup>a Safety] Regulation to require to be produced.

**F237** Word in art. 237 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 63(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F238** Words in art. 237 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 63(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Preservation of documents, etc

**238.**—(1) A person who is required by this Order to preserve any document or record by reason of being the operator of an aircraft is in this article called “the first operator”.

[<sup>F239</sup>(2) Subject to paragraph (3), if the first operator ceases to be the operator of an aircraft, they must continue to preserve the document or record until paragraphs (4), (5) and (6) have been complied with, as appropriate.]

(3) In the event of the death of the first operator the duty to preserve the document or record falls on the first operator's personal representative.

(4) If another person becomes the operator of the aircraft, the first operator or their personal representative must deliver to that other person on demand—

- (a) the national airworthiness review certificate and release to service;
- (b) the log books;
- (c) the weight schedule; and
- (d) any record made by a flight data recorder and preserved in accordance with article 233(2) and 234(2),

which are in force or required to be preserved for that aircraft.

(5) If an engine or variable pitch propeller is removed from an aircraft and installed in another aircraft operated by another person, the first operator of the aircraft or their personal representative must deliver to that other person on demand the log book relating to that engine or propeller.

(6) If any person for whom a record has been kept by the first operator in accordance with article 175(4) becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person, the first operator or their personal representative must deliver those records to that other person on demand.

(7) It is the duty of the other person referred to in paragraphs (4), (5) and (6) to deal with the documents or records delivered under those provisions as if they were the first operator.

**F239** Art. 238(2) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **40**

## PART 10

### Prohibited behaviour, directives, rules, powers and penalties

#### CHAPTER 1

##### Prohibited behaviour

##### Power to prohibit or restrict flying

**239.**—(1) If the Secretary of State decides it is necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest,

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances are—

- (a) aircraft, whether or not they are registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (b) aircraft which are registered in the United Kingdom, in any other airspace, being airspace for which the United Kingdom has, under international arrangements, undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.

(5) If the pilot in command of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any reason referred to in paragraph (1)(c) the pilot in command must, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft must not begin to descend while over such an area.

(6) The pilot in command of an aircraft flying either within an area for which regulations have been made for any reason referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

##### Endangering safety of an aircraft

**240.** A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

### **Endangering safety of any person or property**

**241.** A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

### **Drunkenness in aircraft**

**242.—**(1) A person must not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person must not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of acting as a member of the crew, be under the influence of drink or a drug to such an extent as to impair their capacity so to act.

### **Smoking in aircraft**

**243.—**(1) In aircraft to which this paragraph applies, notices indicating when smoking is prohibited must be exhibited so as to be visible from each passenger seat.

(2) Paragraph (1) applies to any aircraft registered in the United Kingdom, other than a Part-CAT aircraft.

(3) A person must not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot in command of the aircraft.

### **Authority of pilot in command of an aircraft**

**244.** Every person in an aircraft must obey all lawful commands which the pilot in command of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried in the aircraft, or the safety, efficiency or regularity of air navigation.

### **Acting in a disruptive manner**

**245.** A person must not while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of the crew member's duties.

### **Stowaways**

**246.** A person must not secrete themselves for the purpose of being carried in an aircraft without the consent of either the operator or the pilot in command or of any other person entitled to give consent to being carried in the aircraft.

### **Flights over any foreign country**

**247.—**(1) The operator and the pilot in command of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country, must not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if that person neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in that paragraph.

(3) Subject to paragraph (4), the operator and the pilot in command of an aircraft registered in the United Kingdom (or, if the operator's principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country must comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(4) A direction under paragraph (3) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

(5) A person does not contravene paragraph (3) if that person neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(6) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(7) In this article, “appropriate aeronautical authorities” includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

## CHAPTER 2

### Directives and rules of the air

#### Operational directives

**248.**—(1) The CAA may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

- (a) the reason for its issue;
- (b) its applicability and duration; and
- (c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

(4) An operational directive may be revoked by the CAA.

<sup>F240</sup>(5) .....

(6) An operational directive which applies to a Part-CAT operator in relation to a commercial air transport operation—

- (a) must be made subject to and in accordance with [<sup>F241</sup>article 70(1)] of the Basic <sup>F242</sup>... Regulation; <sup>F243</sup>...

<sup>F244</sup>(b) .....

**F240** Art. 248(5) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, [Sch. 1 para. 64\(a\)](#) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

- F241** Words in art. 248(6)(a) substituted (13.4.2022) by [The Air Navigation \(Amendment\) Order 2022 \(S.I. 2022/321\)](#), arts. 1(1), 6
- F242** Word in art. 248(6)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 64(b)(i)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F243** Word in art. 248(6)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 64(b)(i)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F244** Art. 248(6)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 64(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Rules of the Air

**249.—**(1) The Secretary of State may make regulations (in this article called the “Rules of the Air”) prescribing—

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes; and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to paragraphs (3) and (4), it is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful for the Rules of the Air, or for any obligation in SERA the breach of which would otherwise be an offence under this Order, to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015) issued by the Secretary of State.

(4) It is lawful for the Rules of the Air, or for any obligation in SERA the breach of which would otherwise be an offence under this Order, to be departed from by an aircraft of which the pilot in command is acting as such in the course of the pilot in command's duty as a member of any of Her Majesty's naval, military or air forces.

(5) If any departure from the Rules of the Air, or from any obligation in SERA the breach of which would otherwise be an offence under this Order, is made for the purpose of avoiding immediate danger, the pilot in command of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given without delay, and in any event within 10 days of the departure, to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.

(6) Nothing in the Rules of the Air exonerates any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

## CHAPTER 3

### Foreign registered aircraft

#### **Restriction on carriage, where valuable consideration is given or promised, in aircraft registered elsewhere than in the United Kingdom**

**250.**—(1) Unless paragraph (2) or (6) applies, an aircraft registered elsewhere than in the United Kingdom must not take on board or discharge any passengers or cargo in the United Kingdom where valuable consideration is given or promised for the carriage of such persons or cargo.

