

*This Statutory Instrument has been made partly in consequence of defects in S.I. 2016/765 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2017 No. 1112**

**CIVIL AVIATION**

**The Air Navigation (Amendment) Order 2017**

<i>Made</i>	- - - -	<i>15th November 2017</i>
<i>Laid before Parliament</i>		<i>22nd November 2017</i>
<i>Coming into force</i>	- -	<i>14th December 2017</i>

At the Court at Buckingham Palace, the 15th day of November 2017

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2), (3)(a), (b), (c), (d), (e), (f), (g), (h), (j), and (n), (4), 61(1)(a) and 101 of, and Schedule 13 to the Civil Aviation Act 1982(a) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(b).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

**Citation and commencement**

1. This Order may be cited as the Air Navigation (Amendment) Order 2017 and comes into force on 14th December 2017.

**Amendment of the Air Navigation Order 2016**

2. The Air Navigation Order 2016(c) is amended as follows.

**Categorisation as public transport or commercial operation**

3. In article 6(1)—

(a) insert “of this Part” after “Chapter 2”; and

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- (a) 1982 c.16. Section 60 was amended by the Aviation and Maritime Security Act 1990 (c.31), section 47. Section 61 was amended by the Airports Act 1986 (c.31), section 83(5) and Schedule 6, Part 2, and by the Aviation (Offences) Act 2003 (c.19), section 2. There are other amendments but none is relevant.
- (b) 1972 c.68. Section 2(2) has been amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a); and section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c. 51), section 28.
- (c) S.I. 2016/765.

(b) omit sub-paragraph (a) including “or”.

**4.** In article 11(1)—

(a) for “Part 4 and Part 5” substitute “Part 4, Part 5 and Part 6”;

(b) in sub-paragraph (b)—

(i) at the beginning insert “there has been no valuable consideration or”; and

(ii) omit “or the purpose of the flight”.

**5.** In article 12—

(a) after “if” insert “there has been no valuable consideration or”; and

(b) omit “or the purpose of the flight”.

**6.** In article 13(1)(a)—

(a) at the beginning insert “there has been no valuable consideration or”; and

(b) omit “or the purpose of the flight”.

**7.** In article 14—

(a) for “an commercial” substitute “a commercial”;

(b) in paragraph (a) omit “and which is made under and”; and

(c) for paragraph (b)(ii) substitute—

“(ii) on which no person is carried other than a person permitted to be carried on the flight in accordance with the terms of a parachuting permission granted under article 90; or”.

### **Registration and marking**

**8.** For article 24(4) substitute—

“(4) Paragraph (1) does not apply to any non-EASA kite, non-EASA captive balloon or any aircraft flying in accordance with the terms of any permission given by the CAA.”.

**9.** In article 25(3) for “article” substitute “Chapter”.

### **Airworthiness**

**10.** In article 33(2)(g) omit “under article 269”.

**11.** In article 37(4) omit “, as amended from time to time”.

**12.** In article 38(1) for “paragraph (2)” substitute “paragraph (3)”.

**13.** In article 42(1)(b) for paragraph (i) substitute—

“(i) for commercial operation other than commercial operation which consists of an aircraft flying for the purpose of a flying display, associated practice for a flying display, test and positioning flights or the exhibition or demonstration of the aircraft;”.

**14.** In article 49(2) omit “39,”.

**15.** In article 61(3) omit “, as amended from time to time”.

### **Operations**

**16.** In article 65 after “Chapters 2” insert “(other than articles 77(1) and 79)”.

**17.** In article 69—

(a) for paragraph (2) substitute—

- “(2) Before commencing a flight the pilot in command must be satisfied that—
- (a) the flight can be made safely, taking into account the latest information available as to the route and aerodrome to be used; and
  - (b) the ground and water facilities, including any required communication and navigation facilities, are adequate for the intended flight.”; and
- (b) in paragraph (8)(b) omit “the minimum equipment list or”.

