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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates with amendments the provisions of the Air Navigation Order 2009 (S.I. 2009/3015) and takes account of the requirement to apply the provisions of certain of the Annexes to Commission Regulation (EU) No 965/2012 (O.J. No. L 296, 25.10.2012, p.1., and referred to in this Order as the “EASA Air Operations Regulation”) to different categories of aircraft following the expiry of the derogation period permitted under paragraph 3 of Article 10 of that Regulation. Part 1 deals with interpretation, and introduces Schedule 1 containing definitions used throughout the Order.

Part 2 sets out the applicability of the Order, including providing for extra-territorial effect in certain situations.

Part 3 contains provisions dealing with registration and marking of aircraft.

Part 4 deals with airworthiness of aircraft, both initially and on a continuing basis.

Part 5 sets out provisions dealing with the operation of aircraft. This imposes specific obligations on the pilot in command of an aircraft, and sets out requirements for aircraft equipment and crew, as well as restrictions on certain types of aerial activity. There are additional requirements for public transport operations.

Part 6 deals with arrangements for aircrew, including provisions requiring aircrew to be licensed, and how such licences are granted and maintained. Article 178 also implements article 42 of Council Directive 96/29/Euratom of 13 May 1996, which lays down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (O.J. No. L 159, 29.6.96, p.1). Article 178 therefore requires an undertaking established in the United Kingdom which operates aircraft to take appropriate measures to assess the in-flight exposure to cosmic radiation of air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year, to take into account the assessed exposure when organising work schedules and to inform the workers concerned of the health risks their work involves. In accordance with article 10 of that Directive, additional provision is made for air crew who are pregnant so that the dose to the foetus will be as low as reasonably achievable and unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

Part 7 deals with arrangements for air traffic services, including the licensing of air traffic controllers and flight information service officers.

Part 8 sets requirements for aerodromes and lighting, including a requirement to light objects, such as wind turbine generators, which may prove an obstacle to aircraft. Lights which dazzle or distract pilots, or which are otherwise liable to endanger aircraft, are prohibited.

Part 9 specifies which documents and records are required to be maintained and produced. Article 230 also requires an undertaking to keep a record of the assessed exposure of air crew to cosmic radiation for the purposes of Council Directive 96/29/Euratom, to produce that record on request to the Civil Aviation Authority and to supply a copy on request to the air crew concerned.

Part 10 sets out prohibited behaviour in connection with aircraft, including in relation to drunkenness, smoking and acting in a disruptive manner. It also provides for Operational Directives and Rules of the Air to be promulgated.

Part 11 deals with revocations and savings, consequential amendments and transitional arrangements, and introduces Schedule 14.

Part 12 consists of a review provision in article 275, which requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether this Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

**Changes to legislation:** *There are currently no known outstanding effects for the The Air Navigation Order 2016. (See end of Document for details)*

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and published with the Explanatory Memorandum alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk)

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