[<sup>F245</sup>(1A) The Secretary of State may decide, on the basis of the criteria in the Annex to Regulation 2111/2005, that if an air operator who has not been granted permission under paragraph (2) were to apply for it, that operator should not—

- (a) be granted such permission;
- (b) be granted such permission in relation to specified aircraft; or
- (c) be granted such permission unless such permission is subject to specified conditions.

(1B) The Secretary of State may at any time, after reconsideration of the criteria in the Annex to Regulation 2111/2005, decide to revoke or amend a decision under paragraph (1A).

(1C) Where the Secretary of State makes a decision under paragraphs (1A) or (1B), the Secretary of State must notify both the CAA and the air operator concerned.

(1D) The CAA must not determine an application for permission where the Secretary of State has notified the CAA pursuant to paragraph (1C).]

(2) This paragraph applies if—

- (a) the operator or charterer of the aircraft or the Government of the country in which the aircraft is registered has been granted permission to take on board or discharge any passengers or cargo in the circumstances described in paragraph (1) by—
  - (i) the Secretary of State; or
  - (ii) the CAA; and
- (b) any conditions, to which such permission may be subject, are satisfied.

(3) Where the Secretary of State decides to determine an application for permission under paragraph (2), the Secretary of State must notify both the CAA and the applicant.

(4) The CAA must not determine an application for permission where the Secretary of State has notified the CAA pursuant to paragraph (3).

(5) In exercising a function under this article, the CAA must take account of any guidance given to it by the Secretary of State (including as to the circumstances in which the Secretary of State expects to determine an application for permission).

(6) This paragraph applies if—

[<sup>F246</sup>(a) . . . . .

- (b) an air operator's certificate has been issued to the operator of the aircraft pursuant to the Air Navigation (Overseas Territories) Order 2013.

(7) No operator or charterer of an aircraft in relation to which the prohibition in paragraph (1) applies may hold itself out as a person who may offer to take on board or discharge any passenger or cargo in the United Kingdom where valuable consideration is given or promised except where that person reasonably believes that paragraph (2) or (6) will apply in relation to the relevant aircraft, operator or charterer by the time the relevant flight is made.

[<sup>F247</sup>(8) For the purposes of this article—

- (a) “Regulation 2111/2005” means Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a list of air carriers subject to an operating ban within the United Kingdom and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EEC;
- (b) “United Kingdom safety list” means the list established under Article 3 of Regulation 2111/2005.]

- F245** Art. 250(1A)-(1D) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, Sch. 1 para. 65(2) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F246** Art. 250(6)(a) omitted (31.12.2020) by virtue of The Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1392), regs. 1(2), 6(2); 2020 c. 1, Sch. 5 para. 1(1)
- F247** Art. 250(8) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, Sch. 1 para. 65(3) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C1** Art. 250 restricted (31.12.2020) by The Syria (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/792), regs. 1(3), 52(2); 2020 c. 1, Sch. 5 para. 1(1)

#### [<sup>F248</sup>Decisions under article 250(1A) and (1B)

**250A.**—(1) This article applies to decisions of the Secretary of State—

- (a) under article 250(1A); and
- (b) under article 250(1B), to amend or revoke a decision under article 250(1A).

(2) The Secretary of State may make a decision to which this article applies after having given notice to the air operator concerned and having considered any representations made by that air operator.

(3) The Secretary of State may without notice make a decision to which this article applies for reasons of urgency, in which case paragraph (4) applies.

(4) Where this paragraph applies, the Secretary of State must consider any representations made subsequently by the air operator concerned, and in response to such representations may—

- (a) confirm the decision made, with or without modification; or
- (b) revoke the decision made.

(5) If acting under paragraph (4), the Secretary of State must act as soon as reasonably practicable.]

- F248** Art. 250A inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, Sch. 1 para. 66 (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

#### Filing and approval of tariffs

**251.**—(1) If a permission granted under article 250(2) contains a tariff provision and the Secretary of State so requires, the operator or charterer of the aircraft concerned must file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA must consider the proposed tariff and may approve or disapprove it.

(2) In this article, “tariff provision”—

(a) means a condition as to any of the following matters—

- (i) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 250(2) relates;
- (ii) any additional goods, services or other benefits to be provided in connection with such carriage;
- (iii) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (iv) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo; and

(b) includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

#### **Restriction on commercial operations in aircraft registered elsewhere than in [<sup>F249</sup>the United Kingdom]**

**252.**—(1) Subject to paragraph (2), an aircraft registered elsewhere than in the United Kingdom must not fly over the United Kingdom for the purpose of commercial operations unless—

- (a) the CAA has granted permission to do so to the operator or charterer of the aircraft; and
- (b) any conditions, to which such permission may be subject, are satisfied.

(2) This article does not apply to an aircraft—

- <sup>F250</sup>(a) . . . . .
- (b) registered in a territory to which the Air Navigation (Overseas Territories) Order 2013 applies; or
- (c) registered in the Isle of Man or Bailiwicks of Jersey or Guernsey.

**F249** Words in art. 252 heading substituted (31.12.2020) by [The Operation of Air Services \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1392), regs. 1(2), **6(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F250** Art. 252(2)(a) omitted (31.12.2020) by virtue of [The Operation of Air Services \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1392), regs. 1(2), **6(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## **CHAPTER 4**

### **Powers and penalties**

#### **Revocation, suspension and variation of certificates, licences and other documents**

**253.**—(1) Subject to paragraphs (5) and (6), the CAA may provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order [<sup>F251</sup>or a Safety Regulation], pending inquiry into or consideration of the case.

(2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this



Order [<sup>F252</sup>or a Safety Regulation] must surrender it to the CAA within a reasonable time after being required to do so by the CAA.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than an aerodrome licence, has been granted or issued or which has effect under this Order [<sup>F253</sup>or a Safety Regulation], in the absence of provision to the contrary in the document, renders the document invalid during the continuance of the breach.

(5) The provisions of this article do not apply in relation to any permission to which article 255 applies.

(6) A flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

**F251** Words in art. 253(1) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 67** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F252** Words in art. 253(3) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 67** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F253** Words in art. 253(4) inserted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 67** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Provisional suspension or variation of EASA certificates, licences and other documents

<sup>F254</sup>**254.** . . . . .