**18.** In article 70(4) for “136” substitute “137”.

**19.** In article 75 omit paragraph (3).

**20.** In article 77—

- (a) at the end of paragraph (2) insert “other than when flying for public transport”; and
- (b) after paragraph (6) insert—

“(7) Any equipment installed or carried in an aircraft must be installed, carried, maintained and adjusted so that such equipment—

  - (a) does not impair the airworthiness of the aircraft or the proper functioning of any other instrument or equipment necessary for the safety of the aircraft; and
  - (b) is not a source of danger to the aircraft.”.

**21.**—(1) Omit article 78.

(2) Before article 79 insert—

#### **“Carriage of equipment**

**78A.**—(1) This article applies to any aircraft registered in the United Kingdom.

(2) The CAA may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use.

(3) An aircraft to which this article applies must not commence a flight if any of the equipment, which is required to be carried under articles 77 or 119 in the circumstances of the intended flight, is not carried or is not in a fit condition for use unless the aircraft does so in accordance with the terms of a permission granted to the operator under paragraph (2).”.

**22.** In article 92—

- (a) in paragraphs (2) and (3) for each reference to “towed” substitute “ground towed”; and
- (b) in paragraph (2)(b) omit “controlled airspace or”.

**23.** In article 93 for paragraph (2) substitute—

“(2) In this article, a specified number of balloons counts as “simultaneously released at a single site” if released during a period of not more than 15 minutes from within an area not more than 1km square.”.

**24.** In article 105(3) for “(5)” substitute “(6)”.

**25.** In article 112(3) for “for every 50 or fraction of 50 passenger seats installed in the aircraft” substitute “and if there are 51 to 100 inclusive passenger seats installed, not less than two members and, if there are 101 to 150 inclusive passenger seats installed, not less than three members and so on”.

**26.** In article 119 after paragraph (4) insert—

“(4A) Any equipment installed or carried in an aircraft must be installed, carried, maintained and adjusted so that such equipment—

- (a) does not impair the airworthiness of the aircraft or the proper functioning of any other instrument or equipment necessary for the safety of the aircraft; and
- (b) is not a source of danger to the aircraft.”.

**27.** In article 127(4) for “prescribe” substitute “make regulations prescribing”.

**28.** In article 128(1) for “prescribe” substitute “make regulations prescribing”.

**29.** In article 134 after paragraph (4) insert—

“(5) The CAA must grant a police air operator’s certificate if it is satisfied that the applicant is competent to secure that the operation of aircraft of the types specified in the certificate will be as safe as is appropriate when flying on flights of the description and for the purposes specified, having regard in particular to the applicant’s—

- (a) previous conduct and experience; and
- (b) equipment, organisation, staffing, maintenance and other arrangements.”.

### **Aircrew**

**30.** In article 150(7) for “under this Order is” substitute “under this Order if”.

**31.** In article 166—

- (a) in paragraph (1)—
  - (i) insert “(P)” after “a person”;
  - (ii) for “they know or suspect their” substitute “P knows or suspects P’s”; and
  - (iii) for “renders them” substitute “renders P”;
- (b) in paragraph (2) omit “or medical declaration in accordance with article 163(3)”; and
- (c) in paragraph (3) omit “or declaration”.

**32.** In article 174(2) for “Article 176” substitute “Article 176(1)”.

**33.** In article 175(3)(a) after “flight times” insert “, duty periods and rest periods”.

**34.** In article 176(1)—

- (a) insert “(P)” after “a person”;
- (b) for “they know or suspect they are” substitute “P knows or suspects P is”; and
- (c) for “are likely” substitute “is likely”.

### **Licensing of air traffic controllers**

**35.** In article 188—

- (a) omit paragraphs (1) and (3); and
- (b) in paragraph (4) for “referred to in paragraphs (1), (2) and (3)” substitute “referred to in paragraph (2)”.

