
STATUTORY INSTRUMENTS

2009 No. 3015

The Air Navigation Order 2009

Citation and Commencement

1.—(1) This Order may be cited as the Air Navigation Order 2009 and, subject to paragraph (2), comes into force on 1st January 2010.

(2) Article 176 comes into force on 1st April 2010.

Revocation

2. The Orders and Regulations listed in Schedule 1 are revoked to the extent there specified.

PART 1

Registration and Marking of Aircraft

Aircraft to be registered

3.—(1) Subject to paragraphs (2), (3) and (4), an aircraft must not fly in or over the United Kingdom unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the United Kingdom of aircraft registered in that country.

(2) A non-EASA glider may fly unregistered, and will be deemed to be registered in the United Kingdom for the purposes of articles 37, 39, 50, 86 and 87, on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country; and
- (b) is not for the purpose of public transport or aerial work other than aerial work which consists of instruction or testing in a club environment.

(3) A non-EASA aircraft may fly unregistered on any flight which—

- (a) begins and ends in the United Kingdom without passing over any other country; and
- (b) is in accordance with the B Conditions.

(4) Paragraph (1) does not apply to any non-EASA kite or non-EASA captive balloon.

(5) If an aircraft flies in or over the United Kingdom in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the United Kingdom an offence specified in Schedule 13 would have been committed, that same offence will be deemed to have been committed in respect of that aircraft.

CAA to register aircraft in the United Kingdom

4.—(1) The CAA is the authority for the registration of aircraft in the United Kingdom.

(2) The CAA is responsible for maintaining the register and may record in the register the information specified in article 6(2) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(3) Subject to the provisions of this article, an aircraft must not be registered or continue to be registered in the United Kingdom if it appears to the CAA that—

- (a) the aircraft is registered outside the United Kingdom and that such registration does not cease by operation of law when the aircraft is registered in the United Kingdom;
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share in the aircraft;
- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) it would not be in the public interest for the aircraft to be or to continue to be registered in the United Kingdom.

Who may register aircraft in the United Kingdom

5.—(1) Only the following persons are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share in such an aircraft—

- (a) the Crown in right of Her Majesty's Government in the United Kingdom and the Crown in right of the Scottish Administration;
- (b) Commonwealth citizens;
- (c) nationals of any EEA State;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
- (f) undertakings formed in accordance with the law of an EEA State which have their registered office, central administration or principal place of business within the European Economic Area; or
- (g) firms carrying on business in Scotland and in this sub-paragraph 'firm' has the same meaning as in the Partnership Act 1890(1).

(2) If an unqualified person resides or has a place of business in the United Kingdom and holds a legal or beneficial interest by way of ownership in an aircraft, or a share in an aircraft, the CAA may register the aircraft in the United Kingdom if it is satisfied that the aircraft may otherwise be properly registered.

(3) If an unqualified person has registered an aircraft under paragraph (2) that person must not cause or permit the aircraft to be used for the purpose of commercial air transport, public transport or aerial work while it is so registered.

(4) If an aircraft is chartered by demise to a person qualified under paragraph (1) the CAA may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the United Kingdom in the name of the charterer by demise if it is satisfied that the aircraft may otherwise be properly registered.

(5) Subject to the provisions of this Part, an aircraft registered under paragraph (4) may remain registered during the continuation of the charter.

(1) 1890 c.39.

Application for registration

6.—(1) An application for the registration of an aircraft in the United Kingdom must be made in writing to the CAA and must—

- (a) include or be accompanied by such information and evidence relating to the aircraft and the ownership and chartering of the aircraft as the CAA may require to enable it to determine whether the aircraft may properly be registered in the United Kingdom and to issue the certificate of registration; and
- (b) include the proper description of the aircraft according to column 3 of the ‘Classification of aircraft’ in Part A of Schedule 3.

(2) If the CAA receives an application for the registration of an aircraft in the United Kingdom and is satisfied that the aircraft may properly be so registered, the CAA must register the aircraft, wherever it may be, and include in the register the following information—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft and the registration mark assigned to it by the CAA;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share of the aircraft or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
- (f) in the case of an aircraft registered under article 5(2) or 5(4), an indication that it is so registered.

(3) Subject to paragraph (5) the CAA must supply to the registered owner a certificate of registration.

(4) A certificate of registration must include the information specified in paragraph (2) and the date on which the certificate was issued.

(5) The CAA is not required to supply a certificate of registration if—

- (a) the registered owner is the holder of an aircraft dealer’s certificate granted under this Order; and
- (b) the registered owner has made to the CAA (and has not withdrawn) a statement of the registered owner’s intention that the aircraft is to fly only in accordance with the conditions in an aircraft dealer’s certificate set out in Part B of Schedule 3.

(6) If a statement under paragraph (5)(b) has been made and not withdrawn, the aircraft must be flown only in accordance with the conditions in the aircraft dealer’s certificate set out in Part B of Schedule 3.

(7) The CAA may grant an aircraft dealer’s certificate to any person who is qualified under article 5(1) if it is satisfied that that person has a place of business in the United Kingdom for buying and selling aircraft.

Changes to the register

7.—(1) Subject to articles 5(2) and (4) and 8(1), if at any time after an aircraft has been registered in the United Kingdom an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share in the aircraft, the registration of the aircraft becomes void and the certificate of registration must be returned immediately by the registered owner to the CAA.

(2) Any person who is the registered owner of an aircraft registered in the United Kingdom must immediately inform the CAA in writing of—

- (a) any change in the information supplied to the CAA when applying for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered under article 5(4), the termination of the charter by demise.

(3) Any person who becomes the owner of an aircraft registered in the United Kingdom must within 28 days of becoming the owner inform the CAA in writing to that effect.

(4) Subject to article 8(2) the CAA may, whenever it appears necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the register, amend the register or cancel the registration of an aircraft.

(5) The CAA must cancel the registration of an aircraft within two months of being satisfied that there has been a change in the ownership of the aircraft.

Aircraft which are entered in the Register of Aircraft Mortgages

8.—(1) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages kept by the CAA under an Order in Council made under section 86 of the Civil Aviation Act 1982(2) does not become void by virtue of article 7(1).

(2) The CAA must not cancel the registration of such an aircraft under article 7(4) unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

General provisions concerning registration

9.—(1) The Secretary of State may, by regulations, adapt or modify the foregoing provisions of this Part as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the United Kingdom register, either generally or in relation to a particular case or class of cases.

(2) In this Part and in Part B of Schedule 3 ‘the registered owner’ means the person in whose name the aircraft is registered in accordance with article 6(2).

(3) The reference in article 7(2) to the registered owner of an aircraft includes, in the case of a deceased person, their legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(4) In this Part references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of the person’s membership of a flying club.

(5) Nothing in this Part requires the CAA to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(6) Any provision in this Part which requires the giving of information to the CAA in writing may be met by means of an electronic communication if the use of such a communication results in the information contained in that communication being available to the CAA in all material respects as it would appear if given or sent in printed form.

Nationality and registration marks

10.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) must not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) 1982 c.16; to which there are amendments not relevant to this provision.

(2) The marks to be borne by aircraft registered in the United Kingdom must comply with Part C of Schedule 3.

(3) Subject to paragraph (4), an aircraft must not bear any marks which would indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the CAA for the purposes of flight in accordance with the B Conditions do not mean that the aircraft is registered in a country in which it is not in fact registered.

PART 2

Air Operators' Certificates and Operational Directives

Requirement for an EU-OPS air operator certificate

11. A person must not operate an aeroplane registered in the United Kingdom on a commercial air transport flight otherwise than under and in accordance with the terms of an EU-OPS air operator certificate granted to the operator of the aircraft by the CAA.

Requirement for and grant of national air operator's certificate

12.—(1) Subject to article 13, an aircraft registered in the United Kingdom must not fly on a public transport flight, otherwise than under and in accordance with the terms of—

- (a) a national air operator's certificate granted to the operator of the aircraft under paragraph (2), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights are operated safely; or
- (b) an EU-OPS air operator certificate granted to the operator of the aircraft by the CAA.

(2) The CAA must grant a national air operator's certificate if it is satisfied that the applicant is competent to secure the safe operation of aircraft of the types specified in the certificate 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.

Requirement for and grant of police air operator's certificate

13.—(1) A flight by an aircraft registered in the United Kingdom in the service of a police authority is, for the purposes of this Order, deemed to be a public transport flight.

(2) If any passenger is carried on such a flight it is deemed to be for the purpose of the public transport of passengers.

(3) Save as otherwise expressly provided, the provisions of this Order and of any regulations made under this Order must be complied with in relation to a flight in the service of a police authority as if that flight were for the purpose of public transport or the public transport of passengers.

(4) An aircraft registered in the United Kingdom must not fly on any flight in the service of a police authority otherwise than under and in accordance with the terms of—

- (a) a police air operator's certificate granted to the operator;
- (b) a national air operator's certificate granted to the operator; or

- (c) an EU-OPS air operator certificate granted to the operator and in accordance with EU-OPS as though it were a commercial air transport flight.

(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.

Offering commercial transport and public transport flights

14.—(1) No person may hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the United Kingdom for the purpose of public transport or commercial air transport unless the person being held out holds—

- (a) in the case of a public transport flight, a valid national air operator's certificate or a valid EU-OPS air operator certificate; or
- (b) in the case of a commercial air transport flight, a valid EU-OPS air operator certificate.

(2) Paragraph (1) does not apply where—

- (a) the person being held out as offering such a flight has applied for a national air operator's certificate or an EU-OPS air operator certificate; and
- (b) the person holding out reasonably believes that the person being held out will hold such a certificate by the time the offered flight is made.

