

SCHEDULES

SCHEDULE 3

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

PART 1

A, B and E Conditions

CHAPTER 1

A Conditions

1. A ^{F1}non-Part-21 aircraft registered in the United Kingdom may fly for a purpose set out in paragraph 2 or 3 subject to the conditions contained in paragraphs 4 to 7 when—

- (a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom;
- (b) the certificate of airworthiness issued under article 38 for the aircraft has ceased to be in force by virtue of any of the matters specified in article 39;
- (c) it has previously had a permit to fly but that permit has ceased to be in force by virtue of any of the matters specified in article 41; or
- (d) is of a design which has previously been approved by the CAA, or by an organisation approved for that purpose by the CAA, as being compliant with a standard accepted by the CAA as appropriate for the issue of a national permit to fly.

F1 Word in Sch. 3 Pt. 1 Ch. 1 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\(a\)](#) (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 in the case of an aircraft falling within sub-paragraph 1(a) are that the aircraft may fly only so as to enable it to—

- (a) qualify for the issue or renewal of a certificate of airworthiness or a national permit to fly after an application has been made for such issue or renewal, or carry out a functional check of a previously approved modification of the aircraft;
- (b) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in sub-paragraph (a), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
- (c) proceed to or from a place at which the aircraft is to be or has been stored.

3. The purposes in the case of an aircraft falling within sub-paragraph 1(b), (c) or (d) are that the aircraft may fly only so as to enable it to—

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- (a) proceed to a place at which any maintenance or inspection required by article 39(1)(b) or article 41(1)(b) is to take place; or
 - (b) proceed to a place at which any maintenance, inspection or modification required by article 39(1)(c), (d) or (e) or article 41(1)(a) is to take place and for which flight the CAA has given permission in writing; or
 - (c) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the CAA of any overhaul, repair, previously approved modification, inspection or maintenance required by article 39 or article 41.
4. The aircraft, including any modifications, must be of a design which previously has been approved by the CAA, or by an organisation approved for that purpose by the CAA, as being compliant with a standard accepted by the CAA as appropriate for the issue of a national certificate of airworthiness.
5. The aircraft and its engines must be certified as fit for flight by—
- (a) in the case of an aircraft referred to in paragraph 1(c) or (d), a person authorised by an organisation approved for the purpose by the CAA, and in accordance with that approval; and
 - (b) in all other cases—
 - (i) the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles the holder to issue that certificate; or
 - (ii) a person approved by the CAA for the purpose of issuing certificates under this condition, and in accordance with that approval.
6. The aircraft must carry the minimum flight crew specified—
- (a) in the case of an aircraft referred to in paragraph 1(c) or (d), in any relevant document; and
 - (b) in all other cases, in any certificate of airworthiness or flight manual which has previously been in force under this Order for the aircraft, or is or has previously been in force for any other aircraft of identical design.
7. The aircraft must not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose specified in paragraph 2 or 3.
8. For the purpose of this Schedule, “a previously approved modification” means a modification which has previously been approved by the CAA or by an organisation approved for that purpose by the CAA for that aircraft or another aircraft of the same type.

CHAPTER 2

B Conditions

1. A [F2 non-Part-21] aircraft may fly for a purpose set out in paragraph 2 subject to the conditions set out in paragraphs 3 to 6 whether or not it is registered in accordance with article 24(1) when there is not in force—
- (a) in the case of an aircraft which is so registered, a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered; or
 - (b) in the case of an aircraft which is not so registered, either a certificate of airworthiness duly issued or rendered valid under the law of the United Kingdom or a permit to fly issued by the CAA for that aircraft.

F2 Word in Sch. 3 Pt. 1 Ch. 2 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\(b\)](#) (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) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft or the issue of a permit to fly;
 - (c) demonstrating and displaying the aircraft, any engines installed on the aircraft or any equipment installed or carried in the aircraft with a view to its sale or of other similar aircraft, engines or equipment;
 - (d) demonstrating and displaying the aircraft to employees of the operator;
 - (e) the giving of flying training to or the testing of flight crew employed by the operator or the training or testing of other persons employed by the operator and who are carried or are intended to be carried under sub-paragraph 6(a);
 - (f) proceeding to or from a place at which any experiment, inspection, repair, modification, maintenance, approval, test or weighing of the aircraft, the installation of equipment in the aircraft, demonstration, display or training is to take place for a purpose referred to in sub-paragraph (a), (b), (c), (d) or (e); or
 - (g) proceeding to or from a place at which the installation of furnishings in, or the painting of the aircraft is to be undertaken.
3. The flight must be operated by a person approved by the CAA for the purposes of these conditions and subject to any additional conditions which may be specified in such an approval.
4. If not registered in the United Kingdom—
 - (a) the aircraft must be marked in a manner approved by the CAA for the purposes of these conditions; and
 - (b) articles 67, 79, 226, 229 and 235 must be complied with in relation to the aircraft as if it were registered in the United Kingdom.
5. No person may act as pilot in command of the aircraft except a person approved for the purpose by the CAA.
6. The aircraft must not carry any cargo, or any persons other than the flight crew except the following—
 - (a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose specified in paragraph 2;
 - (b) persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft for carrying out during the flight duties in connection with a purpose so specified;
 - (c) persons approved by the CAA under article 268 as qualified to supply reports for the purposes of article 38;
 - (d) persons other than those carried under the preceding provisions of this paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;
 - (e) cargo which comprises equipment carried in connection with a purpose specified in sub-paragraph 2(f); or

- (f) persons employed by the operator or persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with a purpose specified in sub-paragraph 2(f) which persons have duties in connection with that purpose.

CHAPTER 3

E Conditions

1. Subject to the conditions set out in paragraph 3, a [^{F3}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.

F3 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—

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- (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.

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:

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