
EXPLANATORY NOTE

(This note is not part of the Order)

Changes consequential upon the establishment of the European Aviation Safety Agency and its Implementing Rules

1.

(1) Changes are made to reflect the fact that certificate of airworthiness for most categories of United Kingdom registered aircraft are now issued under Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ^{M1} (defined as “the Basic EASA Regulation”) and implementing rules made under that regulation.

(2) Aircraft which are subject to the Basic EASA Regulation are defined as EASA aircraft.

(3) For a transitional period the circumstances in which an EASA permit to fly may be issued to an EASA aircraft are the same as those for the issue of a national permit to fly (article 12 made under section 2(2) of the European Communities Act 1972 ^{M2}).

(4) An EASA aircraft to which the EASA implementing rule entitled Part 145 applies shall not fly unless there is in force a certificate of release to service issued under that Part (article 17 made under section 2(2) of the European Communities Act 1972 ^{M3}).

(5) The equipment required to be carried in an EASA aircraft must be installed in a manner approved by EASA (articles 19, 20, 56, 57 and 59).

(6) Performance classes 1, 2 and 3 for helicopters are defined and are used in place of performance groups specified in the certificate of airworthiness as criteria to determine the carriage of equipment and the applicable performance requirements for helicopters flying for the purpose of public transport (article 19 and Schedule 4 and articles 45 and 155).

(7) Aeroplanes flying for the purpose of public transport are required to comply with the performance requirements specified in JAR OPS 1 adopted by the Joint Aviation Authority. The CAA may permit aircraft to continue to comply instead with the performance requirements set out in the Air Navigation (General) Regulations 2005 (article 44).

Marginal Citations

M1 O.J. No. L240 of 7.9.2002, page 1 to which there are amendments not relevant to this Order.

M2 1972 c. 68; the powers conferred by section 2(2) were extended, in relation to the EEA, by section 2 of the European Economic Area Act 1993 (c. 51).

M3 1972 c. 68; the powers conferred by section 2(2) were extended, in relation to the EEA, by section 2 of the European Economic Area Act 1993 (c. 51).

Requirement for carriage of Mode S secondary surveillance radar equipment

2. New and more capable secondary surveillance radar equipment known as Mode S must be carried by specified categories of aircraft when flying within busy airspace around major airports and along major airways (Schedule 5 and Scale E2 and E3).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Air Navigation Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Requirement for carriage of airborne collision avoidance system

3. Specified categories of aeroplanes registered in the United Kingdom must be equipped with an airborne collision avoidance system if flying for the purpose of public transport or flying within the airspace of any member of the European Civil Aviation Conference. Any such aircraft, wherever it is registered, must be so equipped when flying in the United Kingdom (Schedule 5 and Scale J).

Requirement for carriage of area navigation systems in designated airspace

4.

(1) Designated required navigation performance airspace is defined. United Kingdom registered aircraft must not fly within such airspace, wherever in the world it may be, unless equipped with area navigation systems capable of maintaining the navigation performance capability specified for the airspace (unless otherwise authorised by the appropriate air traffic control unit) (article 59).

(2) Aircraft which are registered elsewhere than in the United Kingdom must not fly within any such airspace in the United Kingdom unless equipped with area navigation systems which comply with the law of the country in which they are registered and that equipment is capable of maintaining the navigation performance capability notified for the airspace (article 60).

Lighting of offshore wind turbine generators

5. Wind turbine generators situated offshore within United Kingdom territorial waters must be fitted with obstacle lighting (article 134).

Requirements for carriage of Emergency Locator Transmitter and means of measuring outside air temperature

6.

(1) An aeroplane or helicopter of a specified description registered in the United Kingdom must when flying in specified circumstances be equipped with an Emergency Locator Transmitter having specified characteristics.

(2) All aircraft registered in the United Kingdom flying for the purpose of public transport will be required to carry a means of indicating the outside air temperature (Schedule 4 and Scale F).

Penalty for flying without an appropriate licence

7. If a person acts as a member of the flight crew without holding an appropriate licence, he will be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both (article 148(6) and Schedule 12 Part B).