**36.** Omit articles 189 to 197.

### **Air traffic services**

**37.** In article 198 for “Part” substitute “Chapter”.

### **Documents and records**

**38.** In article 229—

- (a) for paragraph (3) substitute—

“(3) Paragraph (2) does not apply to an aircraft flying in accordance with the EASA Air Operations Regulation.”; and

(b) omit paragraph (4).

**39.** In article 231—

(a) in paragraph (1) for “, (5), (6) or (7)” substitute “or (5)”; and

(b) in paragraph (2) for “4(12)” substitute “4(13)”.

**40.** For article 238(2) substitute—

“(2) Subject to paragraph (3), if the first operator ceases to be the operator of an aircraft, they must continue to preserve the document or record until paragraphs (4), (5) and (6) have been complied with, as appropriate.”.

### **Competent authority**

**41.** For article 270(5) substitute—

“(5) The CAA is the competent authority of the United Kingdom for the purposes of the EASA Air Traffic Controller Licensing Regulation.”.

### **Definitions**

**42.** In Schedule 1—

(a) omit the definition for “A to A commercial air transport helicopter operation”;

(b) for the definition of “aerobatic manoeuvres” substitute ““aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre intentionally performed by an aircraft;”;

(c) in the definition for “Commercial air transport operation” omit “or an A to A commercial air transport helicopter operation”;

(d) after the definition for “Commercial air transport operation” insert—

““commercial operation” has the meaning assigned to it by article 7;”;

(e) in the definition of “Controlled airspace” for “Class D airspace, Class E airspace, Class F airspace or Class G airspace” substitute “Class D airspace or Class E airspace”;

(f) for the definition of “EASA Air Traffic Controller Licensing Regulation” substitute—

““EASA Air Traffic Controller Licensing Regulation” means Commission Regulation (EU) No 2015/340 of 20th February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers’ licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011(a);”;

(g) omit the definition for “MMEL”;

(h) in the definition for “Obstacle limitation surfaces” omit “, as amended from time to time”;

(i) after the entry for “Part-SPA” insert—

““Part-SPO” means Annex VIII so entitled to the EASA Air Operations Regulation(b);”;

”; and

(j) in the definition of “Self-propelled hang-glider”, in paragraph (c) for “maximum take-off mass” substitute “maximum unladen weight”.

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(a) O.J. No. L 63, 6.3.2015, p.1.

(b) O.J. No. L 296, 25.10.2012, p.1.

**43. In Schedule 5—**

- (a) in paragraph 1(1)(c) for “aeroplane” substitute “aircraft”;
- (b) in paragraph 1(2) after sub-paragraph (c) insert—  
    “(ca) oxygen supplies”; and
- (c) after paragraph 18 insert—

**“Maps and charts**

**19.** Maps, charts, codes and other documents necessary for the intended flight of the aircraft, including any diversion which may reasonably be expected from the aerodrome of intended landing, must be carried on the aircraft.”.

**44. In Schedule 7 omit paragraph 5(2).**

**Instructor certificates**

**45. In Schedule 8, Part 2, Chapter 1, Section 3—**

- (a) in the entry for flight instructor certificate (aeroplane), in paragraph 2 under “*Restrictions – restricted period*” omit “and on the recommendation of the supervising flight instructor (aeroplane)”; and
- (b) in the entry for flight instructor certificate (helicopter), under “*Restrictions – restricted period*”—
  - (i) in paragraph (1) for “25 solo flights by students” substitute “25 student pilot solo flight exercises”; and
  - (ii) in paragraph (2) omit “and on the recommendation of the supervising flight instructor (helicopter)”.

