
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 6

Aircrew

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) [^{F1}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.

Textual Amendments

- F1** 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^[F2], 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.

Textual Amendments

- F2** 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 ^[F3](P) must not act as a member of the crew of an aircraft to which this article applies if ^[F4]P knows or suspects P is] suffering from or, having regard to the circumstances of the flight to be undertaken, ^[F5]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.

Textual Amendments

- F3** Word in art. 176(1) inserted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **34(a)**
- F4** 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)**
- F5** 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

^{F6}**178.**

Textual Amendments

- F6** [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 ^{F7}... Part-CAT operators

179.—(1) This article applies to an operator of ^{F8}... 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 [^{F9}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.

Textual Amendments

- F7** 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)
- F8** 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)
- F9** 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)

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation Order 2016,
CHAPTER 5.