Occurrence Reporting

8. Article 142 implements into UK law the provisions of Directive [2003/42/EC](#) of the European Parliament and of the Council ^{M4} on occurrence reporting in civil aviation (“The Directive”) in so far as those provisions do not already form part of UK law. The article replaces provisions contained in Article 117 of the Air Navigation Order 2000 ^{M5}. Article 142(1) and (2) set out the objective of the article: to contribute to the improvement of air safety. Paragraph (3) states in what circumstances the article will apply. Paragraph (4) makes reference to the list of examples of occurrences set out in Annexes I and II (and their Appendices) of the Directive. Paragraph (5) lists the classes of person who are required to report an event which constitutes an occurrence for the purpose of paragraph (3). The requirement to report only applies in respect of matters which come to the person's attention during the exercise of their functions. Paragraph (6) states that reports are to be made in accordance

with the requirements of the CAA; paragraph (7) states that a person listed in paragraph (5) shall make a report of information in his possession relating to a report under the article in accordance with a notice served by the CAA. Paragraph (8) forbids a person from making a report under the article which he knows or believes to be false. Paragraph (9) requires the CAA as the competent authority to put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraph (5). Paragraph (10) requires the CAA to store in its databases reports received by it of occurrences, accidents and serious incidents. Paragraph (11) requires the CAA to make all relevant safety-related information collected under paragraph (5), and stored in its database, available to the competent authorities of the other Member States and the Commission. The CAA must ensure that databases which it maintains are compatible with software developed by the Commission (paragraph (12)). The CAA, having received an occurrence report, is required to enter it into its database and to notify, as appropriate, the competent authority where the occurrence took place; where the aircraft is registered; where it was manufactured; and where the air operator's certificate was granted (13). Paragraph (14) requires the CAA to provide any entity entrusted with regulating civil aviation safety, or with investigating civil aviation accidents and incidents, within the Community, with access to information on occurrences collected and exchanged, in order to enable it to draw safety lessons. Paragraph (15) requires the CAA and the Chief Inspector of Air Accidents to use any information received solely for the purposes set out in the article. Article (16) requires that the names and addresses of individuals shall not be recorded on the database relating to mandatory reports. Paragraph (17) requires that no proceedings are to be instituted in respect of unpremeditated or inadvertent infringements of the law, which come to the attention of the relevant authorities only because they have been reported under the article, except in the case of gross negligence. Paragraph (18) states that the article is to apply without prejudice to the rights of access to information by judicial authorities. Paragraph (19) states that the CAA is to put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation, which are perceived by the reporter as a potential hazard. Paragraph (20) requires that all personal details relating to the reporter, and technical details which might lead to his identity, or that of third parties, being discovered must be removed. Paragraph (21) requires that the relevant safety information deriving from the analysis of these reports, is stored and made available to all parties, so that it can be used to improve safety in aviation. The failure to report an occurrence under paragraphs (5) to (7), and the making of a false report under paragraph (8), constitute offences. These are punishable on summary conviction by a fine not exceeding the statutory maximum, and on conviction on indictment by a fine or imprisonment for a term not exceeding two years or both. A full regulatory impact assessment has not been produced for the implementation of the occurrence reporting requirements as it has no impact on the cost of business. Annexes to the Chicago Convention can be purchased from— Airplan Flight Equipment Ltd 1A Ringway Trading Estate Shadowmoss Road Manchester M22 5LH England UK; or Labeline (Air, Sea and Road) Holly House 14 Tenby Road Frimley Surrey GU16 5UT Joint Service Publication 550 and Aviation Publication 67 may be obtained from: Customer Services DSDC(L) Mwrwg Road Llangennech LLANELLI Carmarthen South Wales SA14 8YP Aviation Publication 67 is also available on line at <http://www.ams.mod.uk/ams/content/docs/flyregs/avp67.pdf> Joint Aviation Requirements can be purchased from: Rapidocg Willoughby Road Bracknell Berkshire RG12 8DW and are also available on line at <http://www.jaa.nl/jars-npas/jarsec1.html> CAP 168 can be purchased from: TSO PO Box 29 Norwich NR3 1GN and is also available on line at <http://www.caa.co.uk/docs/33/CAP168.PDF> Save in the case of the provisions relating to occurrence reporting referred to in paragraph 8 above, Regulatory Impact Assessments have been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London, SW1P 4DR. Alternatively copies can be obtained from the Department for Transport's website which is at www.dft.gov.uk. A transposition note has been prepared and copies can be obtained from the Department for Transport, 76 Marsham Street, London, SW1P 4DR.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Air Navigation Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Marginal Citations

M4 O.J. L167, 4.7.2003, p. 23.

M5 [S.I. 2000/1562](#).

TABLE OF COMPARISON

(This Table is not part of the Order)

The following Table shows, in relation to each article of the Air Navigation Order 2000, as amended, the article of the 2005 Order in which it is reproduced.