**Maintenance of licence privileges**

**46.—(1) In Schedule 8, Part 3, Chapter 1—**

- (a) for paragraph 1(2)(b) substitute—
  - “(b) as regards revalidation the rating and certificate are valid from the end of the period in paragraph (a) for the period specified in column 2—
    - (i) in relation to any rating or certificate that may be revalidated by meeting flight or instruction experience requirements, provided those experience requirements have been met; or
    - (ii) subject to sub-paragraph (2A), in relation to any other rating or certificate, provided that the rating or certificate is revalidated within the period of three months preceding the end of the period in paragraph (a); and”;

- (b) after paragraph 1(2) insert—

“(2A) Where a rating or certificate is revalidated by a proficiency check prior to the last 3 months of the period specified in column 2, the period specified in column 2 commences from the end of the month in which the revalidation occurred.”.

**(2) In Schedule 8, Part 3, Chapter 2—**

- (a) for paragraph 4(3)(a) substitute—
  - “(a) has not expired, the new certificate is valid for 24 months from the end of the month which includes the expiry date of the existing certificate, except where the certificate is validated by a NPPL General Skill Test more than 3 months before

the expiry date of the existing certificate, in which case the new certificate is valid for 24 months from the end of the month in which the test was taken;”;

(b) for paragraph 5(2)(a) substitute—

“(a) has not expired, the new certificate is valid for 36 months from the end of the month which includes the expiry date of the existing certificate, except where the test is taken more than 3 months before the expiry date of the existing certificate, in which case the new certificate is valid for 36 months from the end of the month in which the test was taken;”;

(c) for paragraph 6(2)(a) substitute—

“(a) has not expired, the new certificate is valid for 12 months from the end of the month which includes the expiry date of the existing certificate, except where the test is taken more than 3 months before the expiry date of the existing certificate, in which case the new certificate is valid for 12 months from the end of the month in which the test was taken;”.

### **Public Transport – Operational Requirements**

47. In Schedule 9, Part 1, paragraph 1(s) for “78(3)” substitute “78A(2)”.

### **Documentation**

48. In Schedule 10—

(a) in paragraph 1(c) for “78(3)” substitute “78A(2)”;

(b) in the entry for “Document J” in paragraph 2, for “78(3)” substitute “78A(2)”;

(c) in paragraph 3(1) omit “and”;

(d) for paragraph 3(3) substitute—

“(3) If a public transport flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom, the documents required under paragraph 1(a) may be kept at that aerodrome instead of being carried in the aircraft.”; and

(e) after paragraph 3 insert—

#### **“Meaning of “international air navigation”**

4. For the purposes of this Schedule—

“international air navigation” means any flight which includes passage over the territory of any country other than the United Kingdom, but does not include passage over any relevant overseas territory to which there is power to extend the Civil Aviation Act 1982(a) under section 108(1) of that Act.”.

### **Penalties**

49. In Schedule 13, Part 1, Chapter 1—

(a) in the entry for article 26(3) omit “, public transport or commercial operation”;

(b) after the entry for article 42(2) insert—

“63(1)	Copy of national airworthiness review certificate issued or extended to be sent to the CAA within 10 days
63(2)	A person to inform the CAA should the

(a) 1982 c.16; section 108(1) was amended by the Airports Act 1986 (c.31), section 83(1) and Schedule 4, paragraph 8(2).

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airworthiness review be inconclusive and not to issue or extend the certificate”;

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- (c) omit the entries for articles 193, 196 and 197; and  
(d) for the entry for article 206(10) to (12) substitute—

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“206(10) to (15) Air traffic service equipment records”.

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**50.** In Schedule 13, Part 1, Chapter 8 after the entry for NCO.GEN.150 insert—

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“NCO.SPEC.120 Task specialist’s responsibilities”.