Operational directives

15.—(1) The CAA may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

- (a) the reason for its issue;
- (b) its applicability and duration; and
- (c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

(4) An operational directive which applies to an EU-OPS operator in relation to a commercial air transport flight must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(5) An operational directive ceases to have effect if—

- (a) it is withdrawn by the CAA; or
- (b) it is revoked by the CAA following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation, that the directive is found not to be justified.

(6) The CAA must revoke a directive if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

PART 3

Airworthiness of Aircraft

Certificate of airworthiness to be in force

16.—(1) Subject to paragraphs (2) and (3), an aircraft must not fly unless there is in force for the aircraft a certificate of airworthiness issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The prohibition in paragraph (1) does not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of—

- (a) a non-EASA glider flying on a private flight or an aerial work flight which consists of the giving of instruction or testing in a club environment;
- (b) a non-EASA balloon flying on a private flight;
- (c) a non-EASA kite;
- (d) a non-EASA aircraft flying in accordance with the A Conditions or the B Conditions;
- (e) an aircraft flying in accordance with a national permit to fly;
- (f) an aircraft flying in accordance with a certificate of validation issued by the CAA under article 24; or
- (g) a microlight aeroplane which—
 - (i) is designed to carry one person only;
 - (ii) has a maximum weight without its pilot and fuel of 115kg;
 - (iii) has a maximum wing loading without its pilot and fuel of 10kg per square metre; and
 - (iv) is flying on a private flight.

(3) The prohibition in paragraph (1) does not apply to flights by an aircraft flying in accordance with an EASA permit to fly—

- (a) issued by the CAA; or
- (b) issued by the competent authority of a Member State other than the United Kingdom which permits the aircraft to fly outside the airspace of the issuing State.

(4) In the case of a non-EASA aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is, subject to article 17, a national certificate of airworthiness.

(5) In the case of an EASA aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is an EASA certificate of airworthiness issued by the CAA.

(6) For the purposes of paragraph (1) a certificate of airworthiness—

- (a) includes an EASA restricted certificate of airworthiness issued by the CAA; and
- (b) includes an EASA restricted certificate of airworthiness issued by the competent authority of a Member State other than the United Kingdom which permits the aircraft to fly outside the airspace of the issuing State.

(7) An aircraft registered in the United Kingdom with an EASA certificate of airworthiness must not fly otherwise than in accordance with any conditions or limitations contained in its flight manual unless otherwise permitted by the CAA.

(8) An aircraft flying clear of cloud and with the surface in sight is, for the purposes of this article, deemed to be flying in accordance with the Visual Flight Rules.

Certificate of airworthiness for State aircraft registered in the United Kingdom

17.—(1) This article applies to a non-EASA aircraft registered in the United Kingdom which is a State aircraft but which is not a military aircraft.

(2) There must be in force for the aircraft either a national certificate of airworthiness or an EASA certificate of airworthiness issued by the CAA.

(3) If there is in force an EASA certificate of airworthiness issued by the CAA the aircraft must—

- (a) comply with the Basic EASA Regulation and any implementing rules made under that Regulation which would apply if it were an EASA aircraft;
- (b) comply with any United Kingdom national requirements made in accordance with article 14 of the Basic EASA Regulation and published in Part 4 of Section 2 of CAP 747 entitled Mandatory Requirements for Airworthiness⁽³⁾ which would apply if it were an EASA aircraft;
- (c) comply with any United Kingdom national requirements for State aircraft published in Section 4 of CAP 747 entitled Mandatory Requirements for Airworthiness; and
- (d) not fly within the airspace of another State without the permission of the competent authority of that State.

Issue and renewal of national certificates of airworthiness

18.—(1) Subject to paragraph (2), the CAA must issue for any non-EASA aircraft a national certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to—

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted in the aircraft), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials, and such other tests of the aircraft as it may require.

(2) If the CAA has issued a national certificate of airworthiness for an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is satisfied that the other aircraft conforms to such prototype or modification.

(a) (3) (a) Every national certificate of airworthiness must specify whether it is a Standard or Special Category certificate according to which is, in the opinion of the CAA, appropriate to the aircraft.

(b) A Special Category certificate must be issued subject to the condition that the aircraft may be flown only for the purposes indicated in Part B of Schedule 2 in relation to that category.

(4) The CAA may issue a national certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.

(5) The CAA may issue a certificate of validation.

(6) Nothing in this Order obliges the CAA to accept an application for the issue of a national certificate of airworthiness or certificate of validation or for the variation or renewal of any such certificate if the application is not supported by such reports from such persons approved under article 244 as the CAA may specify, either generally or in a particular case or class of cases.

(7) In this article, a certificate of validation means a certificate rendering valid for the purposes of this Order a certificate of airworthiness issued for any aircraft registered elsewhere than in the United Kingdom under the law of any country other than the United Kingdom.

(3) CAP 747 (First Edition, Issue 2) is published by The Stationery Office on behalf of the CAA and incorporates amendments up to and including 31st July 2009.

National certificate of airworthiness ceasing to be in force and issue of airworthiness directives for non-EASA aircraft

19.—(1) Subject to paragraph (3), a national certificate of airworthiness or a certificate of validation issued for a non-EASA aircraft registered in the United Kingdom ceases to be in force if—

- (a) the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified or maintained;
- (b) maintenance or an inspection of the aircraft or of any equipment necessary for the airworthiness of the aircraft is required by a maintenance schedule approved by the CAA for that aircraft under article 25;
- (c) maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft has been made mandatory by a directive issued by the CAA;
- (d) an inspection for the purpose of ascertaining whether the aircraft remains airworthy has been made mandatory by a directive issued by the CAA; or
- (e) any modification of the aircraft or of any equipment which is necessary for the airworthiness of the aircraft, has been made mandatory by a directive issued by the CAA for the purpose of ensuring that the aircraft remains airworthy.

(2) A certificate of airworthiness or a certificate of validation which has ceased to be in force under paragraph (1) becomes valid again on the issue of a certificate of release to service under this Order relating to the overhaul, repair, replacement, modification, maintenance or inspection.

(3) A certificate of airworthiness which would not be in force by reason of paragraph (1) remains in force if the aircraft is flying in the circumstances specified in article 28(3) or 29.

(4) In this article, a certificate of validation has the same meaning as specified in article 18(5).

Issue of airworthiness directives for EASA aircraft

20.—(1) Subject to and in accordance with article 14(1) of the Basic EASA Regulation, the CAA may direct that an EASA aircraft must not fly until one of the following has been completed to the satisfaction of the CAA—

- (a) maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft which has been made mandatory by a directive issued by the CAA;
- (b) an inspection for the purpose of ascertaining whether the aircraft remains airworthy which has been made mandatory by a directive issued by the CAA; or
- (c) any modification of the aircraft or of any equipment which is necessary for the airworthiness of the aircraft and has been made mandatory by a directive issued by the CAA for the purpose of ensuring that the aircraft remains airworthy.

(2) A directive under paragraph (1) ceases to have effect if—

- (a) it is withdrawn by the CAA; or
- (b) it is revoked by the CAA following a finding made in accordance with article 14(3) of the Basic EASA Regulation, that the directive is found not to be justified.

(3) The CAA must revoke a directive if it is found not to be justified under article 14(3) of the Basic EASA Regulation.

Issue of national permits to fly

21.—(1) Subject to paragraph (2), the CAA must issue for any non-EASA aircraft registered in the United Kingdom a national permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The CAA must refuse to issue a national permit to fly for a non-EASA aircraft registered in the United Kingdom if it appears to the CAA that the aircraft is eligible for, and ought to fly under and in accordance with, a national certificate of airworthiness.

(3) The CAA may issue a national permit to fly subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

(4) Nothing in this Order obliges the CAA to accept an application for the issue, variation or renewal of a national permit to fly if the application is not supported by such reports from such persons approved under article 244 as the CAA may specify, either generally or in a particular case or class of cases.

National permits to fly ceasing to be in force and issue of airworthiness directives for permit aircraft

22.—(1) A national permit to fly ceases to be in force if—

(a) the CAA has issued a directive that requires—

(i) an inspection to be carried out for the purpose of ascertaining whether the aircraft remains airworthy; or

(ii) modification or maintenance of the aircraft or any of its equipment necessary for the airworthiness of the aircraft for the purpose of ensuring that the aircraft remains airworthy; or

(b) completion of an inspection, modification or maintenance of the aircraft is required as a condition of the permit to fly.

(2) A national permit to fly which has ceased to be in force under paragraph (1) comes into force again as soon as—

(a) any such inspection, modification or maintenance has been satisfactorily completed; and

(b) in the case of an inspection, any consequential repair, replacement or modification has been satisfactorily carried out.

(3) A national permit to fly ceases to be in force—

(a) if any condition (other than a condition of the permit requiring an inspection, modification or maintenance) is not complied with;

(b) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired, unless the repair or modification has been approved by the CAA or by a person approved by the CAA for that purpose.

(4) A national permit to fly is not in force unless the permit includes a current certificate of validity issued by the CAA or by a person approved by the CAA for that purpose.

(5) In this article a certificate of validity means a certificate which certifies that a national permit to fly remains valid for the period specified in the certificate and a certificate of validity is current during that period.

Limitations of national permits to fly

23.—(1) Subject to paragraph (3), an aircraft flying in accordance with a national permit to fly must not fly for the purpose of—

(a) commercial air transport;

(b) public transport; or

(c) aerial work other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(2) No person may be carried during flights for the purpose of flying displays or demonstration flying (except for the minimum required flight crew), unless the prior permission of the CAA has been obtained.

(3) An aircraft flying in accordance with a national permit to fly may fly for the purpose of aerial work which consists of instruction or testing in a club environment if it does so with the permission of the CAA.

