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STATUTORY INSTRUMENTS

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**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) Article 176 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.

**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; 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.

**Fatigue of crew – responsibilities of crew**

176.—(1) A person must not act as a member of the crew of an aircraft to which this article applies if they know or suspect that they are suffering from or, having regard to the circumstances of the flight to be undertaken, are 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.

**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**

**178.**—(1) An undertaking operating an aircraft must—

- (a) take account of exposure to cosmic radiation of air crew who are liable to be subject to exposure to more than 1 mSv per year; and
- (b) take appropriate measures, in particular to—
  - (i) assess the exposure of the crew concerned;
  - (ii) take into account the assessed exposure when organising working schedules with a view to reducing the doses of highly exposed air crew; and
  - (iii) to inform the workers concerned of the health risks their work involves.

(2) In relation to female air crew employed by an undertaking—

- (a) as soon as a pregnant woman informs the undertaking in writing of her condition, the undertaking must ensure that—
  - (i) the conditions of exposure to cosmic radiation for the pregnant woman in the context of her employment are such that the equivalent dose to the child to be born will be as low as reasonably achievable; and
  - (ii) it will be unlikely that this dose will exceed 1 mSv during the remainder of the pregnancy;
- (b) as soon as a nursing woman informs the undertaking in writing of her condition she must not be employed in work involving a significant risk of bodily radioactive contamination.

(3) In this article—

“air crew” has the same meaning as in article 42 of Council Directive 96/29/Euratom<sup>(1)</sup>;

“highly exposed” has the same meaning as in article 42 of Council Directive 96/29/Euratom;

“mSv” means one thousandth of a Sievert, as defined in article 1 of Council Directive 96/29/Euratom;

“undertaking”, as regards the operation of aircraft, has the meaning given in articles 1 and 2 of Council Directive 96/29/Euratom.

### **Fatigue of crew – responsibilities of EU-OPS and Part-CAT operators**

**179.**—(1) This article applies to an operator of an EU-OPS aeroplane or 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 EU-OPS or Part-CAT has been approved by the CAA; and

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(1) Council Directive 96/29/Euratom of 13th May 1996 laying 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.

- (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.