**F254** Art. 254 omitted (31.12.2020) by virtue of The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 68** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## Revocation, suspension and variation of permissions, etc granted under article 250 or article 252

**255.**—(1) This article applies to any permission granted by the Secretary of State under article 250 or by the CAA under article 250 or article 252.

(2) Subject to paragraph (7), the Secretary of State or the CAA may revoke, suspend or vary any permission to which this article applies after having given notice to the other and considered representations from the operator or charterer concerned.

(3) Subject to paragraph (7), the Secretary of State or the CAA may without notice revoke, suspend or vary any permission to which this article applies for reasons of urgency, in which case paragraph (4) applies.

(4) Where this paragraph applies, the person who revoked, suspended or varied any permission without notice under paragraph (3) must consider any representations made subsequently by the operator or charterer concerned and in response to such representations may—

- (a) confirm, vary or lift the suspension;
- (b) confirm the revocation of permission; or
- (c) reinstate the permission with or without additional or varied conditions.

(5) In acting under paragraph (4), the Secretary of State or the CAA must act as soon as reasonably practicable.

(6) In particular, and without limitation, the Secretary of State may exercise the powers under paragraphs (2) and (3) if it appears that—

- (a) the operator or charterer has committed a breach of any condition to which the permission is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country pursuant to which the permission was granted is no longer in force or that the other Government has breached the agreement;
- (c) the operator or charterer who has been granted permission, or a Government of another country which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, has—
  - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, according to its object and purpose, of any such agreement; or
  - (ii) engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an air transport licence or a route licence in the operation of air services; or
- (d) the operator or charterer, having been granted permission as a result of being designated by the Government of any other country for the purposes of an agreement referred to in sub-paragraph (b)—
  - (i) is no longer so designated; or
  - (ii) has conducted itself in such a way or is involved in such circumstances that the Secretary of State considers the exercise of those powers to be necessary or expedient.

(7) The CAA may only exercise the powers in paragraph (2) or (3) if it considers it necessary or expedient to do so for reasons of aviation safety.

#### **Modifications etc. (not altering text)**

- C2** Art. 255 restricted (31.12.2020) by [The Syria \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/792\)](#), regs. 1(3), **52(1)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- C3** Art. 255(4) excluded (31.12.2020) by [The Syria \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/792\)](#), regs. 1(3), **52(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- C4** Art. 255(4) excluded (8.3.2022 at 5.00 p.m.) by [S.I. 2019/855](#), **reg. 57L(1)(b)** (as inserted by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 6\) Regulations 2022 \(S.I. 2022/241\)](#), regs. 1(2), **9**)

#### **Prohibitions in relation to documents and records**

**256.—**(1) A person must not, with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order, [<sup>F255</sup>or by or under a Safety] Regulation <sup>F256</sup>... which has been forged, altered, revoked or suspended, or to which the person is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order, [<sup>F257</sup>or by or under a Safety] Regulation <sup>F258</sup>... to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for any person the grant, issue, renewal or variation of any such certificate, licence, approval, permission, exemption or other document; or

- (d) make any false representation in connection with the making of a declaration to the CAA required by or under this Order or by or under [<sup>F259</sup>a Safety] Regulation.
- (2) In paragraph (1), a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.
- (3) A person must not intentionally damage, alter or render illegible—
- any log book or other record required to be maintained by or under this Order, [<sup>F260</sup>by or under a Safety Regulation; or]
  - any entry made in such a log book or record.
- (4) A person must not—
- knowingly make, or procure or assist in the making of, any false entry in or material omission from any log book or record referred to in paragraph (3); or
  - destroy any such log book or record during the period for which it is required under this Order to be preserved.
- (5) All entries made in writing in any log book or record referred to in paragraph (3) must be made in ink or indelible pencil.
- (6) A person must not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.
- (7) A person must not purport to issue any certificate for the purposes of this Order, any regulations made under this [<sup>F261</sup>Order or a Safety] Regulation <sup>F262</sup>... unless authorised to do so by the relevant legislation.
- (8) A person must not issue any certificate referred to in paragraph (7) unless satisfied that all statements in the certificate are correct.

- F255** Words in art. 256(1)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(a)(i)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F256** Words in art. 256(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(a)(i)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F257** Words in art. 256(1)(b) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(a)(ii)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F258** Words in art. 256(1)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(a)(ii)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F259** Words in art. 256(1)(d) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(a)(iii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F260** Words in art. 256(3)(a) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F261** Words in art. 256(7) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F262** Words in art. 256(7) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 69(c)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### CAA's power to prevent aircraft flying

**257.**—(1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the CAA or that authorised person may direct in accordance with paragraph (3).

(2) The circumstances referred to in paragraph (1) are—

- (a) where any provision of article 24, 32, 33, 66, 97, 98, 99, 101, <sup>F263</sup>... 103, 122, 136, 137, 231 or 242(2) would be contravened in relation to the flight;
- (b) where the flight would be in contravention of any other provision of this Order, of any regulations made under this Order, [<sup>F264</sup>or of a Safety] Regulation <sup>F265</sup>... and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) where the aircraft is in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made under this Order, [<sup>F266</sup>or of a Safety] Regulation <sup>F267</sup>....

(3) If paragraph (1) applies, the CAA or that authorised person may direct the operator or the pilot in command of the aircraft not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the CAA or by an authorised person.

(4) If the CAA or an authorised person has directed under paragraph (3), the CAA or an authorised person may take such steps as are necessary to detain the aircraft.

(5) For the purposes of this article, the CAA or any authorised person may enter and inspect any aircraft.

**F263** Word in art. 257(2)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 70(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F264** Words in art. 257(2)(b) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 70(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F265** Words in art. 257(2)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 70(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F266** Words in art. 257(2)(c) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 70(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F267** Words in art. 257(2)(c) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/645), reg. 1, **Sch. 1 para. 70(c)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Grounded aircraft not to fly

**258.** An aircraft which has been grounded in accordance with paragraph ARO.RAMP.140 of Part-ARO and which has not subsequently been permitted to fly must not be flown.