(4) A placard must be affixed to any aircraft flying in accordance with a permit to fly in full view of the occupants which must be worded as follows—

Occupant Warning

This aircraft has not been certificated to an International Requirement

(5) An aircraft flying in accordance with a permit to fly may only be flown by day and in accordance with the Visual Flight Rules unless the prior permission of the CAA has been obtained.

(6) In paragraph (5) ‘day’ means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level.

Issue and validity of certificates of validation of permits to fly or equivalent documents

24.—(1) In this article, a certificate of validation means a certificate authorising an aircraft registered elsewhere than in the United Kingdom to fly in the United Kingdom.

(2) The CAA must issue a certificate of validation if it is satisfied that the aircraft has a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered and the authority applies standards which are substantially equivalent to those required for the issue of a permit to fly by the CAA.

(3) An aircraft flying in accordance with a certificate of validation must not fly for the purpose of—

- (a) commercial air transport;
- (b) public transport; or
- (c) aerial work other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(4) The CAA may issue a certificate of validation subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

Requirement for an approved maintenance schedule and a certificate of maintenance review for non-EASA aircraft

25.—(1) A non-EASA aircraft registered in the United Kingdom for which a certificate of airworthiness is in force must not fly unless the aircraft (including its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the CAA for that aircraft.

(2) A non-EASA aircraft registered in the United Kingdom for which a certificate of airworthiness is in force and which is a commercial air transport aeroplane or a public transport or aerial work aircraft must not fly unless there is in force a certificate of maintenance review.

(3) A certificate of maintenance review means a certificate which certifies the date on which the last maintenance review of an aircraft required by an approved maintenance schedule was carried out and the date when the next such review is due.

(4) A certificate of maintenance review must be issued in accordance with article 26.

(5) A maintenance schedule approved under paragraph (2) must specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(6) In approving a maintenance schedule the CAA may direct that certificates of maintenance review relating to that schedule, or to any part of the schedule specified in the direction, may be issued only by the holder of such licence as is specified in the direction.

Issue of a certificate of maintenance review for non-EASA aircraft

26.—(1) A certificate of maintenance review may be issued for the purposes of article 25 only by—

- (a) the holder of an aircraft maintenance engineer's licence granted under this Order which entitles the holder to issue that certificate;
- (b) the holder of an aircraft maintenance engineer's licence granted under the law of a country other than the United Kingdom and rendered valid under this Order in accordance with the privileges endorsed on the licence;
- (c) a person whom the CAA has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority;
- (d) a person approved by the CAA as being competent to issue such a certificate, and in accordance with that approval; or
- (e) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence.

(2) A person referred to in paragraph (1) must not issue a certificate of maintenance review without first verifying that—

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft;
- (b) inspections and modifications required by the CAA under article 19, have been completed as certified in the relevant certificate of release to service issued under this Order or under Part 145;
- (c) defects entered in the technical log or approved record of the aircraft in accordance with article 27 have been rectified or the rectification of the defects has been deferred in accordance with procedures approved by the CAA; and
- (d) certificates of release to service have been issued—
 - (i) under this Order or in accordance with paragraph 21A.163(d) of Part 21 for an aircraft to which article 28 applies; or
 - (ii) under Part 145 for an aircraft required to be maintained in accordance with Part 145,

and for this purpose the operator of the aircraft must make available to that person such information as is necessary.

(3) A certificate of maintenance review must be issued in duplicate.

(4) One copy of the most recently issued certificate of maintenance review must be carried in the aircraft when article 150 so requires, and the other must be kept by the operator elsewhere than in the aircraft.

(5) Subject to article 159, each certificate of maintenance review must be preserved by the operator of the aircraft for at least two years after it has been issued.

Technical Log for non-EASA aircraft

27.—(1) This article applies to each non-EASA aircraft registered in the United Kingdom for which a certificate of airworthiness is in force and which is a public transport or aerial work aircraft.

(2) Subject to paragraph (3), a technical log must be kept for every aircraft to which this article applies.

(3) In the case of an aircraft which has a maximum total weight authorised of 2730kg or less and which is not operated by the holder of a national air operator's certificate, a record approved by the CAA (in this article called 'an approved record') may be kept instead of a technical log.

(4) Subject to paragraph (5), at the end of every flight the commander must enter in the technical log or the approved record—

- (a) the times when the aircraft took off and landed;
- (b) information about any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (c) such other information about the airworthiness or operation of the aircraft as the CAA may require,

and must sign and date the entries.

(5) Subject to paragraph (6), if there are two or more consecutive flights, each of which begins and ends—

- (a) within the same period of 24 hours;
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (c) with the same person as commander of the aircraft,

the commander may make the entries specified in paragraph (4) at the end of the last of such consecutive flights.

(6) Paragraph (5) does not apply if the commander becomes aware of a defect during an earlier flight.

(7) When any defect which has been entered in a technical log or approved record is rectified the person issuing a certificate of release to service issued under this Order or under Part 145 in respect of that defect must enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(8) Subject to paragraph (9) the technical log or approved record must be carried in the aircraft when article 150 so requires and a copy of the entries required by this article must be kept on the ground.

(9) In the case of an aeroplane which has a maximum total weight authorised of 2730kg or less, or a helicopter, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the aeroplane or helicopter in a container approved by the CAA for that purpose.

(10) Subject to article 159, a technical log or approved record required by this article must be preserved by the operator of the aircraft to which it relates for at least two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the CAA may permit in a particular case.

Requirement for a certificate of release to service for non-EASA aircraft

28.—(1) This article applies to each non-EASA aircraft registered in the United Kingdom which has a certificate of airworthiness, except any such aircraft which is required to be maintained in accordance with Part 145.

(2) Subject to paragraph (3) and article 29, if an aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 19(1)(b) or (d) that aircraft must not fly unless there is in force for the aircraft a certificate of release to service issued under and in accordance with this Order.

(3) If a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at a place where it is not reasonably practicable—

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service under this Order can be issued; or
- (b) for such a certificate to be issued while the aircraft is at that place,

it may fly to a place which satisfies each of the criteria in paragraph (5).

(4) If the aircraft flies in the circumstances referred to in paragraph (3), the commander of the aircraft must cause written information about the flight, and the reasons for making it, to be given to the CAA within 10 days.

(5) A place satisfies the criteria in this paragraph if it is—

- (a) the nearest place at which a certificate of release to service under this Order can be issued;
- (b) a place to which the aircraft can, in the reasonable opinion of the commander, safely fly by a route for which it is properly equipped; and
- (c) a place to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board.

(6) Subject to paragraph (8), equipment provided in compliance with Schedule 4 (except equipment specified in paragraph 4 of the Schedule) must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected.

(7) Subject to paragraph (8), radio communication and radio navigation equipment provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such equipment is provided in compliance with Schedule 5 or any other provision of this Order or any regulations made under this Order, must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected.

(8) Equipment specified in paragraphs (6) and (7) may be installed or placed on board for use in an aircraft if there is in force for the equipment, at the time when it is installed or placed on board, a certificate of release to service issued under this Order.

Circumstances where a certificate of release to service is not required

29.—(1) A certificate of release to service is not required to be in force for an aircraft which has a maximum total weight authorised of not more than 2730kg and to which article 28 applies if there is in force a certificate of airworthiness in the Special Category referred to in Part B of Schedule 2, unless the CAA gives a direction to the contrary in a particular case.

(2) A certificate of release to service is not required to be in force for a private aircraft to which article 28 applies which has a maximum total weight authorised of not more than 2730kg if it flies in the circumstances specified in paragraph (3).

(3) The circumstances referred to in paragraph (2) are—

- (a) the only repairs or replacements for which a certificate of release to service is not in force are of such a description as may be prescribed;
- (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence granted or rendered valid under this Order who is the owner or operator of the aircraft;
- (c) the person carrying out the repairs or replacements keeps in the aircraft log book kept for the aircraft under article 34 a record which identifies the repairs or replacements and signs and dates the entries; and
- (d) any equipment or parts used in carrying out such repairs or replacements are of a type approved by EASA or the CAA, either generally or in relation to a class of aircraft or the particular aircraft.

(4) An aircraft to which article 28 applies does not require to have in force a certificate of release to service issued under this Order if it has in force a certificate of release to service issued in accordance with paragraph 21A.163(d) of Part 21.

Contents of a certificate of release to service

30.—(1) Where an aircraft or any part of the aircraft or its equipment has been overhauled, repaired, replaced, modified or maintained a certificate of release to service issued under this Order must—

- (a) identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates;
- (b) include detailed information about the work done;
- (c) certify that the specified work has been completed with material of a type approved by EASA or the CAA, either generally or in relation to a class of aircraft or the particular aircraft;
- (d) in the case of an overhaul, removal or replacement, certify that the specified work conforms with the continuing airworthiness instructions issued by the relevant type certificate holder; and
- (e) certify that—
 - (i) the specified work has been completed in a manner approved by EASA or the CAA, either generally or in relation to a class of aircraft or the particular aircraft; or
 - (ii) in the case of a repair or modification which has been classified as minor by a person authorised to do so by the CAA and approved by that person, it has been completed in accordance with that approval.

(2) A certificate of release to service issued under this Order in relation to any inspection required in accordance with article 19(1)(b) or (d) must certify that the aircraft or the part of the aircraft or its equipment which has been required to be inspected—

- (a) has been inspected in accordance with the requirements; and
- (b) that any consequential repair, replacement or modification has been satisfactorily carried out.

(3) In this article, a minor repair or modification means one which has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission or other characteristics affecting the airworthiness of the aircraft, part or equipment.

