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STATUTORY INSTRUMENTS

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**2016 No. 765**

**The Air Navigation Order 2016**

**PART 6**

**Aircrew**

**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 Chapter 3—

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

**Validation of licences**

**169.** Except for a Part-FCL licence 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.

**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 non-EASA glider.

### **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.