### Secretary of State's power to prevent aircraft flying

**259.**—(1) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the Secretary of State or that authorised person may make a direction in accordance with paragraph (3).

(2) The circumstances referred to in paragraph (1) are where any provision of article 247, 250 or 252 would be contravened in relation to the flight.

(3) If paragraph (1) applies, the Secretary of State or that authorised person may direct the operator or the pilot in command of the aircraft not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person.

(4) The Secretary of State or any authorised person may take such steps as are necessary to detain an aircraft concerning which a direction has been made under paragraph (1).

(5) For the purposes of paragraph (1), the Secretary of State or any authorised person may enter any aerodrome and may enter and inspect any aircraft.

### **Directions to operators of aircraft to make data available**

**260.**—(1) The Secretary of State may give a direction to any person who is an operator of an aircraft referred to in paragraph (2) requiring the operator to take the action referred to in paragraph (3).

(2) The aircraft is one which (alone or in combination with one or more other aircraft operated by the operator) is flown for the carriage of passengers from the United Kingdom (directly or via another country) to [<sup>F268</sup>another country] and is specified in the direction.

(3) The action is the making available electronically of data in respect of all passengers and crew on the aircraft or expected to be on the aircraft.

(4) A direction may be given in respect of—

- (a) all aircraft;
- (b) any aircraft; or
- (c) any class of aircraft,

of which (at the time when the direction is given or at any subsequent time) the person is the operator and which is or are specified in the direction.

(5) A direction must specify—

- (a) the competent authorities of the country to whom the data are to be made available electronically; and
- (b) the types of data to which the direction relates.

(6) A direction only has effect in relation to data which are collected and contained in the operator's automated reservation system or departure control system.

**F268** Words in art. 260(2) substituted (31.12.2020) by [The Operation of Air Services \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1392\)](#), regs. 1(2), **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

### **Right of access to aerodromes and other places**

**261.**—(1) Subject to paragraph (2), the CAA and any authorised person has the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting the aerodrome;
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or the authorised person has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;

- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or the authorised person has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order;
  - (d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 205 is situated for the purpose of inspecting—
    - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
    - (ii) any document or record which it or the authorised person has power to demand under this Order.
- (2) Access to a Government aerodrome may only be obtained with the permission of the person in charge of the aerodrome.

### Access and inspection for airworthiness purposes

**262.**—(1) The CAA may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of Part 4 of this Order or for the purposes of Part 21, Part 145 or Part M.

(2) Any person authorised to do so by the CAA may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating to the aircraft and may for that purpose go onto any aerodrome or enter any aircraft factory.

### Obstruction of persons

**263.** A person must not intentionally obstruct or impede any person who is exercising a power or performing a duty under this Order [<sup>F269</sup>or under a Safety] Regulation.

**F269** Words in [art. 263](#) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), [reg. 1](#), [Sch. 1 para. 71](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), [regs. 1\(3\), 12](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

### Directions and directives

**264.**—(1) Any person who without reasonable excuse fails to comply with any direction or directive given to that person under any provision of this Order or any regulations made under this Order is deemed for the purposes of article 265 to have contravened that provision.

(2) Where any provision of this Order or any regulations made under this Order gives to a person the power to direct, the person to whom such a power is given also has the power to revoke or vary any such direction or directive.

### Offences and penalties

**265.**—(1) Subject to paragraph (2), if any provision of this Order, any regulations made under this Order [<sup>F270</sup>or a Safety Regulation] is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command and, in the case of a contravention of article 250, the charterer of that aircraft, is (without prejudice to the liability of any other person for that contravention) deemed for the purposes of the following provisions of this article to have contravened that provision.



(2) A person will not be deemed to have contravened a provision specified in paragraph (1) if the person proves that the contravention occurred without that person's consent or connivance and that that person exercised all due diligence to prevent the contravention.

(3) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, any regulations made under this Order [<sup>F271</sup>or a Safety Regulation] was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission will be deemed not to be a contravention by that person of that provision.

(4) If a person is charged with contravening a provision of this Order or any regulations made under this Order by reason of that person having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport, public transport or commercial operation, the flight is to be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if the person proves that they neither knew nor suspected that the flight was for that purpose.

(5) Any person who contravenes any provision specified in Part 1 of Schedule 13 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any person who contravenes any provision specified in Part 2 of Schedule 13 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) Any person who contravenes any provision specified in Part 3 of Schedule 13 is guilty of an offence and punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by a fine or by imprisonment for a term not exceeding two years, or to both.

(8) Any person who contravenes the provision specified in Part 4 of Schedule 13 is guilty of an offence and punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by a fine or by imprisonment for a term not exceeding five years, or to both.

**F270** Words in art. 265(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 72** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**F271** Words in art. 265(3) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 72** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## **[<sup>F272</sup>Offences: Contravention of Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft – UAS operator**

**265A.**—(1) A UAS operator must not cause or permit an unmanned aircraft other than a tethered small unmanned aircraft to be flown unless—

(a) the requirements in Article 4(1) of, and Part A of the Annex to, the Unmanned Aircraft Implementing Regulation are met for that flight (an ‘open’ category flight);