Who may issue a certificate of release to service

31.—(1) Subject to paragraph (2), a certificate of release to service issued under this Order may be issued only by—

- (a) the holder of an aircraft maintenance engineer’s licence—
 - (i) granted under this Order, being a licence which entitles the holder to issue that certificate; or
 - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence;
- (b) a person approved by the CAA as being competent to issue such certification, and in accordance with that approval;
- (c) a person authorised by the CAA to issue the certificate in a particular case, and in accordance with that authorisation;
- (d) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of a United Kingdom Airline Transport Pilot’s Licence (Aeroplanes) or a JAR-FCL Airline Transport Pilot Licence (Aeroplane) or a Flight Navigator’s Licence granted or rendered valid under this Order;
- (e) a person approved in accordance with Part 145, and in accordance with that approval; or
- (f) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence.

(2) The holder of an aircraft maintenance engineer’s licence or authorisation as an aircraft maintenance engineer granted or issued by or under the law of any Contracting State other than the United Kingdom may issue a certificate of release to service for an aircraft registered in the United Kingdom if—

- (a) it is issued in accordance with the privileges endorsed on the licence or authorisation;
- (b) the overhaul, repair, replacement, modification, maintenance or inspection has been carried out in the Contracting State under the law of which the licence or authorisation has been granted or issued;
- (c) there is a certificate of airworthiness for the aircraft; and
- (d) the aircraft has a maximum total weight authorised of not more than 2730kg.

(3) In this article, in relation to a compass, the expression ‘repair’ includes its adjustment and compensation and the expression ‘repaired’ is to be construed accordingly.

Requirement for a certificate of release to service for EASA aircraft

32. An EASA aircraft must not fly when a certificate of release to service is required by or under Part M or Part 145 unless such a certificate has been issued in accordance with Part M or Part 145 and is in force.

Licensing of maintenance engineers

33.—(1) The CAA must grant an aircraft maintenance engineer’s licence, subject to such conditions as it thinks fit, if it is satisfied that the applicant is—

- (a) a fit person to hold the licence; and
- (b) qualified by having the knowledge, experience, competence and skill in aeronautical engineering to act in the capacity to which the licence relates.

(2) For the purposes of paragraph (1) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.

- (3) An aircraft maintenance engineer's licence authorises the holder to issue—
 - (a) certificates of maintenance review for such aircraft as may be specified;
 - (b) certificates of release to service under this Order for such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be specified; or
 - (c) certificates of fitness for flight issued under paragraph 5 of the A Conditions for such aircraft as may be specified.
- (4) Subject to article 228, an aircraft maintenance engineer's licence remains in force for the period specified in the licence, which must not exceed five years.
- (5) An aircraft maintenance engineer's licence may be renewed by the CAA if it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).
- (6) The CAA may issue a certificate rendering valid for the purposes of this Order any aircraft maintenance engineer's licence granted under the law of any country other than the United Kingdom.
- (7) An aircraft maintenance engineer's licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil but if the licence is annexed to an aircraft maintenance licence issued under Part 66 it is sufficient if that Part 66 licence has such a signature.
- (8) The holder of an aircraft maintenance engineer's licence granted under paragraph (1) or of an aircraft maintenance licence granted under Part 66 must not exercise the privileges of such a licence if the holder knows or suspects that the holder's physical or mental condition renders the holder unfit to exercise such privileges.
- (9) The CAA may, for the purposes of this article—
 - (a) approve any course of training or instruction;
 - (b) authorise a person to conduct such examinations or tests as it may specify; and
 - (c) approve a person to provide or conduct any course of training or instruction.

Aircraft, engine and propeller log books for non-EASA aircraft

- 34.**—(1) In addition to any other log books required to be kept or under this Order, the following log books must be kept for non-EASA aircraft registered in the United Kingdom—
- (a) an aircraft log book;
 - (b) a separate log book for each engine fitted in the aircraft; and
 - (c) a separate log book for each variable pitch propeller fitted to the aircraft.
- (2) The log books must include the information specified in Schedule 6 and in the case of an aircraft having a maximum total weight authorised of not more than 2730kg must be of a type approved by the CAA.
- (3) With the exception of an entry of the type referred to in paragraph 3(d)(ii) or 4(d)(ii) of Schedule 6 each entry in the log book—
- (a) must be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force for the aircraft at the time of the occurrence;
 - (b) must be made on each occasion that any overhaul, repair, replacement, modification, maintenance or inspection is undertaken on the engine or propeller.
- (4) Any document which is incorporated by reference in a log book is deemed, for the purposes of this Order, to be part of the log book.
- (5) It is the duty of the operator of every aircraft for which log books are required to be kept to keep them or cause them to be kept in accordance with this article.

(6) Subject to article 159 every log book must be preserved by the operator of the aircraft for at least two years after the aircraft, the engine or the variable pitch propeller has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule

35.—(1) Subject to paragraph (2), this article applies to any flying machine or glider for which a certificate of airworthiness issued by the CAA or rendered valid under this Order is in force.

(2) This article does not apply to an EU-OPS aeroplane.

(3) Every aircraft to which this article applies must be weighed, and the position of its centre of gravity determined, at such times and in such manner as the CAA may require.

(4) When the aircraft is weighed its operator must prepare a weight schedule showing—

(a) either the basic weight, or such other weight as may be approved by the CAA or EASA for that aircraft; and

(b) either the position of the centre of gravity at its basic weight or such other position of the centre of gravity as may be approved by the CAA or EASA for that aircraft.

(5) Subject to article 159, the weight schedule must be preserved by the operator of the aircraft for at least six months after the next occasion on which the aircraft is weighed for the purposes of this article.

(6) In this article “basic weight” means the empty weight of the aircraft established in accordance with the type certification basis of the aircraft.

Access and inspection for airworthiness purposes

36.—(1) The CAA may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part of this Order or for the purposes of Part 21, Part 145 or Part M.

(2) Any person authorised to do so by the CAA may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating to the aircraft and may for that purpose go onto any aerodrome or enter any aircraft factory.

PART 4

Equipment of Aircraft

Equipment of aircraft

37.—(1) An aircraft must not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any regulations made under this Order.

(2) Subject to paragraphs (10) and (11), an aircraft registered in the United Kingdom must (in addition to any other equipment required by or under this Order) carry the equipment specified in paragraph 5 of Schedule 4 in the circumstances described in the second column of the Table in paragraph 4 of that Schedule.

(3) The equipment carried must—

(a) comply with the provisions of Schedule 4;

- (b) except for the equipment specified in paragraph 3 of the Schedule, be of a type approved by EASA or the CAA either generally or in relation to a class of aircraft or in relation to that aircraft; and
 - (c) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft.
- (4) In any particular case the CAA may direct that an aircraft registered in the United Kingdom must carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of persons carried in the aircraft.
- (5) A direction under paragraph (4) which applies to an EU-OPS aeroplane must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.
- (6) A direction under paragraph (4) ceases to have effect if—
- (i) it is withdrawn by the CAA; or
 - (ii) it is revoked by the CAA following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation, that the direction is not justified.
- (7) The CAA must revoke a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.
- (8) This paragraph applies to navigational equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting on it.
- (9) Navigational equipment to which paragraph (8) applies which is carried in an aircraft registered in the United Kingdom (whether or not in compliance with this Order or any regulations made under this Order) must—
- (a) be of a type approved by EASA or the CAA, either generally or in relation to a class of aircraft or in relation to that aircraft; and
 - (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft.
- (10) This article does not apply in relation to radio communication and radio navigation equipment except any specified in Schedule 4.
- (11) An EU-OPS aeroplane is not required to carry the equipment specified in Schedule 4 if it is—
- (a) flying on a commercial air transport flight; or
 - (b) carrying equipment, other than radio communication and radio navigation equipment, which would be required under EU-OPS if it were flying on a commercial air transport flight.

Carriage and use of equipment

38.—(1) The equipment carried in compliance with article 37 must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(2) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

(3) In every public transport aircraft registered in the United Kingdom there must be provided individually for each passenger or, if the CAA so permits in writing, exhibited in a prominent position in every passenger compartment, a notice which complies with paragraph (4).

(4) A notice complies with this paragraph if it is relevant to the aircraft in question and contains pictorial—

- (a) instructions on the brace position to be adopted in the event of an emergency landing;
- (b) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (c) information as to where emergency exits are to be found and instructions as to how they are to be used; and
- (d) information as to where the lifejackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2), are to be found and instructions as to how they are to be used.

(5) All equipment installed or carried in an aircraft, whether or not in compliance with article 37, must be installed or stowed and maintained and adjusted so as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

Radio communication and radio navigation equipment of aircraft

39.—(1) An aircraft must not fly unless it is equipped with radio communication and radio navigation equipment which—

- (a) complies with the law of the country in which the aircraft is registered or the State of the operator; and
- (b) enables communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made under this Order.

(2) Without prejudice to paragraph (1) but subject to paragraph (8), an aircraft must be equipped with radio communication and radio navigation equipment in accordance with Schedule 5.

(3) In any particular case the CAA may direct that an aircraft registered in the United Kingdom carries such additional or special radio communication or radio navigation equipment as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) A direction under paragraph (3) which applies to an EU-OPS aeroplane must be made subject to and in accordance with article 8 of the Technical Harmonisation Regulation.

(5) A direction under paragraph (3) ceases to have effect if—

- (a) it is withdrawn by the CAA; or
- (b) it is revoked by the CAA following a finding made in accordance with article 8(1) of the Technical Harmonisation Regulation, that the direction is found not to be justified.

(6) The CAA must revoke a direction if it is found not to be justified under article 8(1) of the Technical Harmonisation Regulation.

(7) Subject to article 41 and to any prescribed exceptions, the radio communication and radio navigation equipment provided in compliance with this article in an aircraft registered in the United Kingdom must always be maintained in serviceable condition.