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**51.** After Schedule 13, Part 1, Chapter 8 insert—

“CHAPTER 9

<i>Provision of Part-SPO</i>	<i>Subject matter</i>
SPO.GEN.106	Task specialist’s responsibilities
SPO.GEN.115	Common language
SPO.GEN.120	Taxiing of aeroplanes
SPO.GEN.125	Rotor engagement
SPO.GEN.135	Information of emergency and survival equipment carried
SPO.GEN.140	Documents, manuals and information to be carried
SPO.OP.190	In-flight fuel management
SPO.OP.225	Operational limitations – hot air balloons
SPO.SPEC.HESLO.100	Standard operating procedures
SPO.SPEC.HESLO.105	Specific HESLO equipment
SPO.SPEC.HEC.100	Standard operating procedures
SPO.SPEC.HEC.105	Specific HEC equipment
SPO.SPEC.PAR.100	Standard operating procedures
SPO.SPEC.PAR.120	Flight over water
SPO.SPEC.ABF.100	Standard operating procedures”.

**52.** In Schedule 13, Part 2, Chapter 1—

- (a) in the entry for article 42(1), after “42(1)” insert “(other than sub-paragraph (b)(ii))”;  
(b) after the entry for article 44(2) insert—

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“44(5) Requirement for certificate of release to service for equipment installed on or in a non-EASA aircraft after its overhaul, repair, modification or inspection”;

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- (c) after the entry for article 51 insert—

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“54(1) Aircraft maintenance programme  
55 Aircraft to be managed by approved continuing airworthiness management organisation and maintained by approved maintenance organisation”;

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- (d) for the entry for article 77(1) and (3) to (6) substitute—

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“77(1) and (3) to (7) Requirements for aircraft to carry equipment”;

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- (e) for the entry for article 78(4) substitute—

“78A(3)	Carriage of equipment”;
(f) for the two entries relating to article 80 substitute—	
“80	Requirement for— a) operation of airborne collision avoidance system b) training in operation of airborne collision avoidance system”; and
(g) for the two entries relating to article 119 substitute—	
“119	Carriage and use of equipment Vibration health monitoring system to be operated in accordance with approved procedures”.

53. In Schedule 13, Part 2, Chapter 6 in the column headed “Provision of SERA”, for the entry “5005 (other than (g))” substitute “5005 (other than (g) and (i))”.

54. In Schedule 13, Part 2, Chapter 9, after the entry for NCO.IDE.B.150 insert—

“NCO.SPEC.105	Checklist
NCO.SPEC.110	Pilot-in-command responsibilities and authority
NCO.SPEC.115	Crew responsibilities
NCO.SPEC.125	Safety briefing
NCO.SPEC.130	Minimum obstacle clearance altitude – IFR flights
NCO.SPEC.135	Fuel and oil supply – aeroplanes
NCO.SPEC.140	Fuel and oil supply – helicopters
NCO.SPEC.155	Airborne Collision Avoidance System (ACAS II)
NCO.SPEC.170	Performance and operating criteria – aeroplanes
NCO.SPEC.175	Performance and operating criteria – helicopters
NCO.SPEC.HESLO.100	Checklist
NCO.SPEC.HESLO.105	Specific HESLO equipment
NCO.SPEC.HEC.100	Checklist
NCO.SPEC.HEC.105	Specific HEC equipment
NCO.SPEC.PAR.100	Checklist
NCO.SPEC.ABF.100	Checklist”.

55. After Schedule 13, Part 2, Chapter 9 add—

#### “CHAPTER 10

<i>Provision of Part-SPO</i>	<i>Subject matter</i>
SPO.GEN.102	Touring motor gliders, powered sailplanes and mixed balloons
SPO.GEN.105	Crew responsibilities
SPO.GEN.107	Pilot-in-command responsibilities and authority
SPO.GEN.108	Pilot-in-command responsibilities and authority – balloons
SPO.GEN.119	Taxiing of aircraft
SPO.GEN.130	Portable electronic devices
SPO.GEN.145	Handling of flight recorder recordings: preservation, production, protection and use – operations with complex motor-powered aircraft
SPO.OP.100	Use of aerodromes and operating sites
SPO.OP.110	Aerodrome operating minima – aeroplanes and helicopters
SPO.OP.111	Aerodrome operating minima – NPA, APV, CAT I operations