- (b) at the time of the flight, one of the following is valid for the flight (a ‘specific’ category flight)—
    - (i) an operational authorisation issued to the UAS operator under Article 12 of the Unmanned Aircraft Implementing Regulation;
    - (ii) a LUC with appropriate privileges granted to the UAS operator in accordance with point UAS.LUC.060 of the Annex to that Regulation;
    - (iii) an authorisation issued in accordance with Article 16 of that Regulation; or
  - (c) the UAS and the UAS operator have been certified as required by Article 6(1) or (2) of the Unmanned Aircraft Implementing Regulation (a ‘certified’ category flight).
- (2) A UAS operator who contravenes paragraph (1) is guilty of an offence.
- (3) A UAS operator who contravenes a relevant requirement imposed in the Unmanned Aircraft Implementing Regulation is guilty of an offence.
- (4) For the purposes of paragraphs (1)(a) and (3), a requirement in any provision of the Unmanned Aircraft Implementing Regulation is to be read together with any other provision of that Regulation that contains any exception, derogation or qualification relating to that requirement.
- (5) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(a) is a requirement in any of the following provisions of the Unmanned Aircraft Implementing Regulation—
- (a) Article 14(5) (registration);
  - (b) Article 14(8) (display of registration number);
  - (c) Article 19(2) (reporting of safety occurrences);
  - (d) in Part A of the Annex—
    - (i) point UAS.OPEN.050(3) (designation of remote pilot);
    - (ii) point UAS.OPEN.050(4)(a) (competency of remote pilot);
    - (iii) point UAS.OPEN.050(5) (geo-awareness updates).
- (6) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(b)(i) is a requirement in any of the following provisions of the Unmanned Aircraft Implementing Regulation—
- (a) Article 14(5) (registration);
  - (b) Article 14(8) (display of registration number);
  - (c) Article 19(2) (reporting of safety occurrences);
  - (d) in Part B of the Annex—
    - (i) point UAS.SPEC.050(1)(a) (operational procedures and limitations);
    - (ii) point UAS.SPEC.050(1)(b) (designation of remote pilot or allocation of responsibilities for autonomous operations);
    - (iii) point UAS.SPEC.050(1)(d)(i) (competency of remote pilot);
    - (iv) point UAS.SPEC.050(1)(d)(v) (operations manual);
    - (v) point UAS.SPEC.050(1)(f) (authorised limitations and conditions);
    - (vi) point UAS.SPEC.050(1)(g) (record-keeping);
    - (vii) point UAS.SPEC.090 (access to records);
    - (viii) point UAS.SPEC.100 (use of certified equipment).



(7) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(b)(ii) is a requirement in any of the following provisions of the Unmanned Aircraft Implementing Regulation—

- (a) Article 14(5) (registration);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting of safety occurrences);
- (d) in Part B of the Annex—
  - (i) point UAS.SPEC.050(1)(a) (operational procedures and limitations);
  - (ii) point UAS.SPEC.050(1)(b) (designation of remote pilot or allocation of responsibilities for autonomous operations);
  - (iii) point UAS.SPEC.050(1)(d)(i) (competency of remote pilot);
  - (iv) point UAS.SPEC.050(1)(d)(v) (operations manual);
  - (v) point UAS.SPEC.050(1)(f) (authorised limitations and conditions);
  - (vi) point UAS.SPEC.050(1)(g) (record-keeping);
  - (vii) point UAS.SPEC.100 (use of certified equipment).
- (e) in Part C of the Annex—
  - (i) point UAS.LUC.020(2) (scope and privileges of the LUC);
  - (ii) point UAS.LUC.020(3) (operational control system);
  - (iii) point UAS.LUC.020(4) (operational risk assessment);
  - (iv) point UAS.LUC.020(5) (LUC record-keeping);
  - (v) point UAS.LUC.090 (access to records).

(8) For the purposes of paragraph (7), the holder of a LUC who, in accordance with a privilege granted under point UAS.LUC.060(2) of Part C of the Annex to the Unmanned Aircraft Implementing Regulation, authorises a flight without applying for an operational authorisation is to be taken as having complied with any requirement in a provision referred to in paragraph (7)(d) relating to an operational authorisation.

(9) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph 1(b)(iii) is a requirement of any of the following provisions of the Unmanned Aircraft Implementing Regulation—

- (a) Article 14(5) (registration), subject to Article 16(4);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting of safety occurrences),

and any condition of a kind referred to in Article 16(3) of the Unmanned Aircraft Implementing Regulation that is imposed on the UAS operator in the authorisation.

**F272** Arts. 265A-265F inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 9 (with art. 13)

### **Offences: Contravention of Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft – remote pilot**

**265B.**—(1) A remote pilot must not fly an unmanned aircraft other than a tethered small unmanned aircraft unless—

- (a) at the time of take-off, the remote pilot reasonably holds the view that the requirements in Article 4(1) of, and Part A of the Annex to, the Unmanned Aircraft Implementing Regulation will be met in respect of the planned flight (an ‘open’ category flight);
  - (b) at the time of the flight, one of the following is valid for the flight (a ‘specific’ category flight)—
    - (i) an operational authorisation issued to the UAS operator under Article 12 of the Unmanned Aircraft Implementing Regulation;
    - (ii) a LUC with appropriate privileges granted to the UAS operator in accordance with point UAS.LUC.060 of the Annex to that Regulation;
    - (iii) an authorisation issued in accordance with Article 16 of that Regulation; or
  - (c) the UAS and the UAS operator have been certified as required by Article 6(1) or (2) of the Unmanned Aircraft Implementing Regulation (a ‘certified’ category flight).
- (2) A remote pilot who contravenes paragraph (1) in relation to a flight, and who was not also the UAS operator in relation to that flight, is guilty of an offence.
- (3) A remote pilot who contravenes a relevant requirement imposed in the Unmanned Aircraft Implementing Regulation is guilty of an offence.
- (4) For the purposes of paragraphs (1)(a) and (3), a requirement in any provision of the Unmanned Aircraft Implementing Regulation is to be read together with any other provision of that Regulation that contains any exception, derogation or qualification relating to that requirement.
- (5) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(a) is a requirement imposed in any of the following provisions of Part A of the Annex to the Unmanned Aircraft Implementing Regulation—
- (a) point UAS.OPEN.010(2) (maximum operating height);
  - (b) point UAS.OPEN.060(1)(a), insofar as it relates to having the appropriate competency in the intended subcategory of flight;
  - (c) point UAS.OPEN.060(1)(a), insofar as it relates to carrying proof of competency;
  - (d) point UAS.OPEN.060(1)(d) (certain safety checks);
  - (e) point UAS.OPEN.060(1)(e) (MTOM check);
  - (f) point UAS.OPEN.060(2)(a) (fitness to fly);
  - (g) point UAS.OPEN.060(2)(b), insofar as it requires the remote pilot to keep the unmanned aircraft in visual line of sight;
  - (h) point UAS.OPEN.060(2)(b), insofar as it relates to discontinuing the flight in certain circumstances;
  - (i) point UAS.OPEN.060(2)(c) (geographical zones);
  - (j) point UAS.OPEN.060(3) (flights close to emergency response).
- (6) For the purposes of paragraph (3), in the case of a flight conducted in the circumstances referred to in paragraph (1)(a) with a UAS of a kind specified in a provision of the Unmanned Aircraft Implementing Regulation listed in column 1 of Table 1 below, a “relevant requirement” also includes a requirement imposed in a provision of that Regulation specified in column 2 of that table (where “point” refers to a point in the Annex to that Regulation).