(8) All radio communication and radio navigation equipment installed in an aircraft registered in the United Kingdom or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made under this Order) must—

- (a) be of a type approved by EASA or the CAA in relation to the purpose for which it is to be used; and
- (b) except in the case of a non-EASA glider which is permitted by article 3(2) to fly unregistered, be installed in a manner approved by EASA in the case of an EASA aircraft and by the CAA in the case of a non-EASA aircraft.

(9) Neither the radio communication and radio navigation equipment referred to in paragraph (8) nor the manner in which it is installed may be modified except with the approval of EASA in the case of an EASA aircraft or the CAA in the case of a non-EASA aircraft.

(10) An EU-OPS aeroplane is not required to be provided with the radio communication and radio navigation equipment specified in Schedule 5 if it is—

- (a) flying on a commercial air transport flight; or
- (b) provided with the radio communication and radio navigation equipment which would be required under EU-OPS and article 40 if it were flying on a commercial air transport flight.

Notified radio communication and radio navigation equipment to be carried by EU-OPS aeroplanes

40. An EU-OPS operator must not operate an aeroplane on a commercial air transport flight under the Instrument Flight Rules or under the Visual Flight Rules over routes that cannot be navigated by reference to visual landmarks, unless the aeroplane is equipped with radio communication and navigation equipment in accordance with the notified requirements of air traffic services in the area of operation.

Minimum equipment requirements

41.—(1) Subject to paragraph (2), this article applies to any aircraft registered in the United Kingdom.

(2) This article does not apply to an EU-OPS aeroplane where the intended flight is for the purpose of commercial air transport.

(3) 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 must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(4) An aircraft must not commence a private flight, an aerial work flight or a public transport flight if any of the equipment which must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless—

- (a) the aircraft does so under and in accordance with the terms of a permission granted under paragraph (3) to the operator; and
- (b) in the case of an aircraft to which article 83 or 84 applies, the applicable operations manual or police operations manual contains information about that permission.

PART 5

Crew Required to be Carried

Required flight crew of aircraft

42. An aircraft must not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Flight crew required by aircraft registered in the United Kingdom

43.—(1) Subject to paragraph (2), this article applies to any aircraft registered in the United Kingdom flying on any flight.

- (2) This article does not apply to an EU-OPS aeroplane flying on a commercial air transport flight.
- (3) An aircraft to which this article applies must carry a flight crew adequate in number and description to ensure the safety of the aircraft.
- (4) An aircraft—
- (a) which has a flight manual, must carry a flight crew of at least the number and description specified in that flight manual;
 - (b) which does not now have a flight manual but has done in the past, must carry a flight crew of at least the number and description specified in that flight manual.
- (5) An aircraft which is required by article 39 to be equipped with radio communication equipment must carry a flight radiotelephony operator as a member of the flight crew.

Pilots required on public transport flights by flying machines over 5700kg

44. A flying machine registered in the United Kingdom must carry at least two pilots as members of the flight crew if it—
- (a) is flying for the purpose of public transport; and
 - (b) has a maximum total weight authorised of more than 5700kg.

Pilots required on public transport flights by aeroplanes of 5700kg or less

- 45.—(1) Subject to paragraph (4) an aeroplane registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—
- (a) is flying for the purpose of public transport;
 - (b) has a maximum total weight authorised of 5700kg or less;
 - (c) is flying in circumstances where the commander is required to comply with the Instrument Flight Rules; and
 - (d) comes within paragraph (2).
- (2) Subject to paragraph (3), an aeroplane comes within this paragraph if it has—
- (a) one or more turbine jets;
 - (b) one or more turbine propeller engines and is provided with a means of pressurising the personnel compartments;
 - (c) two or more turbine propeller engines and a maximum approved passenger seating configuration of more than nine;
 - (d) two or more turbine propeller engines and a maximum approved passenger seating configuration of fewer than 10, and is not provided with a means of pressurising the personnel compartments; or
 - (e) two or more piston engines.
- (3) An aeroplane does not come within paragraph (2)(d) or (e) if it is equipped with an autopilot which has been approved by the CAA for the purposes of this article and which is serviceable on take-off.
- (4) An aeroplane—
- (a) described in paragraph (2)(d) or (e) which is equipped with an approved autopilot is not required to carry two pilots even though before take-off the approved autopilot is found to be unserviceable, if the aeroplane flies in accordance with arrangements approved by the CAA;

- (b) described in paragraph (2)(c), (d) or (e) which is flying under and in accordance with the terms of a police air operator's certificate is not required to carry two pilots.

Pilots required on public transport flights by helicopters of 5700kg or less

46.—(1) Subject to paragraph (2), a helicopter registered in the United Kingdom must carry at least two pilots as members of its flight crew if it—

- (a) is flying for the purpose of public transport;
 - (b) has a maximum total weight authorised of 5700kg or less; and
 - (c) is flying in circumstances where the commander is required to comply with the Instrument Flight Rules or is flying at night on a special VFR flight.
- (2) A helicopter described in paragraph (1) is not required to carry two pilots if it—
- (a) is equipped with an autopilot with altitude hold and heading mode which is serviceable on take-off;
 - (b) is equipped with such an autopilot even though before take-off the autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the CAA; or
 - (c) is flying by day and remains clear of cloud and with the surface in sight.

Flight navigators or navigational equipment required on public transport flights

47.—(1) In the circumstances specified in paragraph (2) an aircraft registered in the United Kingdom flying on a public transport flight must carry—

- (a) a flight navigator as a member of the flight crew; or
- (b) navigational equipment suitable for the route to be flown.

(2) The circumstances referred to in paragraph (1) are that on the route or on any diversion from it, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown.

(3) A flight navigator carried in compliance with paragraph (1) must be carried in addition to any person who is carried in accordance with this Part to perform other duties.

Required cabin crew of aircraft

48.—(1) This article applies to each public transport flight by an aircraft registered in the United Kingdom which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.

(2) The crew of the aircraft on each such flight must include cabin crew.

(3) Subject to paragraph (4), on each such flight there must be carried not less than one member of the cabin crew for every 50 or fraction of 50 passenger seats installed in the aircraft.

(4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if—

- (a) the CAA has granted permission to the operator to carry a lesser number on that flight;
- (b) the operator carries the number specified in that permission; and
- (c) the operator complies with any conditions subject to which the permission is granted.

Power to direct additional crew to be carried

49.—(1) Subject to paragraph (2), the CAA may, in the interests of safety, direct the operator of any aircraft registered in the United Kingdom that all or any aircraft operated by him, when flying in circumstances specified in the direction, must carry, in addition to the crew required to be carried by this Part, such additional persons as members of the flight crew or the cabin crew as it may specify in the direction.

(2) The CAA may not issue such a direction to an EU-OPS operator.

PART 6**Flight Crew Licensing - Requirement for Licence****Requirement for appropriate licence to act as member of flight crew of aircraft registered in United Kingdom**

50.—(1) Subject to the exceptions set out in articles 51 to 60, a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom without holding an appropriate licence granted or rendered valid under this Order.

(2) An appropriate licence for the purposes of this Part means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.

Flight crew licence requirement – Exception to act as flight radiotelephony operator

51.—(1) A person may act as a flight radiotelephony operator within the United Kingdom, the Channel Islands and the Isle of Man without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) apply.

(2) The conditions referred to in paragraph (1) are that the person is—

- (a) the pilot of a glider on a private flight and does not communicate by radiotelephony with any air traffic control unit, flight information unit or air/ground communications service unit; or
- (b) being trained in an aircraft registered in the United Kingdom to perform duties as a member of the flight crew of an aircraft and is authorised to operate the radiotelephony station by the holder of the licence granted for that station under any enactment.

Flight crew licence requirement – Exception for solo flying training

52.—(1) A person may act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the person is at least 16 years of age;
- (b) the person is the holder of a valid medical certificate to the effect that the person is fit to act as pilot in command, issued by a person approved by the CAA;
- (c) the person complies with any conditions subject to which that medical certificate was issued;
- (d) no other person is carried in the aircraft;

- (e) the aircraft is not flying for the purpose of commercial air transport, public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
- (f) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a JAA licence, in each case being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling that other person to give instruction in flying the type of aircraft being flown.

Flight crew licence requirement – Exception for dual flying training

53.—(1) A person may act as pilot of an aircraft of which the flight crew required to be carried by or under this Order is not more than one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order, if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the aircraft is not flying for the purpose of commercial air transport, public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (b) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a JAA licence, in each case being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling that other person to give instruction in flying the type of aircraft being flown; and
- (c)
 - (i) the aircraft is fitted with dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls; or
 - (ii) the aircraft is fitted with controls designed for and capable of use by two persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

Flight crew licence requirement – Exception for gyroplanes at night

54.—(1) A person may act as pilot in command of a gyroplane at night within the United Kingdom, the Channel Islands and the Isle of Man without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the person is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that—
 - (i) the licence does not include an instrument rating; and
 - (ii) the person has not within the immediately preceding 13 months carried out as pilot in command at least five take-offs and five landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
- (b) the person so acts in accordance with instructions given by another person holding a pilot's licence granted under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling that other person to give instruction in flying the type of gyroplane being flown;
- (c) no person other than the instructor is carried; and

- (d) the gyroplane is not flying for the purpose of commercial air transport, public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

Flight crew licence requirement – Exception for balloons

55.—(1) A person may act as pilot in command of a balloon within the United Kingdom, the Channel Islands and the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in paragraph (2) are satisfied.

