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STATUTORY INSTRUMENTS

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**2004 No. 756**

**The Civil Aviation (Working Time) Regulations 2004**

**Interpretation**

**3. In these Regulations—**

“the 1974 Act” means the Health and Safety at Work Act 1974 <sup>M1</sup>;

“block flying time” means the time between an aircraft first moving from its parking place for the purpose of taking off until it comes to rest on its designated parking position with all its engines stopped;

“the CAA” means the Civil Aviation Authority;

“cabin crew” means a person on board a civil aircraft, other than flight crew, who is carried for the purpose of performing in the interests of the safety of the passengers, duties that are assigned to him for that purpose by the operator or the commander of that aircraft;

“calendar year” means the period of 12 months beginning with 1st January in any year;

“collective agreement” means a collective agreement within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 <sup>M2</sup> the trade union parties to which are independent trade unions within the meaning of section 5 of that Act;

[<sup>F1</sup>“commercial air transport flight” has the same meaning as in [<sup>F2</sup>paragraph 1 of Schedule 1 to the Air Navigation Order 2016];]

<sup>F3</sup>  
...

“crew member” means a person employed to act as a member of the cabin crew or flight crew on board a civil aircraft by an undertaking established in the United Kingdom;

“employer” means an undertaking established in the United Kingdom by whom a crew member is (or where the employment has ceased, was) employed;

“employment” in relation to a crew member, means employment under his contract, and “employed” shall be construed accordingly;

“the Executive” means both the Health and Safety Executive [<sup>F4</sup>referred to in section 10(1)] of the 1974 Act, and the Health and Safety Executive of Northern Ireland <sup>M3</sup>;

“flight crew” means a person employed to act as a pilot, flight navigator, flight engineer or flight radiotelephony operator on board a civil aircraft;

“inspector” means a person appointed by the CAA under paragraph 1 of Schedule 2;

[<sup>F5</sup>“local mean time” means the time to which a crew member is acclimatised for the purposes of a scheme;]

<sup>F6</sup>  
...

“protection and prevention services or facilities” means those services or facilities that are designed to preserve the health and safety of the crew member from any hazards that may threaten his health or safety during the course of his undertaking his work and are capable of being provided by his employer;

[<sup>F7</sup>“public transport” is to be construed in accordance with the conditions set out in [<sup>F8</sup>article 6(2) of the Air Navigation Order 2016] in relation to an aircraft that is flying on a public transport flight;]

“relevant agreement”, in relation to a crew member, means a workforce agreement which applies to him, any provision of a collective agreement which forms part of a contract between him and his employer, or any other agreement in writing which is legally enforceable as between the crew member and his employer;

“the relevant requirements” means regulations 5(2), 6, 7(2)(a), 8, 9 and 10;

“relevant training” means the training required to enable a person to perform the duties of flight crew or cabin crew carried out or undertaken whilst employed by an employer;

“rest break” and “rest period”, in relation to a crew member, means a period which is not working time;

“scheme” means a scheme operated by an employer and approved by the CAA pursuant to [<sup>F9</sup>article 175(1)(b) or 179(2)(a) of the Air Navigation Order 2016];

“standby”, in relation to a crew member, means a crew member who in accordance with the terms of his employment holds himself ready to act as a crew member if called upon to do so by his employer;

“workforce agreement” means an agreement between an employer and crew members employed by him or his representatives in respect of which the conditions set out in Schedule 1 to these Regulations are satisfied;

“working time”, in relation to a crew member means—

- (a) any period during which he is working at his employer’s disposal and carrying out his activity or duties;
- (b) any period during which he is receiving relevant training, <sup>F10</sup> ...
- (c) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement, [<sup>F11</sup>and
- (d) subject to regulation 9A, any period during which he is on standby,]

and “work”, “works” and “to work” shall be construed accordingly.

#### Textual Amendments

- F1** Words in reg. 3 inserted (28.6.2010) by [The Civil Aviation \(Working Time\) \(Amendment\) Regulations 2010 \(S.I. 2010/1226\)](#), regs. 1, **2(3)(a)**
- F2** Words in reg. 3 substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, **Sch. 14 para. 3(a)(i)** (with arts. 17-23, 274(2)-(4))
- F3** Words in reg. 3 omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)
- F4** Words in reg. 3 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)
- F5** Words in reg. 3 inserted (28.6.2010) by [The Civil Aviation \(Working Time\) \(Amendment\) Regulations 2010 \(S.I. 2010/1226\)](#), regs. 1, **2(3)(b)**
- F6** Words in reg. 3 omitted (28.6.2010) by virtue of [The Civil Aviation \(Working Time\) \(Amendment\) Regulations 2010 \(S.I. 2010/1226\)](#), regs. 1, **2(3)(c)**
- F7** Words in reg. 3 inserted (28.6.2010) by [The Civil Aviation \(Working Time\) \(Amendment\) Regulations 2010 \(S.I. 2010/1226\)](#), regs. 1, **2(3)(c)**
- F8** Words in reg. 3 substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, **Sch. 14 para. 3(a)(ii)** (with arts. 17-23, 274(2)-(4))

- F9** Words in reg. 3 substituted (25.8.2016) by The Air Navigation Order 2016 (S.I. 2016/765), art. 1, **Sch. 14 para. 3(a)(iii)** (with arts. 17-23, 274(2)-(4))
- F10** Word in reg. 3 revoked (28.6.2010) by The Civil Aviation (Working Time) (Amendment) Regulations 2010 (S.I. 2010/1226), regs. 1, **2(3)(e)(i)**
- F11** Words in reg. 3 inserted (28.6.2010) by The Civil Aviation (Working Time) (Amendment) Regulations 2010 (S.I. 2010/1226), regs. 1, **2(3)(e)(ii)**

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**Marginal Citations**

- M1** 1974 c. 37.
- M2** 1992 c. 52.
- M3** S.I. 1998/2795. Article 3 of this Order establishes the Health and Safety Executive of Northern Ireland which was previously known as the Health and Safety Agency for Northern Ireland which was established under article 12 of S.I. 1978/1039.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Aviation (Working Time) Regulations 2004, Section 3.