SPO.OP.125	Minimum obstacle clearance altitudes – IFR flights
SPO.OP.130	Fuel and oil supply – aeroplanes
SPO.OP.131	Fuel and oil supply – helicopters
SPO.OP.132	Fuel and ballast supply and planning - balloons
SPO.OP.135	Safety briefing
SPO.OP.140	Flight preparation
SPO.OP.145	Take-off alternate aerodromes – complex motor-powered aeroplanes
SPO.OP.150	Destination alternate aerodromes – aeroplanes
SPO.OP.151	Destination alternate aerodromes – helicopters
SPO.OP.155	Refuelling with persons embarking, on board or disembarking
SPO.OP.160	Use of headset
SPO.OP.165	Smoking
SPO.OP.170	Meteorological conditions
SPO.OP.175	Ice and other contaminants – ground procedures
SPO.OP.176	Ice and other contaminants – flight procedures
SPO.OP.180	Take-off conditions – aeroplanes and helicopters
SPO.OP.181	Take-off conditions – balloons
SPO.OP.195	Use of supplemental oxygen
SPO.OP.205	Airborne Collision Avoidance System (ACAS)
SPO.OP.210	Approach and landing conditions – aeroplanes and helicopters
SPO.OP.215	Commencement and continuation of approach – aeroplanes and helicopters
SPO.OP.230	Standard operating procedures
SPO.POL.100	Operating limitations – all aircraft
SPO.POL.105	Mass and balance
SPO.POL.110	Mass and balance system – commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft
SPO.POL.115	Mass and balance data and documentation – commercial operations with aeroplanes and helicopters and non-commercial operations with complex motor-powered aircraft
SPO.POL.120	Performance – general
SPO.POL.125	Take-off mass limitations – complex motor-powered aircraft
SPO.POL.130	Take-off – complex motor-powered aeroplanes
SPO.POL.135	En route – one engine inoperative – complex motor-powered aircraft
SPO.POL.140	Landing – complex motor-powered aircraft
SPO.POL.145	Performance and operating criteria – aeroplanes
SPO.POL.146	Performance and operating criteria – helicopters
SPO.IDE.A.100	Instruments and equipment — general
SPO.IDE.A.105	Minimum equipment for flight
SPO.IDE.A.110	Spare electrical fuses
SPO.IDE.A.115	Operating lights
SPO.IDE.A.120	Operations under VFR — flight and navigational instruments and associated equipment
SPO.IDE.A.125	Operations under IFR — flight and navigational instruments and associated equipment
SPO.IDE.A.126	Additional equipment for single-pilot operations under IFR
SPO.IDE.A.130	Terrain awareness warning system (TAWS)
SPO.IDE.A.131	Airborne collision avoidance system (ACAS II)
SPO.IDE.A.132	Airborne weather detecting equipment – complex motor-powered aeroplanes
SPO.IDE.A.133	Additional equipment for operations in icing conditions at night