Table 1

Provision specifying the kind of UAS	Provision containing “relevant requirements”
Article 22(a)	Point UAS.OPEN.020(1)
Point UAS.OPEN.020(5)(a), (b) or (c)	Point UAS.OPEN.020(2)
Point UAS.OPEN.020(5)(d)	Point UAS.OPEN.020(1)
Point UAS.OPEN.040(4)(c) if, at the time of take-off, the remote pilot does not intend to comply with points UAS.OPEN.040(1) and (2) of that Annex	Point UAS.OPEN.030(1)
Article 22(b)	Article 22(b)
Point UAS.OPEN.040(4)(c) if, at the time of take-off, the remote pilot intends to comply with points UAS.OPEN.040(1) and (2) of that Annex	Points UAS.OPEN.040(1) and (2)
Point UAS.OPEN.040(4)(a), (b), (d) or (e)	Points UAS.OPEN.040(1) and (2)
Article 22(c)	Points UAS.OPEN.040(1) and (2)

(7) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(b)(i) or (ii) is a requirement imposed in any of the following provisions of Part B of the Annex to the Unmanned Aircraft Implementing Regulation—

- (a) point UAS.SPEC.060(1)(a) (fitness to fly);
- (b) point UAS.SPEC.060(1)(b), insofar as it relates to having the appropriate competency;
- (c) point UAS.SPEC.060(1)(b), insofar as it relates to carrying proof of competency;
- (d) point UAS.SPEC.060(2)(c) (certain safety checks);
- (e) point UAS.SPEC.060(3)(a) (authorised limitations and conditions);
- (f) point UAS.SPEC.060(3)(b) (risk avoidance);
- (g) point UAS.SPEC.060(3)(c) (geographical zones);
- (h) point UAS.SPEC.060(3)(d) (operator’s procedures);
- (i) point UAS.SPEC.060(3)(e) (flights close to emergency response).

(8) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(b)(iii) is any condition of a kind referred to in Article 16(3) of the Unmanned Aircraft Implementing Regulation that is imposed on the remote pilot in the authorisation.

**F272** Arts. 265A-265F inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 9 (with art. 13)

### Offence: registration of certified unmanned aircraft

**265C.**—(1) The owner of an unmanned aircraft required by Article 6(1) or (2) of the Unmanned Aircraft Implementing Regulation to be certified must not cause or permit that aircraft to be flown unless the owner has first registered that aircraft in accordance with Article 14(7) of that Regulation.

(2) Any person who contravenes paragraph (1) is guilty of an offence.

**F272** Arts. 265A-265F inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **9** (with art. 13)

### **Minimum age requirements: UAS operators and remote pilots**

**265D.**—(1) In accordance with Article 9(3)(a) of the Unmanned Aircraft Implementing Regulation, the minimum age for remote pilots operating a UAS in the ‘open’ category is lowered from 16 years to 12 years.

(2) The minimum age of 16 years for remote pilots operating a UAS in the ‘specific’ category is lowered—

- (a) to 14 years in accordance with Article 9(3)(b) of the Unmanned Aircraft Implementing Regulation; or
- (b) when operating in the framework of model aircraft clubs or associations, to 14 years or any lower minimum age provided for in an authorisation issued in accordance with Article 16 of that Regulation.

(3) A UAS operator must not cause or permit an unmanned aircraft other than a tethered small unmanned aircraft to be flown by a remote pilot who does not meet the minimum age for operating a UAS required by Article 9 of the Unmanned Aircraft Implementing Regulation, subject to paragraphs (1) and (2).

(4) A UAS operator who contravenes paragraph (3) is guilty of an offence.

(5) Paragraphs (3) and (4) cease to have effect on IP completion day.

(6) In the case of an individual, the CAA must not issue a unique digital registration number to a UAS operator in accordance with Article 14(6) of the Unmanned Aircraft Implementing Regulation unless the UAS operator is at least 18 years of age.

(7) In this article—

- (a) ‘open’ category means a category of UAS operations that is defined in Article 4 of the Unmanned Aircraft Implementing Regulation;
- (b) ‘specific’ category means a category of UAS operations that is defined in Article 5 of the Unmanned Aircraft Implementing Regulation.

**F272** Arts. 265A-265F inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), **9** (with art. 13)

### **Offences: tethered small unmanned aircraft**

**265E.**—(1) A UAS operator must not cause or permit a tethered small unmanned aircraft to be flown, unless the following requirements of the Unmanned Aircraft Implementing Regulation are complied with in relation to the tethered small unmanned aircraft—

- (a) Article 14(5) (registration);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting safety occurrences);
- (d) point UAS.OPEN.050(3) of Part A of the Annex (designation of remote pilot);
- (e) point UAS.OPEN.050(5) of Part A of the Annex (geo-awareness updates).