- (2) The conditions referred to in paragraph (1) are that—
 - (a) the person is the holder of an appropriate licence granted or rendered valid under this Order in all respects save that the person has not within the immediately preceding 13 months carried out as pilot in command at least five flights each of not less than five minutes duration;
 - (b) the person acts in accordance with instructions given by a person authorised by the CAA to supervise flying in the type of balloon being flown;
 - (c) no person other than one specified in sub-paragraph (b) is carried; and
 - (d) the balloon is not flying for the purpose of commercial air transport, public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

Flight crew licence requirement – Exception for pilot undergoing training or tests

56.—(1) Unless the certificate of airworthiness in force for the aircraft otherwise requires, a person may act as pilot of an aircraft registered in the United Kingdom for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating without being the holder of an appropriate licence, if the conditions in paragraphs (2), (3) and (4) are satisfied.

- (2) The condition first referred to in paragraph (1) is that no other person is carried in the aircraft or in an aircraft which it is towing except—
 - (a) a person carried as a member of the flight crew in compliance with this Order;
 - (b) a person authorised by the CAA to witness the training or tests or to conduct the tests; or
 - (c) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft.
- (3) The conditions secondly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—
 - (a) within the preceding six months was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces; and
 - (b) the person's physical condition has not, so far as the person is aware, so deteriorated during that period as to render the person unfit for the licence or rating for which the training or tests are being given or conducted.
- (4) The conditions thirdly referred to in paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—
 - (a) holds a pilot's, a flight navigator's or a flight engineer's licence granted under article 64;
 - (b) the purpose of the training or tests is to enable that person to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in that person's licence; and

- (c) the person acts under the supervision of another person who is the holder of an appropriate licence.

Flight crew licence requirement – Exception for navigators and flight engineers

57. A person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if—

- (a) the flight is for the purpose of undergoing training or tests for the grant or renewal of a flight navigator’s or a flight engineer’s licence or for the inclusion, renewal or extension of a rating in such a licence; and
- (b) the person acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

Flight crew licence requirement – Exception for members of HM Forces

58. A person may act as a member of the flight crew of an aircraft registered in the United Kingdom without being the holder of an appropriate licence if, in so doing, the person is acting in the course of his or her duty as a member of any of Her Majesty’s naval, military or air forces.

Flight crew licence requirement – Exceptions for gliders

59.—(1) A person may act as a member of the flight crew of a glider without being the holder of an appropriate licence if that person acts as a flight radiotelephony operator in accordance with article 51(2)(a).

(2) A person may act as a member of the flight crew of a glider without being the holder of an appropriate licence if the flight is—

- (a) a private flight; or
- (b) for the purpose of aerial work which consists of instruction or testing in a club environment.

Flight crew licence requirement – Exception where CAA permission granted

60.—(1) Nothing in this Order prohibits the holder of a pilot’s licence from acting as pilot of an aircraft certificated for single pilot operation if the holder is testing any person for the purposes of articles 64(1), (7), 66(2), 67(2), 68 or 69 with the permission of the CAA.

(2) Paragraph (1) applies even though—

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in the licence; or
- (b) the licence or personal flying log book does not include a valid certificate of test, experience or revalidation for the type of aircraft.

Requirement for appropriate licence to act as member of flight crew of aircraft registered elsewhere than in the United Kingdom

61. A person must not act as a member of the flight crew which must by or under this Order be carried in an aircraft registered in a country other than the United Kingdom unless—

- (a) in the case of an aircraft flying for the purpose of commercial air transport, public transport or aerial work, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or

- (b) in the case of an aircraft on a private flight, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the CAA does not give a direction to the contrary.

Deeming a non-United Kingdom flight crew licence valid

62.—(1) Subject to paragraphs (3) and (4), paragraph (2) applies to any licence which authorises the holder to act as a member of the flight crew of an aircraft and is granted—

- (a) under the law of a Contracting State other than the United Kingdom but which is not a JAA licence; or
 (b) under the law of a relevant overseas territory.

(2) Subject to paragraph (4), for the purposes of this Part, such a licence is, unless the CAA gives a direction to the contrary, deemed to be a licence rendered valid under this Order.

(3) Paragraph (2) does not apply to such a licence if it authorises the holder to act as a student pilot only.

(4) A licence deemed valid under paragraph (2) does not entitle the holder—

- (a) to act as a member of the flight crew of any aircraft flying for the purpose of commercial air transport, public transport or aerial work or on any flight for which the holder receives remuneration for services as a member of the flight crew; or
 (b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.

(5) A JAA licence is, unless the CAA gives a direction to the contrary, a licence rendered valid under this Order.

Permission required where licence does not meet relevant minimum standards

63.—(1) This article applies to any licence endorsed to the effect that the holder does not satisfy in full the relevant minimum standards established under the Chicago Convention.

(2) The holder of such a licence, which has been granted or rendered valid under this Order, must not act as a member of the flight crew of an aircraft registered in the United Kingdom in or over the territory of a Contracting State other than the United Kingdom, except in accordance with a permission granted by the competent authority of that State.

(3) The holder of a licence, which has been granted or rendered valid under the law of a Contracting State other than the United Kingdom, must not act as a member of the flight crew of any aircraft in or over the United Kingdom except in accordance with a permission granted by the CAA, whether or not the licence is rendered valid under this Order.

PART 7

Flight Crew Licensing – Grant of Licence and Maintenance of Privileges

Grant, renewal and privileges of flight crew licences

64.—(1) Subject to article 82(1), the CAA must grant licences of any of the classes specified in Part A of Schedule 7, authorising the holder to act as a member of the flight crew of an aircraft registered in the United Kingdom, if it is satisfied that the applicant is—

- (a) a fit person to hold the licence; and

(b) qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates.

(2) For the purposes of paragraph (1) the applicant must supply such evidence and undergo such examinations and tests (including in particular medical examinations) and undertake such courses of training as the CAA may require.

(3) A licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil.

(4) Subject to article 228—

(a) a licence granted under this article remains in force for the period indicated in the licence, not exceeding the period specified for a licence of that class in Part A of Schedule 7;

(b) if no period is indicated in the licence, it remains in force for the lifetime of the holder.

(5) A licence granted under this article may be renewed by the CAA on being satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).

(6) A licence granted under this article must not be granted to any person who is under the minimum age specified for that class of licence in Part A of Schedule 7.

(7) Nothing in this Order obliges the CAA to accept an application for the issue of a National Private Pilot's Licence (Aeroplanes) when the application is not supported by such reports from such persons approved under article 244 as the CAA may specify, either generally or in a particular case or class of cases.

(8) Subject to any conditions of the licence including those specified in Part A of Schedule 7, the other provisions of this Part and article 228, a licence of any class entitles the holder to exercise the privileges specified for that licence in Section 1 of Part A of that Schedule under the heading 'Privileges' or Sections 2 or 3 of Part A of that Schedule under the heading 'Privileges and conditions'.

(9) The CAA may grant a licence subject to such conditions as it thinks fit.

Ratings and qualifications

65.—(1) Subject to article 82(2), the CAA may include in any United Kingdom licence or JAR-FCL licence any rating or qualification specified in Section 1 of Part B of Schedule 7.

(2) The CAA may include in any United Kingdom licence, JAR-FCL licence or National Private Pilot's Licence (Aeroplanes) any rating specified in Section 2 of Part B of Schedule 7.

(3) The CAA must include a rating or qualification if it is satisfied that the applicant is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the rating or qualification relates.

(4) A rating or qualification is deemed to form part of the licence.

(5) A rating or qualification of any class entitles the holder of the licence in which the rating or qualification is included to exercise the privileges specified for that rating or qualification in Part B of Schedule 7.

(6) The CAA may grant a rating or qualification subject to such conditions as it thinks fit.

Maintenance of privileges of aircraft ratings specified in Section 1 of Part B of Schedule 7 in pilot licences which are United Kingdom licences for which there are no JAR-FCL equivalents except for Basic Commercial Pilots' Licences

66.—(1) This article applies to any pilot licence which is a United Kingdom licence for which there is no JAR-FCL equivalent other than a United Kingdom Basic Commercial Pilot's Licence.

(2) Subject to paragraphs (3) and (4), the holder of such a pilot licence is not entitled to exercise the privileges of an aircraft rating specified in Section 1 of Part B of Schedule 7 which is included in the licence on a flight unless—

- (a) the licence has a certificate of test or a certificate of experience for the rating;
- (b) the certificate is appropriate to the functions to be performed on that flight in accordance with Section 1 of Part C of Schedule 7; and
- (c) the certificate is issued and valid in accordance with Section 1 of Part C of Schedule 7.

(3) The holder of a Private Pilot's Licence (Balloons and Airships) is entitled to exercise the privileges of an aircraft rating specified in Section 1 of Part B of Schedule 7 which is included in the licence on a flight if the licence does not have a certificate referred to in paragraph (2).

(4) The holder of a United Kingdom Private Pilot's Licence (Gyroplanes) is not entitled to exercise the privileges of an aircraft rating specified in Section 1 of Part B of Schedule 7 which is included in the licence unless the certificate of test or certificate of experience required by paragraph (2) is included in the holder's personal flying log book.

Maintenance of privileges of aircraft ratings specified in Section 1 of Part B of Schedule 7 in JAR-FCL licences, United Kingdom licences for which there are JAR-FCL equivalents and United Kingdom Basic Commercial Pilots' Licences

67.—(1) This article applies to—

- (a) JAR-FCL licences;
- (b) United Kingdom licences for which there are JAR-FCL equivalents; and
- (c) United Kingdom Basic Commercial Pilot's Licences.