	- complex motor-powered aeroplanes
SPO.IDE.A.140	Cockpit voice recorder
SPO.IDE.A.145	Flight data recorder
SPO.IDE.A.150	Data link recording
SPO.IDE.A.155	Flight data and cockpit voice combination recorder
SPO.IDE.A.160	Seats, seat safety belts and restraint systems
SPO.IDE.A.165	First-aid kit
SPO.IDE.A.170	Supplemental oxygen – pressurised aeroplanes
SPO.IDE.A.175	Supplemental oxygen – non-pressurised aeroplanes
SPO.IDE.A.180	Hand fire extinguishers
SPO.IDE.A.181	Crash axe and crowbar
SPO.IDE.A.185	Marking of break-in points
SPO.IDE.A.190	Emergency locator transmitter (ELT)
SPO.IDE.A.195	Flight over water
SPO.IDE.A.200	Survival equipment
SPO.IDE.A.205	Individual protective equipment
SPO.IDE.H.197	Life-jackets – complex motor-powered helicopters
SPO.IDE.H.198	Survival suits – complex motor-powered helicopters
SPO.IDE.H.199	Life-rafts, survival ELTs and survival equipment on extended overwater flights – complex motor-powered helicopters
SPO.IDE.H.200	Survival equipment
SPO.IDE.H.201	Additional requirements for helicopters conducting offshore operations in a hostile sea area – complex motor-powered helicopters
SPO.IDE.H.202	Helicopters certified for operating on water – miscellaneous equipment
SPO.IDE.H.203	All helicopters on flights over water - ditching
SPO.IDE.H.205	Individual protective equipment
SPO.IDE.H.210	Headset
SPO.IDE.H.215	Radio communication equipment
SPO.IDE.H.220	Navigation equipment
SPO.IDE.H.225	Transponder
SPO.IDE.S.100	Instruments and equipment — general
SPO.IDE.S.105	Minimum equipment for flight
SPO.IDE.S.115	Operations under VFR — flight and navigational instruments
SPO.IDE.S.120	Cloud flying — flight and navigational instruments
SPO.IDE.S.125	Seats and restraint systems
SPO.IDE.S.130	Supplemental oxygen
SPO.IDE.S.135	Flight over water
SPO.IDE.S.140	Survival equipment
SPO.IDE.S.145	Radio communication equipment
SPO.IDE.S.150	Navigation equipment
SPO.IDE.S.155	Transponder
SPO.IDE.B.100	Instruments and equipment — general
SPO.IDE.B.105	Minimum equipment for flight
SPO.IDE.B.110	Operating lights
SPO.IDE.B.115	Operations under VFR — flight and navigational instruments and associated equipment
SPO.IDE.B.120	First-aid kit
SPO.IDE.B.121	Supplemental oxygen
SPO.IDE.B.125	Hand fire extinguishers
SPO.IDE.B.130	Flight over water
SPO.IDE.B.135	Survival equipment

SPO.IDE.B.140	Miscellaneous equipment
SPO.IDE.B.145	Radio communication equipment
NCO.IDE.B.150	Transponder”.

**56.** In Schedule 13, Part 3, Chapter 1—

(a) after the entry for article 37(3) insert—

“47(3)	Certificate of release to service not to be issued if any known danger to flight safety”;
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(b) after the entry for article 148 insert—

“149(1)	Requirement for appropriate licence to act as flight crew member of EASA registered aircraft elsewhere than in the United Kingdom”;
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(c) after the entry for article 180(1) insert—

“187(1)	Instrument flight procedures to be approved before notification”;
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(d) in the entry for article 188(1), for “188(1)” substitute “188(2)”; and

(e) omit the entries for articles 191 and 192.

**57.** For Schedule 13, Part 3, Chapter 4 substitute—

“CHAPTER 4

<i>Provision of EASA Air Traffic Controller Licensing Regulation</i>	<i>Subject matter</i>
Article 2(1)	Compliance with requirements and procedures
ATCO.A.015(b)	Exercise of the privileges of licences and provisional inability
ATCO.MED.A.020	Decrease in medical fitness”.

**58.** For Schedule 13, Part 3, Chapter 7 substitute—

“CHAPTER 7

<i>Provision of SERA</i>	<i>Subject matter</i>
2020	Problematic use of psychoactive substance
3101	Negligent or reckless operation of aircraft
5005 (j)	VFR flight within or into designated areas or along designated routes
8020	Adherence to flight plan
8025	Position Reports
8035	Communications
11015(b)	Pilot-in-command of an aircraft to comply with instructions given by intercepting aircraft”.

**59.** In Schedule 13, Part 3, Chapter 10, after the entry for NCO.OP.185 insert—

“NCO.SPEC.160	Release of dangerous goods
NCO.SPEC.165	Carriage and use of weapons
NCO.SPEC.HESLO.110	Transportation of dangerous goods”.