(2) Subject to paragraph (3), a remote pilot must not fly a tethered small unmanned aircraft unless the following requirements of the Unmanned Aircraft Implementing Regulation are complied with in relation to the tethered small unmanned aircraft—

- (a) where the tethered small unmanned aircraft has a MTOM of less than 250g, the following provisions of Part A of the Annex to that Regulation—
    - (i) point UAS.OPEN.010(2) (maximum operating height);
    - (ii) point UAS.OPEN.020(2) (overflight of people);
    - (iii) point UAS.OPEN.060(1)(d) (certain safety checks);
    - (iv) point UAS.OPEN.060(2)(a) (fitness to fly);
    - (v) point UAS.OPEN.060(2)(b), insofar as it requires the remote pilot to keep the unmanned aircraft in visual line of sight;
    - (vi) point UAS.OPEN.060(2)(b), insofar as it relates to discontinuing the flight in certain circumstances;
    - (vii) point UAS.OPEN.060(2)(c) (geographical zones);
    - (viii) point UAS.OPEN.060(3) (flights close to emergency response);
  - (b) where the tethered small unmanned aircraft has a MTOM 250g or more, the following provisions of Part A of that Annex—
    - (i) point UAS.OPEN.010(2) (maximum operating height);
    - (ii) point UAS.OPEN.020(4)(b) (competency);
    - (iii) point UAS.OPEN.040(1) (overflight of people);
    - (iv) point UAS.OPEN.040(2) (horizontal distances);
    - (v) point UAS.OPEN.060(1)(a) insofar as relates to carrying proof of competency;
    - (vi) point UAS.OPEN.060(1)(d) (certain safety checks);
    - (vii) point UAS.OPEN.060(2)(a) (fitness to fly);
    - (viii) point UAS.OPEN.060(2)(b), insofar as it requires the remote pilot to keep the unmanned aircraft in visual line of sight;
    - (ix) point UAS.OPEN.060(2)(b), insofar as it relates to discontinuing the flight in certain circumstances;
    - (x) point UAS.OPEN.060(2)(c) (geographical zones);
    - (xi) point UAS.OPEN.060(3) (flights close to emergency response).
- (3) A remote pilot may fly a tethered small unmanned aircraft in a manner not in compliance with the requirements specified in paragraphs (2)(a)(i), (2)(a)(ii), (2)(a)(v), (2)(b)(i), (2)(b)(iii), (2)(b)(iv) and (2)(b)(viii) provided that flight or that part of that flight is in accordance with a permission issued by the CAA to the UAS operator.
- (4) For the purposes of paragraphs (1) and (2), any reference to an “unmanned aircraft” or “UAS” in the Unmanned Aircraft Implementing Regulation is to be read as if it includes a tethered small unmanned aircraft or a system that includes such an aircraft.
- (5) The UAS operator or a remote pilot of a tethered small unmanned aircraft must not cause or permit—
- (a) any material to be dropped from, or dangerous goods to be carried on, the aircraft during flight;
  - (b) the aircraft to be flown where the limit imposed by the restraining device is more than 25m long,
- other than in accordance with a permission issued by the CAA to the UAS operator.
- (6) The UAS operator must not cause or permit a [<sup>F273</sup>tethered small unmanned aircraft] to be flown unless the UAS operator has reasonably formed the view that the remote pilot of the aircraft complies with the requirement specified in paragraph (2)(b)(ii) in relation to that flight.

(7) Any person who contravenes paragraph (1), (2), (5) or (6) is guilty of an offence.

(8) In this article, “dangerous goods” and “MTOM” have the meanings assigned to them in Article 2 of the Unmanned Aircraft Implementing Regulation.

**F272** Arts. 265A-265F inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 9 (with art. 13)

**F273** Words in art. 265E(6) substituted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), 9

## Penalties

**265F.**—(1) Any person guilty of an offence under article 265A(2) or article 265B(2) is liable on summary conviction—

- (a) in England and Wales to a fine; or
- (b) in Scotland or Northern Ireland to a fine not exceeding the statutory maximum.

(2) Any person guilty of an offence under article 265A(3) is liable on summary conviction to a fine—

- (a) not exceeding level 3 on the standard scale if the offence relates to contravention of a relevant requirement referred to in—
  - (i) article 265A(5)(a) (registration);
  - (ii) article 265A(5)(b) (display of registration number);
  - (iii) article 265A(5)(d)(i) (designation of remote pilot);
  - (iv) article 265A(5)(d)(ii) (competency of remote pilot);
  - (v) article 265A(5)(d)(iii) (geo-awareness updates);
  - (vi) article 265A(6)(a) (registration);
  - (vii) article 265A(6)(b) (display of registration number);
  - (viii) article 265A(6)(d)(ii) (designation of remote pilot or allocation of responsibilities for autonomous operations);
  - (ix) article 265A(6)(d)(iii) (competence of remote pilot);
  - (x) article 265A(6)(d)(iv) (operations manual);
  - (xi) article 265A(6)(d)(vi) (record-keeping);
  - (xii) article 265A(6)(vii) (access to records);
  - (xiii) article 265A(7)(a) (registration);
  - (xiv) article 265A(7)(b) (display of registration number);
  - (xv) article 265A(7)(d)(ii) (designation of remote pilot or allocation of responsibilities for autonomous operations);
  - (xvi) article 265A(7)(d)(iii) (competency of remote pilot);
  - (xvii) article 265A(7)(d)(iv) (operations manual);
  - (xviii) article 265A(7)(d)(vi) (record-keeping);
  - (xix) article 265A(7)(e)(iv) (LUC record-keeping);
  - (xx) article 265A(7)(e)(v) (access to records);
  - (xxi) article 265A(9)(a) (registration); or
  - (xxii) article 265A(9)(b) (display of registration number);

- (b) not exceeding level 4 on the standard scale in any other case.
- (3) Any person guilty of an offence under article 265B(3) is liable on summary conviction to a fine—
  - (a) not exceeding level 2 on the standard scale if the offence relates to contravention of a relevant requirement referred to in article 265B(5)(c) or (7)(c) (requirements for remote pilot to carry proof of competency);
  - (b) not exceeding level 3 on the standard scale if the offence relates to contravention of a relevant requirement referred to in article 265B(5)(b), (5)(e) or (7)(b) (requirements for remote pilot to have appropriate competency and verify MTOM);
  - (c) not exceeding level 4 on the standard scale in any other case.
- (4) Any person guilty of an offence under article 265C(2) or 265D(4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person guilty of an offence under article 265E(7) is liable on summary conviction to a fine—
  - (a) not exceeding level 2 on the standard scale if the offence relates to the requirement in article 265E(2)(b)(v) (requirement for remote pilot to carry proof of competency);
  - (b) not exceeding level 3 on the standard scale if the offence relates to a requirement referred to in—
    - (i) article 265E(1)(a) (registration);
    - (ii) article 265E(1)(b) (display of registration number);
    - (iii) article 265E(1)(d) (designation of remote pilot);
    - (iv) article 265E(1)(e) (geo-awareness updates);
    - (v) article 265E(2)(b)(ii) (competency); or
    - (vi) article 265E(6) (remote pilot competency);
  - (c) not exceeding level 4 on the standard scale in any other case.]

