

## SCHEDULES

## SCHEDULE 14

Article 274

REVOCATIONS AND SAVINGS, CONSEQUENTIAL  
AMENDMENTS AND TRANSITIONAL ARRANGEMENTS

## PART 1

## Revocations and savings

1. The instruments specified in column 1 of the table, with the reference in the corresponding entry in column 2 of the table, are revoked to the extent specified in the corresponding entry in column 3 of that table.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Instrument Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Air Navigation Order 2009	<a href="#">S.I. 2009/3015</a>	Whole instrument
The Air Navigation (Amendment) Order 2010	<a href="#">S.I. 2010/770</a>	Whole instrument
The Air Navigation (Amendment) Order 2011	<a href="#">S.I. 2011/2432</a>	Whole instrument
The Air Navigation (Amendment) Order 2012	<a href="#">S.I. 2012/1751</a>	Whole instrument
The Air Navigation (Amendment) Order 2013	<a href="#">S.I. 2013/3169</a>	Whole instrument
The Air Navigation (Amendment) Order 2014	<a href="#">S.I. 2014/508</a>	Whole instrument
The Air Navigation (Amendment) (No. 2) Order 2014	<a href="#">S.I. 2014/1888</a>	Whole instrument
The Air Navigation (Amendment) (No. 3) Order 2014	<a href="#">S.I. 2014/2920</a>	Whole instrument
The Air Navigation (Amendment) (No. 4) Order 2014	<a href="#">S.I. 2014/3302</a>	Whole instrument
The International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015	<a href="#">S.I. 2015/912</a>	Paragraph 4 of Schedule 5
The Air Navigation (Amendment) Order 2015	<a href="#">S.I. 2015/1768</a>	Whole instrument

## PART 2

### Consequential amendments

#### CHAPTER 1

##### Primary legislation

#### **Amendment of the Police Act 1997**

**2.** In the Police Act 1997(1)—

- (a) in section 113A as it applies to Northern Ireland(2), for subsection (6D)(fff), substitute—  
“(fff) an offence under article 240 or 241 of the Air Navigation Order 2016;”;
- (b) for paragraph 23 of Schedule 8A(3), substitute—

“**23.** An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).”.

#### CHAPTER 2

##### Secondary legislation

#### SECTION 1

##### *United Kingdom Statutory Instruments*

#### **Amendment of the Civil Aviation (Working Time) Regulations 2004**

**3.** In the Civil Aviation (Working Time) Regulations 2004(4)—

- (a) in regulation 3—
  - (i) in the definition of “commercial air transport flight”, for “article 255(1) of the Air Navigation Order 2009”, substitute “paragraph 1 of Schedule 1 to the Air Navigation Order 2016”;
  - (ii) in the definition of “public transport”, for “article 260(2) of the Air Navigation Order 2009”, substitute “article 6(2) of the Air Navigation Order 2016”;
  - (iii) in the definition of “scheme”, for “article 145(1)(b) or 149(a) of the Air Navigation Order 2009”, substitute “article 175(1)(b) or 179(2)(a) of the Air Navigation Order 2016”;
- (b) in regulation 10(2), for “a scheme referred to in article 145(1) or 149 of the Air Navigation Order 2009” (twice), substitute “a scheme referred to in article 175(1) or 179 of the Air Navigation Order 2016”.

#### **Amendment of the Plant Protection Products (Sustainable Use) Regulations 2012**

**4.** In paragraph 7(e) of Schedule 2 to the Plant Protection Products (Sustainable Use) Regulations 2012(5), for “article 131(2) of the Air Navigation Order 2009”, substitute “article 91(2) of the Air Navigation Order 2016”.

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(1) [1997 c.50](#).

(2) Subsection (6D) was inserted in respect of Northern Ireland by [S.R. \(NI\) 2014 No 100](#).

(3) Schedule 8A was inserted by [S.S.I. 2015/423](#).

(4) [S.I. 2004/756](#).

(5) [S.I. 2012/1657](#).

#### **Amendment of the Kentish Flats Extension Order 2013**

5. In the Kentish Flats Extension Order 2013<sup>(6)</sup>—
- (a) in paragraph 5(e) of Part 3 to Schedule 1; and
  - (b) in paragraph 2(e) of Part 2 to Schedule 2,
- for “Air Navigation Order 2009”, substitute “Air Navigation Order 2016”.

#### **Amendment of the Wireless Telegraphy (Limitation of Number of Licences) Order 2014**

6. In paragraphs 7, 9, 14, 18 and 23 of Part 2 of Schedule 6 to the Wireless Telegraphy (Limitation of Number of Licences) Order 2014<sup>(7)</sup>, for “Air Navigation Order 2009”, substitute “Air Navigation Order 2016”.

#### **Amendment of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014**

7. In paragraph 9(4)(a) of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014<sup>(8)</sup>, for “article 6 (aircraft to be registered) of the Air Navigation Order 2009”, substitute “article 27 (application for the registration of an aircraft) of the Air Navigation Order 2016”.

#### **Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015**

8. In the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>(9)</sup>—
- (a) in the definition of “aerodrome” in article 2(1)—
    - (i) for “article 255 of the Air Navigation Order 2009 (interpretation)”, substitute “paragraph 1 of Schedule 1 to the Air Navigation Order 2016”; and
    - (ii) for “article 255 of that Order”, substitute “paragraph 1 of Schedule 1 to that Order”;
  - (b) in paragraph U of Part 19 of Schedule 2, for “article 255 of the Air Navigation Order 2009”, substitute “paragraph 1 of Schedule 1 to the Air Navigation Order 2016”.