**60.** After Schedule 13, Part 3, Chapter 10 insert—

“CHAPTER 11

<i>Provision of Part-SPO</i>	<i>Subject matter</i>
SPO.GEN.150	Transport of dangerous goods
SPO.GEN.155	Release of dangerous goods
SPO.GEN.160	Carriage and use of weapons
SPO.SPEC.HESLO.110	Transportation of dangerous goods”.

*Ceri King*  
Deputy Clerk of the Privy Council

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes amendments to the Air Navigation Order 2016 (the “2016 Order”) to implement the requirements of Commission Regulation (EU) No. 2015/340 laying down technical requirements and administrative procedures relating to air traffic controllers’ licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (the “EU Air Traffic Controller Licensing Regulation”) and Commission Regulation (EU) No. 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No. 216/2008 (the “EU Air Operations Regulations”). The Order also amends the maximum criminal fine for loss of communication with Air Traffic Control and corrects defects in the 2016 Order.

The more substantial of the amendments are as follows.

Article 3(b) omits A to A commercial air transport helicopter operations from the scope of public transport flights.

Article 8 disappplies the registration requirement in respect of non-EASA kites, non-captive balloons and aircraft flying in UK airspace with the permission of the Civil Aviation Authority (the “CAA”).

Article 13 permits an aircraft flying under a national permit to fly without a permission from the CAA when flying for flying displays and their associated practice, test and positioning flights, and exhibition or demonstration flights.

Article 21 omits provisions relating to minimum equipment lists and allows the CAA to permit an aircraft to fly without a specified item of equipment for that aircraft in certain circumstances.

Articles 27 and 28 enable the Secretary of State to make regulations to prescribe certain requirements for aeroplanes and helicopters registered in the UK.

Article 29 inserts a requirement for the CAA to grant police air operator’s certificates if it is satisfied the applicant is competent to secure the safety of the aircraft type specified in the certificate having regard to the applicant’s conduct, experience, equipment, organisation, staffing, maintenance and other arrangements.

Article 33 inserts a requirement that no person may fly in an aircraft as a member of its flight crew unless the operator possesses an up-to-date record for that person’s duty periods and rest periods for the 28 days prior to the flight.

Article 38(b) omits the provision for documents and records to be kept at an aerodrome instead of being carried on the aircraft where the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom.

Article 40 corrects references to require documents and records to continue to be preserved.

Article 43(c) inserts the requirement to carry necessary maps and charts on the aircraft as required equipment for non-EASA aircraft.

Article 44 omits the requirement for CAA approval of an operator’s arrangements for, and amendments to, the technical log system.

Article 46 amends the revalidation process for the maintenance of licence privileges.

Article 48(d) amends the exception for carriage of documents by allowing records and documents to be kept at the aerodrome instead of being carried on the aircraft where a public transport flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the United Kingdom.

Articles 49(a), (b) and (d), 52, and 56(a) to (d) update the penalties for non-compliance with specific requirements.

Article 57 provides that a breach of a specified provision of the EU Air Traffic Controller Licensing Regulation constitutes a criminal offence. Articles 49(c) and 56(e) omit those offences that are no longer relevant by virtue of the EU Air Traffic Controller Licensing Regulation.

Articles 50, 51, 54, 55, 59 and 60 provide for criminal offences for breach of specified obligations relating to Special Operations and Non Commercial Operations set out in the EU Air Operations Regulation, which contains operating rules for European aviation under a number of different categories.

Articles 53 and 58 increase the criminal fine payable for failure to communicate in relation to an aircraft in UK airspace in circumstances which may give rise to a significant security and safety risk. In England and Wales the penalty increases from a maximum fine of £2,500 to an unlimited fine. In Scotland and Northern Ireland the penalty increases from a maximum fine of £2500 to £5000.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is published with the Explanatory Memorandum alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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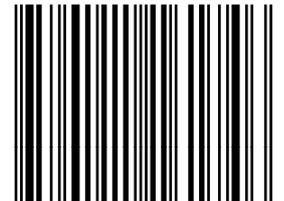
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