**F272** Arts. 265A-265F inserted (31.12.2020) by [The Air Navigation \(Amendment\) Order 2020 \(S.I. 2020/1555\)](#), arts. 1(2), 9 (with art. 13)

### [<sup>F274</sup>Fixed penalty offences

**265G.** In the case of an offence under any provision of this Order which is prescribed under paragraph 2(2) of Schedule 10 to the Air Traffic Management and Unmanned Aircraft Act 2021, this Order has effect subject to Schedule 10 to that Act (fixed penalties for certain offences relating to unmanned aircraft).]

**F274** Art. 265G inserted (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 10 para. 2(3)**; S.I. 2021/748, reg. 2(l)

#### Modifications etc. (not altering text)

**C5** Art. 265G: power to amend conferred (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(1)(a), **Sch. 10 para. 2(4)(5)**; S.I. 2021/748, reg. 2(l)

## Exemption from Order

**266.** The CAA may exempt from any of the provisions of this Order (other than articles 179, 230, 247, 250, 251, 252, 255, and 267) or any regulations made under this Order, any aircraft or persons or classes of aircraft or persons, subject to such conditions it deems appropriate.

## Appeal to County Court or Sheriff Court

**267.**—(1) Subject to paragraphs (3), (4) and (5), an appeal lies to a county court from any decision of the CAA that a person is not a fit person to hold a licence to act as—

- (a) an aircraft maintenance engineer;
- (b) a member of the flight crew of an aircraft;
- (c) an air traffic controller;
- (d) a student air traffic controller; or
- (e) a flight information service officer.

(2) If the court is satisfied that, on the evidence submitted to the CAA, it was wrong in deciding that a person is not a fit person to hold a licence, the court may reverse the CAA's decision and the CAA must give effect to the court's determination.

(3) An appeal does not lie from a decision of the CAA that a person is not qualified to hold the licence by reason of a deficiency in that person's knowledge, experience, competence, skill, physical or mental fitness.

(4) If the appellant resides or has its registered or principal office in Scotland, the appeal lies to the sheriff within whose jurisdiction the appellant resides and the appeal is by way of summary application.

(5) Notwithstanding any provision to the contrary in rules governing appeals to the county court in Northern Ireland, if the appellant resides or has its registered or principal office in Northern Ireland the appeal lies to a county court held under the County Courts (Northern Ireland) Order 1980.

(6) The CAA is a respondent to any appeal under this article.

(7) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision is deemed to have been taken on the date on which the CAA supplied a statement of its reasons for the decision to the applicant for the licence or the holder or former holder of it.

(8) In the case of an appeal to the sheriff—

- (a) the sheriff may, if the sheriff thinks fit, and on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor;
- (b) where it is proposed to appoint any person as an assessor, an objection to the proposed assessor, either personally or concerning the proposed assessor's qualification, may be stated by any party to the appeal and must be considered and disposed of by the sheriff.

(9) The assessors for each sheriffdom must be appointed from a list of persons approved for the purposes by the sheriff principal and—

- (a) such a list must be published in such manner as the sheriff principal directs;
- (b) such a list will be in force for three years only, but persons entered in any such list may be again approved in any subsequent list; and
- (c) it is lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in their sheriffdom.

(10) The sheriff before whom an appeal is heard with the assistance of an assessor must make a note of any question submitted by the sheriff to such assessor and of the answer to that question.



(11) An appeal lies on a point of law from any decision of a sheriff under this article to the Court of Session.

### Approval of persons to supply reports

**268.** In relation to any of its functions under any of the provisions of this Order the CAA may approve a person as qualified to supply reports to it and may accept such reports.

### Certificates, authorisations, approvals and permissions

**269.** Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the CAA, unless otherwise provided, such a certificate, authorisation, approval or permission—

- (a) must be in writing;
- (b) may be issued or granted subject to such conditions as the CAA thinks fit; and
- (c) may be issued or granted, subject to article 253, for such periods as the CAA thinks fit.

### Competent authority

<sup>F275</sup>**270.** . . . . .

**F275** Art. 270 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 73** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Functions under the Basic EASA Regulation to be exercised by the CAA

<sup>F276</sup>**271.** . . . . .

**F276** Art. 271 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 74** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Functions under the EASA Aircrew Regulation to be exercised by the CAA

<sup>F277</sup>**272.** . . . . .

**F277** Art. 272 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 75** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### Functions under the Occurrence Reporting Regulation to be exercised by the CAA

<sup>F278</sup>**273.** . . . . .

**F278** Art. 273 omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 76** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

## PART 11

### Revocations and savings, consequential amendments and transitional arrangements

#### Revocations and savings, consequential amendments and transitional arrangements

**274.**—(1) Schedule 14 (revocations and savings, consequential amendments and transitional arrangements) has effect.

(2) Subject to articles 212, 214 and 216, nothing in this Order or any regulations made under this Order confers any right to land in any place as against the owner of the land or any other persons interested in the land.

(3) Subject to paragraph (4), anything done under, or by virtue of, any article or regulation revoked by this Order, if it could have been done under or for the purpose of the corresponding provision of this Order, is to be deemed to have been done under or by virtue of the corresponding provision of this Order and anything begun under, or by virtue of, any such article or regulation may be continued under this Order as if begun under this Order.

(4) Nothing in this Order obliges the CAA to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the grant of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

## PART 12

### Review

#### Review

**275.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

<sup>F279</sup>(2) .....

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before the end of the period of five years beginning with the day on which this Order comes into force.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

**F279** Art. 275(2) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, [Sch. 1 para. 77](#) (with [Sch. 3](#)) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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**Changes to legislation:** There are currently no known outstanding effects  
for the The Air Navigation Order 2016. (See end of Document for details)

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Ceri King  
Deputy Clerk of the Privy Council

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016.