#### **Amendment of the Rules of the Air Regulations 2015**

9. In the Rules of the Air Regulations 2015<sup>(10)</sup>—
- (a) in rule 1(3) in Schedule 1, for “article 258 of the Air Navigation Order 2009”, substitute “article 5 of the Air Navigation Order 2016”; and
  - (b) in rule 2 in Schedule 1, for “articles 160(3) and 252(1) of the Air Navigation Order 2009”, substitute “articles 249(3) and 22(1) of the Air Navigation Order 2016”.

#### **Amendment of the Air Navigation (Isle of Man) Order 2015**

10. In the Air Navigation (Isle of Man) Order 2015<sup>(11)</sup>—
- (a) in article 68(1), for “article 132 of the Air Navigation Order 2009”, substitute “article 97 of the Air Navigation Order 2016”;

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(6) [S.I. 2013/343](#).  
(7) [S.I. 2014/774](#).  
(8) [S.I. 2014/2936](#).  
(9) [S.I. 2015/596](#).  
(10) [S.I. 2015/840](#).  
(11) [S.I. 2015/870](#).

*Status: This is the original version (as it was originally made).*

- (b) in article 91(1), for “article 160 of the Air Navigation Order 2009”, substitute “article 249 of the Air Navigation Order 2016”; and
- (c) in article 167(1), in the definition of “applied regulations”, for “Air Navigation Order 2009”, substitute “Air Navigation Order 2016”.

## SECTION 2

### *Scottish Statutory Instruments*

#### **Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013**

**11.** For paragraph 23 of Schedule A1 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013<sup>(12)</sup>, substitute—

“**23.** An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).”.

## SECTION 3

### *Northern Ireland Statutory Rules*

#### **Amendment of Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979**

**12.** In article 1A(4)(fff) of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979<sup>(13)</sup>, for “Article 137 or 138 of the Air Navigation Order 2009”, substitute “Article 240 or 241 of the Air Navigation Order 2016”.

#### **Amendment of the Planning (General Permitted Development) Order (Northern Ireland) 2015**

**13.** In the definition of “airbase” in the “Interpretation Part 29” section of Part 29 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015<sup>(14)</sup>, for “Article 255 of the Air Navigation Order 2009”, substitute “paragraph 1 of Schedule 1 to the Air Navigation Order 2016”.

#### **Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015**

**14.** In article 2(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015<sup>(15)</sup>, in the definition of “licensed aerodrome”, for “Air Navigation Order 2009”, substitute “Air Navigation Order 2016”.

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<sup>(12)</sup> S.S.I. 2013/50.

<sup>(13)</sup> S.R. 1979/195.

<sup>(14)</sup> S.R. 2015/70.

<sup>(15)</sup> S.R. 2015/72.

## PART 3

### Transitional arrangements

#### Log Books

**15.** In respect of any log book kept under article 34 of the Air Navigation Order 2009 immediately before the commencement of this Order—

- (a) such a log book may continue to be used to comply with the requirements of this Order;
- (b) entries made in such a log book before the commencement of this Order must be retained as though they were entries made in accordance with the requirements of this Order; and
- (c) entries in such a log book which were required to be made by the Air Navigation Order 2009 immediately before the commencement of this Order and which have not been so made continue to be required to be made.

#### Equipment of Non-EASA aircraft

**16.** A non-EASA aircraft which, immediately before the commencement of this Order, was fitted with equipment in conformity with article 37 of the Air Navigation Order 2009 is deemed to meet the requirements of article 77 of this Order.

#### Instructor ratings

**17.** An instructor rating held pursuant to the Air Navigation Order 2009 immediately before the commencement of this Order—

- (a) is, for the purposes of this Order, deemed to be the equivalent instructor certificate issued under this Order;
- (b) remains valid until—
  - (i) that rating would have ceased to become valid under the Air Navigation Order 2009, had that Order not been revoked; or
  - (ii) an equivalent instructor certificate issued under this Order would cease to be valid, whichever is the sooner; and
- (c) on the first occasion where revalidation or renewal is required in accordance with this Order, is to become an instructor certificate issued under this Order.

#### Aircraft markings

**18.** An aircraft which, immediately before the commencement of this Order, bore markings in conformity with article 119 of the Air Navigation Order 2009 is deemed to meet the requirements of paragraph 7 of Schedule 5 or paragraph 6 of Part 1 of Schedule 6 of this Order.

#### Certificates of experience and test

**19.** For the purposes of article 154(2), a certificate of experience or certificate of test obtained under the Air Navigation Order 2009 is to be treated as a certificate of revalidation until such time as—

- (a) the holder next applies to the CAA for the renewal or variation of their licence; or
- (b) the CAA requires a variation of the holder's licence,

whichever is the earlier.

### **Medical declarations**

**20.**—(1) For the purposes of article 163, a medical declaration which immediately before the commencement of this Order was valid under article 73A of the Air Navigation Order 2009—

- (a) is to be treated as a declaration made in accordance with, and satisfying the requirements of, paragraph (3) of article 163; and
  - (b) subject to paragraph (4) of article 163, continues to be valid until the expiry of the relevant period mentioned in the table in paragraph (4) of article 73A of the Air Navigation Order 2009.
- (2) In the application of article 163 to a medical declaration mentioned in sub-paragraph (1)—
- (a) the reference in paragraph (4)(b) of that article to “paragraph (3)” is to be treated as though it read “article 73A of the Air Navigation Order 2009, had that article remained in force”; and
  - (b) the reference in paragraph (4)(c)(i) of that article to “paragraph (3)(a)(i)” is to be treated as though it read “article 73A(2)(a) of the Air Navigation Order 2009, had that article remained in force”.