(2) The holder of a licence to which this article applies is not entitled to exercise the privileges of an aircraft rating specified in Section 1 of Part B of Schedule 7 which is included in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating;
- (b) the certificate is appropriate, issued and valid in accordance with Section 2 of Part C of Schedule 7;
- (c) the holder has undertaken differences training in accordance with paragraph 1.235 of Section 1 of JAR-FCL 1 in the case of an aeroplane and paragraph 2.235 of Section 1 of JAR-FCL 2 in the case of a helicopter; and
- (d) detailed information about that differences training is entered in the holder's personal flying log book.

Maintenance of privileges of other ratings specified in Section 1 of Part B of Schedule 7

68.—(1) A person is not entitled to exercise the privileges of a flying instructor's rating (gyroplanes), an assistant flying instructor's rating (gyroplanes) or an instrument meteorological conditions rating (aeroplanes) unless—

- (a) the licence in which the rating is included has a certificate of test;
- (b) the certificate is appropriate to the functions to which the rating relates in accordance with Section 1 of Part C of Schedule 7; and
- (c) the certificate is issued and valid in accordance with Section 1 of Part C of Schedule 7.

(2) A person is not entitled to exercise the privileges of a rating described in paragraph (3) unless—

- (a) the licence in which the rating is included has a certificate of revalidation for the rating; and

- (b) the certificate is appropriate, issued and valid in accordance with Section 2 of Part C of Schedule 7.
- (3) The ratings referred to in paragraph (2) are—
 - (a) an instrument rating (aeroplane);
 - (b) an instrument rating (helicopter); and
 - (c) any instructor's rating other than a flying instructor's rating (gyroplanes) or an assistant flying instructor's rating (gyroplanes).

Maintenance of privileges of ratings specified in Section 2 of Part B of Schedule 7

69.—(1) Subject to paragraph (2), the holder of a United Kingdom Licence, a JAR-FCL Licence or a National Private Pilot's Licence (Aeroplanes) is not entitled to exercise the privileges of any rating specified in Section 2 of Part B of Schedule 7 which is included in the licence unless—

- (a) the licence includes a certificate of revalidation for the rating; and
- (b) the certificate is issued and valid in accordance with Section 3 of Part C of Schedule 7.

(2) The holder of a United Kingdom Private Pilot's Licence is not entitled to exercise the privileges of a microlight aeroplane class rating specified in Section 2 of Part B of Schedule 7 which is included in the licence unless the requirements in paragraph (3) are satisfied.

- (3) The requirements referred to in paragraph (2) are that—
 - (a) there is included in the licence holder's personal flying log book a certificate of test or a certificate of experience for the rating;
 - (b) the certificate is appropriate to the functions to be performed on that flight in accordance with Section 1 of Part C of Schedule 7; and
 - (c) the certificate is issued and valid in accordance with Section 1 of Part C of Schedule 7.

Maintenance of privileges of Flight Engineers' Licences

70. The holder of a United Kingdom Flight Engineer's Licence is not entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless—

- (a) the licence has a certificate of revalidation for the rating; and
- (b) the certificate is appropriate, issued and valid in accordance with Section 2 of Part C of Schedule 7.

Maintenance of privileges of Flight Navigators' Licences

71. The holder of a Flight Navigator's Licence is not entitled to exercise the privileges of the licence on a flight to which article 47 applies unless—

- (a) the licence has a certificate of experience;
- (b) the certificate is appropriate to the functions to be performed on that flight in accordance with Section 1 of Part C of Schedule 7; and
- (c) the certificate is issued and valid in accordance with Section 1 of Part C of Schedule 7.

Requirement for a medical certificate

72.—(1) This article applies to any licence granted under article 64, other than a National Private Pilot's Licence (Aeroplanes) or a Flight Radiotelephony Operator's Licence.

(2) The holder of a licence to which this article applies is not entitled to perform any of the functions to which the licence relates unless the licence includes a valid medical certificate issued under paragraph (4).

(3) Every applicant for or holder of a licence to which this article applies must, whenever the CAA requires, submit himself or herself to a medical examination by a person approved by the CAA, either generally or in a particular case or class of cases, who must make a report to the CAA in such form as the CAA may require.

(4) On the basis of such medical examination, the CAA or the approved person may issue a medical certificate which states that they have assessed the holder of the licence as meeting the requirements specified by the CAA.

(5) Subject to articles 74(3) and 228, a medical certificate is valid for the period specified in the certificate.

(6) A medical certificate forms part of the licence.

Requirement for a medical declaration for a National Private Pilot's Licence (Aeroplanes)

73.—(1) The holder of a National Private Pilot's Licence (Aeroplanes) is not entitled to exercise any of the privileges of the licence unless the holder has either a medical certificate which is valid in accordance with article 72 or a medical declaration which is valid in accordance with paragraph (2).

(2) A medical declaration is valid if—

- (a) the applicant has signed a statement of belief in the declaration that the applicant meets the medical requirements to fly, having regard to the standards specified by the CAA in the declaration;
- (b) the applicant reasonably holds that belief;
- (c) the applicant's General Practitioner is authorised to review the applicant's medical records;
- (d) the applicant's General Practitioner has signed a statement in the declaration that, having seen those medical records, the General Practitioner is satisfied that there is nothing in the pilot's medical history which prevents the pilot from meeting the medical standards specified in the declaration; and
- (e) the validity period of the declaration has not expired.

(3) The validity period of a medical declaration commences on the date it is signed by the General Practitioner and is as specified in the following table.

Period of validity of medical declaration

<i>Age of holder at date of signature by GP</i>	<i>Medical declaration validity period</i>
Under 45	Until the holder's 45th birthday or five years whichever is the longer period
45 to 59	5 years
60-64	Until the holder's 65th birthday or one year whichever is the longer period
65 or over	One year

Licence holder not to act a member of flight crew when unfit

74.—(1) A person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if they know or suspect their physical or mental condition renders them temporarily or permanently unfit to perform such functions or to act in such capacity.

(2) Every holder of a medical certificate issued under article 72 who—

- (a) suffers any personal injury involving incapacity to undertake the holder's functions as a member of the flight crew;
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of 21 days or more; or
- (c) in the case of a woman, has reason to believe that she is pregnant,

must inform the CAA of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(3) The medical certificate is suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy.

(4) In the case of injury or illness the suspension ceases upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume the holder's functions as a member of the flight crew or upon the CAA exempting, subject to such conditions as it thinks fit, the holder from the requirement of a medical examination.

(5) In the case of pregnancy, the suspension may be lifted by the CAA for such period and subject to such conditions as it thinks fit and ceases upon the holder being medically examined under arrangements made by the CAA after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

Training for landing on or taking off from water

75. A person must not act as pilot in command of an aircraft which takes off from or lands on water unless appropriate training has been completed and recorded in the pilot's personal flying log book.

PART 8

Flight Crew Licensing – General Provisions

Person not to fly after failing test

76. The holder of a licence who, on the last occasion when the holder took a test for the purposes of articles 66, 67, 68, 69, 70 or 71 failed that test, is not entitled to fly in the capacity for which that test would have qualified the holder had it been passed.

Approval of training and testing

77. The CAA may, for the purposes of Part 7—

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide any course of training or instruction.

Validation of licences

78.—(1) In this article, a certificate of validation means a certificate rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than the United Kingdom.

(2) Subject to paragraphs (3) and (7), the CAA may issue a certificate of validation.

(3) Subject to paragraphs (5) and (6), the CAA must issue a certificate of validation rendering valid a relevant licence granted under the law of an EEA State or Switzerland in accordance with the Council Directive on mutual acceptance of personnel licences.

(4) For the purposes of paragraph (3), a relevant licence is one based on requirements equivalent to those for the equivalent licence granted by the CAA under article 64.

(5) The CAA—

(a) may ask the Commission for an opinion on the equivalence of a licence submitted for validation under paragraph (3) within three weeks of the receipt by the CAA of all necessary information for the application for validation;

(b) must, if it does not ask the Commission for such an opinion, within three months of receipt of all necessary information in respect of the application either issue the certificate of validation or inform the applicant of any additional requirements or tests which are necessary to enable the CAA to grant the certificate of validation.

(6) If, after the examination of a licence, the CAA has reasonable doubts as to the equivalence of that licence the CAA—

(a) may stipulate additional requirements or tests (or both) as necessary to enable the certificate of validation to be issued;

(b) must notify any such additional requirements or tests (or both) as soon as reasonably practicable to the licence holder, the authority which issued the licence and to the Commission.

(7) In accordance with the Council Directive on mutual acceptance of personnel licences, the CAA must issue a certificate of validation rendering valid any licence issued in accordance with the requirements of Annex 1 to the Chicago Convention(4) if the holder satisfies the special validation requirements laid down in the annex to the Council Directive.

(8) In this article, the Council Directive on mutual acceptance of personnel licences means Council Directive 91/670 EEC(5) on mutual acceptance of personnel licences for the exercise of functions in civil aviation, as it has effect in accordance with the EEA Agreement(6) as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994(7), and in accordance with the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological co-operation, of 4th April 2002 on the conclusion of seven Agreements with the Swiss Confederation, in so far as it applies to the Agreement between the European Community and the Swiss Confederation on Air Transport(8).

Personal flying log book

79.—(1) Every member of the flight crew of an aircraft registered in the United Kingdom and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence

(4) Annex 1 to the Chicago Convention is published by the International Civil Aviation Organisation. For availability see Explanatory Note.

(5) O.J. No. L 373, 31.12.91, p.21.

(6) Cm 2073 and 2183.

(7) Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: O.J. No. L 160, 28.6.94, p.1.

(8) O.J. No. L 114, 30.4.2002, p.1.

under this Order must keep a personal flying log book in which the following information must be recorded—

- (a) the name and address of the holder of the log book;
- (b) detailed information about the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
- (c) the name and address of the holder's employer (if any).

(2) Detailed information about each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order must be recorded in the log book as soon as reasonably practicable after the end of each flight.