<i>2000 Order as amended</i>	<i>2005 Order</i>
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90A	104
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94B	110
94C	111
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94F	117
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Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument by [S.I. 2006/1384 reg 16](#)
- Instrument by [S.I. 2006/1384 reg 17](#)
- Instrument appl in pt (mod) by [S.I. 2008/25 art 4 schedule](#)
- sch 4 am by [S.I. 2007/274 art 3](#)
- sch 4 am by [S.I. 2007/274 art 4](#)
- sch 4 am by [S.I. 2007/274 art 5](#)
- sch 4 am by [S.I. 2007/274 art 8](#)
- sch 4 am (31.1.2008) by [S.I. 2007/3467 arts 215](#)
- sch 4 rev in pt by [S.I. 2007/274 art 3](#)
- sch 5 am by [S.I. 2007/274 art 7](#)
- sch 5 am by [S.I. 2007/274 art 8](#)
- sch 5 am (31.3.2008) by [S.I. 2007/3467 arts 21314](#)
- sch 5 rev in pt by [S.I. 2007/274 art 8](#)
- sch 8 am by [S.I. 2007/274 art 3](#)
- sch 8 am by [S.I. 2007/274 art 8](#)
- sch 8 am (31.1.2008) by [S.I. 2007/3467 arts 26 - 10 12](#)
- sch 8 rev in pt by [S.I. 2007/274 art 3](#)
- sch 9 am by [S.I. 2007/274 art 5](#)
- sch 9 rev in pt by [S.I. 2007/274 art 5](#)
- sch 10 am by [S.I. 2007/274 art 8](#)
- sch 11 subst by [S.I. 2009/1742 arts 24](#)
- sch 14 am by [S.I. 2006/2316 art 2](#)
- sch 14 am by [S.I. 2007/274 art 5](#)
- sch 14 rev in pt by [S.I. 2009/1742 art 9](#)
- art 8 am by [S.I. 2007/274 art 8](#)
- art 8 am (31.1.2008) by [S.I. 2007/3467 arts 2 - 4](#)
- Part 10 (arts 107 - 120) subst by [S.I. 2009/1742 arts 23](#)
- arts 1415 am (31.1.2008) by [S.I. 2007/3467 arts 215](#)
- art 25 am by [S.I. 2007/274 art 3](#)
- art 25 am (31.1.2008) by [S.I. 2007/3467 arts 215](#)
- art 25 rev in pt by [S.I. 2007/274 art 3](#)
- art 27 - 29 am (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 30 rev (31.1.2008) by [S.I. 2007/3467 arts 25](#)
- art 31 am (31.1.2008) by [S.I. 2007/3467 arts 25](#)
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- art 50 am by [S.I. 2007/274 art 4](#)
- art 52 rev in pt by [S.I. 2007/274 art 4](#)
- art 72 am by [S.I. 2007/274 art 4](#)
- art 80 am by [S.I. 2007/274 art 6](#)
- art 128 am (31.1.2008) by [S.I. 2007/3467 arts 215](#)
- art. 138(1)(b) substituted by [S.I. 2009/41 reg. 37](#)
- art 145 am by [S.I. 2009/1742 arts 25](#)
- art 148 am by [S.I. 2009/1742 arts 26](#)
- art 155 am by [S.I. 2006/2316 art 2](#)
- art 155 am by [S.I. 2007/274 art 3](#)
- art 155 am by [S.I. 2007/274 art 4](#)
- art 155 am by [S.I. 2007/274 art 5](#)
- art 155 am by [S.I. 2007/274 art 8](#)
- art 155 am by [S.I. 2009/1742 arts 27](#)

- art 155 am (31.1.2008) by S.I. 2007/3467 arts 251215
- art 167 am by S.I. 2008/1782 art 2
- art 167 am by S.I. 2009/1742 arts 28

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 28A added (31.1.2008) by S.I. 2007/3467 arts 25
- art 31A added (31.1.2008) by S.I. 2007/3467 arts 25
- arts 32A - 32C added (31.1.2008) by S.I. 2007/3467 arts 25
- art 52A added by S.I. 2007/274 art 4
- art 54A added by S.I. 2007/274 art 4
- art 61A added (31.1.2008) by S.I. 2007/3467 arts 211
- art 62A added by S.I. 2007/274 art 5
- art 72A added by S.I. 2007/274 art 4
- art 141A added by S.I. 2006/2316 art 2
- arts 144A-144C added by S.I. 2006/1384 reg 14