

SCHEDULES

SCHEDULE 3

A, B AND E CONDITIONS AND CATEGORIES OF CERTIFICATE OF AIRWORTHINESS

PART 1

A, B and E Conditions

CHAPTER 3

E Conditions

1. Subject to the conditions set out in paragraph 3, a [^{F1}non-Part-21] aircraft registered in the United Kingdom of not more than 2,000kg maximum take-off mass and which is designed to be flown by a crew of at least one pilot may fly for a purpose set out in paragraph 2 when there is in force neither—

- (a) a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom; nor
- (b) a permit to fly.

F1 Word in Sch. 3 Pt. 1 Ch. 3 para. 1 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, [Sch. 1 para. 79\(c\)](#) (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

2. The purposes referred to in paragraph 1 are—

- (a) experimenting with or testing the aircraft (including any engines installed on the aircraft) or any equipment installed or carried in the aircraft;
- (b) demonstrating the aircraft, any engines installed on the aircraft or any equipment installed or carried in the aircraft in support of their development or of other similar aircraft, engines or equipment.

3.—(1) The aircraft may only fly if any certificate of airworthiness or permit to fly held in respect of the aircraft is suspended.

(2) The aircraft may only fly in accordance with a test programme, not exceeding a period of 12 months, in respect of which an E Conditions Declaration has been made by an E Conditions competent person and submitted to the CAA.

(3) The aircraft must not fly in accordance with the test programme until the E Conditions competent person has received a written acknowledgement from the CAA of its receipt of the E Conditions Declaration.

(4) Flight of the aircraft may be subject to any additional conditions which may be specified by the E Conditions competent person.

(5) The aircraft must not fly if the E Conditions competent person is not satisfied that all risks in respect of the flight test programme continue to have been mitigated to an acceptable level and that the level of risk to uninvolved third parties is low enough to be acceptable.

(6) No person may act as pilot in command of the aircraft except a person who has been judged by the E Conditions competent person to be appropriately qualified and trained for the purpose.

(7) The aircraft must not carry any cargo, or any persons other than the pilot except any additional person determined by the E Conditions competent person to be necessary to achieve the purpose of the flight as specified in paragraph 2;

(8) The words “UK EXPERIMENTAL” must be displayed on the aircraft near each entrance to the cabin or cockpit in letters not less than 5 centimetres nor more than 15 centimetres in height.

(9) A placard must be affixed to the aircraft and displayed within sight of all occupants of the aircraft which must be worded as follows—

Occupant Warning

This UK registered Experimental Aircraft has not been approved and may only be flown by permission granted under ANO E Conditions.

4. An E Conditions Declaration must—

- (a) be signed by an E Conditions competent person;
- (b) specify the aircraft in respect of which it is issued;
- (c) specify the flight test programme in respect of which it is issued, including the start and finish dates of the programme;
- (d) set out the specified purposes for which the aircraft may fly;
- (e) confirm that the flight test programme will be conducted in accordance with the Conditions of Flight at paragraph 3;
- (f) declare that the E Conditions competent person has obtained the consent of the registered owner of the aircraft—
 - (i) to request the suspension of any certificate of airworthiness or permit to fly granted in respect of the aircraft; and
 - (ii) for the aircraft to undertake the flight test programme;
- (g) request the suspension of any certificate of airworthiness or permit to fly held in respect of the aircraft;
- (h) declare that if the ownership of the aircraft changes during the flight test programme, the E Conditions competent person will not permit a flight to take place until the consent of the new aircraft owner for the aircraft to continue the flight test programme has been obtained;
- (i) declare that, before the flight test programme commences, the E Conditions competent person will undertake a risk assessment and must be satisfied that—
 - (i) all risks in respect of the flight test programme have been mitigated to an acceptable level; and
 - (ii) in particular, the level of risk to uninvolved third parties is low enough to be acceptable;
- (j) declare that, throughout the flight test programme, the E Conditions competent person will make such changes to the risk assessment and dossier of information as appear appropriate in light of the information gathered in connection with that programme;
- (k) declare that the E Conditions competent person will—
 - (i) keep under review the risks in respect of the flight test programme; and

- (ii) not permit a flight to take place in the event that the E Conditions competent person ceases to be satisfied that—
 - (aa) all risks in respect of the flight test programme have been mitigated to an acceptable level; and
 - (bb) in particular, the level of risk to uninvolved third parties is low enough to be acceptable.

5.—(1) An E Conditions competent person means a person who satisfies the requirements of sub-paragraph (2) or (3).

(2) A person who has been authorised as a competent person by an E Conditions approved person, and whose authorisation has not been withdrawn, satisfies the requirements of this sub-paragraph.

(3) A person who—

- (a) is a Member or Fellow of the Royal Aeronautical Society (“the RAeS”) and a Chartered Engineer registered with the Engineering Council via the RAeS; and
- (b) has notified the RAeS of that person's intention to act as an E Conditions competent person and has not withdrawn that notification;

satisfies the requirements of this sub-paragraph.

(4) The CAA may approve a person to authorise a competent person for the purposes of E Conditions and in this Order “E Conditions approved person” means a person so approved.

6.—(1) An E Conditions competent person is entitled to make an E Conditions Declaration.

(2) The E Conditions competent person must—

(a) before the flight test programme commences—

- (i) undertake a risk assessment;
- (ii) be satisfied that all risks in respect of the flight test programme have been mitigated to an acceptable level;
- (iii) in particular be satisfied that the level of risk to uninvolved third parties is acceptable;
- (iv) keep a dossier of information about the aircraft and the flight test programme, including a record of the risk assessment, and retain the dossier for three years after final flight under the flight test programme; and

(b) throughout the flight test programme—

- (i) make such changes to the risk assessment and dossier of information as appear appropriate in light of the information gathered in connection with that programme;
- (ii) not permit a flight to take place unless that person remains satisfied that all risks in respect of the flight test programme have been mitigated to an acceptable level and that the level of risk to uninvolved third parties is low enough to be acceptable.

(3) An E Conditions competent person must produce the dossier of information to an authorised person within a reasonable time after being requested to do so.

7. The flight test programme is deemed to be completed if the person who has submitted an E Conditions Declaration—

- (a) ceases to be an E Conditions competent person;
- (b) notifies the CAA that the flight test programme has been finished or terminated;
- (c) is no longer discharging the obligations set out in the E Conditions Declaration; or
- (d) the declared finish date of the flight test programme has been reached.

Changes to legislation: There are currently no known outstanding effects for the
The Air Navigation Order 2016, CHAPTER 3. (See end of Document for details)

8. The CAA must issue a written acknowledgement of receipt in respect of an E Conditions Declaration submitted to it unless, in its reasonable opinion, the E Conditions Declaration is repetitive.

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation Order 2016,
CHAPTER 3.