(3) The information recorded in accordance with paragraph (2) must include—

- (a) the date, the places at which the holder of the log book embarked on and disembarked from the aircraft and the time spent during the course of a flight when the holder was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) information about any special conditions under which the flight was conducted, including night flying and instrument flying; and
- (e) information about any test or examination undertaken by the holder of the log book whilst in flight.

(4) Information about any test or examination undertaken whilst in a flight simulator must be recorded in the log book, including—

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

(5) For the purposes of this article, a helicopter is in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Instruction in flying

80.—(1) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

- (a) the grant of a pilot's licence; or
- (b) the inclusion or variation of any rating or qualification in a pilot's licence.

(2) A person must not give any instruction in flying to which this article applies unless—

- (a) they hold a licence, granted or rendered valid under this Order or a JAA licence, entitling them to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) the licence includes an instructor's rating entitling the holder to give the instruction.

Glider pilot – minimum age

81. A person under the age of 16 years must not act as pilot in command of a glider.

Licences and ratings no longer to be granted

82.—(1) The CAA must not grant—

- (a) a United Kingdom Private Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2000 the holder of such a licence;
- (b) a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2000 the holder of such a licence;
- (c) a United Kingdom Private Pilot's Licence (Helicopters) to any person who was not on 31st December 2000 the holder of such a licence;
- (d) a United Kingdom Commercial Pilot's Licence (Aeroplanes) or a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) to any person who was not on 30th June 2002 respectively the holder of such a licence;
- (e) a United Kingdom Commercial Pilot's Licence (Helicopters) or a United Kingdom Airline Transport Pilot's Licence (Helicopters) to any person who was not on 31st December 2002 respectively the holder of such a licence.

(2) The CAA must not grant a flying instructor's rating (aeroplanes), an assistant flying instructor's rating (aeroplanes), a flying instructor's rating (helicopters) or an assistant flying instructor's rating (helicopters).

PART 9**Requirement for Operations and Training Manuals****Operations manual**

83.—(1) Subject to paragraphs (2) and (3), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to an aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either—

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

(3) This article does not apply to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(4) An operator of an aircraft to which this article applies must—

- (a) make available to each member of the operating staff an operations manual which complies with paragraph (5);
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.

(5) An operations manual—

- (a) complies with this paragraph if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Schedule 8;
- (b) is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(6) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of the whole of the operations manual in effect for the aircraft.

(7) Any amendments or additions to the operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(8) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.

(9) The operator must make such amendments or additions to the operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

Police operations manual

84.—(1) This article applies to an aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator’s certificate.

(2) An aircraft to which this article applies must not fly except under and in accordance with the terms of Part 1 and Part 2 of a police operations manual, Part 1 of which must have been approved for the aircraft by the CAA.

(3) The operator of every aircraft to which this article applies must—

- (a) make available to each member of its operating staff a police operations manual which complies with paragraph (4);
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member’s duties on the flight.

(4) A police operations manual complies with this paragraph if it contains all information and instructions necessary to enable the operating staff to perform their duties as such.

(5) An aircraft to which this article applies must not fly unless, at least 30 days before such flight, the operator of the aircraft has supplied to the CAA a copy of Part 2 of the police operations manual in effect for the aircraft.

(6) Any amendments or additions to Part 2 of the police operations manual must be supplied to the CAA by the operator before or immediately after they come into effect.

(7) If an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously apply, that aircraft must not fly in the service of a police authority under and in accordance with the terms of the police operator’s certificate until the amendment or addition has been supplied to the CAA.

(8) The operator must make such amendments or additions to the police operations manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

Training manual

85.—(1) Subject to paragraph (2), this article applies to public transport aircraft registered in the United Kingdom.

(2) This article does not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator’s certificate.

(3) The operator of every aircraft to which this article applies must—

- (a) make available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 95(2) a training manual which complies with paragraph (4); and
 - (b) ensure that each copy of that training manual is kept up to date.
- (4) A training manual complies with this paragraph if it contains all information and instructions necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 95(2) to perform that person's duties, including in particular information and instructions relating to the matters specified in Part B of Schedule 8.
- (5) An aircraft to which this article applies must not fly unless at least 30 days before such flight the operator of the aircraft has supplied to the CAA a copy of the whole of the training manual relating to the crew of that aircraft.
- (6) Any amendments or additions to the training manual must be supplied to the CAA by the operator before or immediately after they come into effect.
- (7) If an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously apply, that aircraft must not fly for the purpose of public transport until the amendment or addition has been supplied to the CAA.
- (8) The operator must make such amendments or additions to the training manual as the CAA may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety, efficiency or regularity of air navigation.

PART 10

Duties of commander

Pre-flight action by commander of aircraft other than EU-OPS aeroplanes

- 86.**—(1) This article applies to the commander of any aircraft except for the commander of an EU-OPS aeroplane intending to commence a commercial air transport flight.
- (2) A commander must, before taking off on a private flight, an aerial work flight or a public transport flight, take all reasonable steps so as to be satisfied of the matters specified in paragraph (3).
- (3) The matters referred to in paragraph (2) are that—
- (a) the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
 - (b) either—
 - (i) the equipment which must by or under this Order be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
 - (ii) the flight may commence under and in accordance with the terms of a permission granted to the operator under article 41(3);
 - (c) the aircraft is in every way fit for the intended flight, and that where a certificate of maintenance review is required by article 25(2) to be in force, it is in force and will not cease to be in force during the intended flight;
 - (d) the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
 - (e) in the case of a flying machine or airship—

- (i) sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies; and
- (ii) in the case of a public transport flight, the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, sufficient ballast is carried for the intended flight;
- (g) any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft; and
- (h) in the case of a balloon, the balloon will be able to land clear of any congested area.

Commander to be satisfied that flight can be safely completed

87. The commander of a flying machine must, before take-off, take all reasonable steps so as to be satisfied that it is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination having regard to—

- (a) the performance of the flying machine in the conditions to be expected on the intended flight; and
- (b) any obstructions at the places of departure and intended destination and on the intended route.

Passenger briefing by commander

88.—(1) Subject to paragraph (3), the commander of an aircraft registered in the United Kingdom must take all reasonable steps to ensure that before take-off on any flight, all passengers are made familiar with the position and method of use of—

- (a) emergency exits;
- (b) safety belts (with diagonal shoulder strap where required to be carried);
- (c) safety harnesses (if required to be carried);
- (d) oxygen equipment, lifejackets and the floor path lighting system (where required to be carried); and
- (e) all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft.

(2) Subject to paragraph (3), the commander of an aircraft registered in the United Kingdom must also take all reasonable steps to ensure that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(3) This article does not apply to the commander of—

- (a) an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate; or
- (b) an EU-OPS aeroplane in relation to a commercial air transport flight.

Public transport of passengers – commander to ensure demonstration of lifejackets

89.—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Subject to paragraph (5), in the case of a flight in an aircraft which is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) Subject to paragraph (6) and if the circumstances described in paragraph (5) apply, in the case of an aircraft which is not a seaplane and which is required by article 48(2) to carry cabin crew, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(5) The circumstances referred to in paragraph (4) are that—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(6) If the requirement to give a demonstration required by paragraph (3) or (4) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(7) In the case of an aircraft which is a seaplane, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(8) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

Public transport of passengers – commander to ensure crew, passengers and baggage secure

90.—(1) Subject to paragraph (2), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) This article does not apply to a flight under and in accordance with the terms of a police air operator's certificate.

(3) Before the aircraft takes off and before it lands, the commander must take all reasonable steps to ensure that—

- (a) the crew of the aircraft are properly secured in their seats; and
- (b) any cabin crew carried in compliance with article 48(2) are properly secured in seats which are in a passenger compartment and which are so situated that the cabin crew can readily assist passengers.

(4) During the period and in the circumstances described in paragraph (5) the commander must take all reasonable steps to ensure that—

- (a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;
- (b) all passengers under the age of two years are properly secured by means of a child restraint device; and
- (c) (i) those items of baggage in the passenger compartment which the commander reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and

- (ii) in the case of an aircraft capable of seating more than 30 passengers, such baggage is either stowed in the passenger compartment stowage spaces approved by the CAA for the purpose or carried in accordance with the terms of a permission granted by the CAA.
- (5) The period and circumstances referred to in paragraph (4) are—
- (a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;
 - (b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and
 - (c) whenever, by reason of turbulent air or any emergency occurring during the flight the commander considers it necessary to take the steps specified in paragraph (4).

Public transport of passengers – commander to ensure demonstration of use of oxygen

91.—(1) Subject to paragraph (4), this article applies to a flight for the purpose of the public transport of passengers by an aircraft registered in the United Kingdom.

(2) The commander of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) on or after 1st January 1989 must take all reasonable steps to ensure that each of the actions described in column 1 of the following table is carried out.

(3) The commander of a flight to which this article applies in an aircraft for which a certificate of airworthiness was first issued (whether in the United Kingdom or elsewhere) before 1st January 1989 must take all reasonable steps to ensure that each of the actions described in either column 1 or in column 2 of the following table is carried out.

<i>Column 1</i>	<i>Column 2</i>
Before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 37 and Schedule 4 is demonstrated to all passengers	Before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 37 and Schedule 4 is demonstrated to all passengers
When flying above flight level 120 all passengers and cabin crew are recommended to use oxygen	When flying above flight level 130 all passengers and cabin crew are recommended to use oxygen
During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft	During any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.

- (4) This article does not apply—
- (a) to a flight under and in accordance with the terms of a police air operator's certificate; or
 - (b) in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

Aerial work and private flights – commander to ensure demonstration of use of oxygen

92.—(1) Subject to paragraph (2), this article applies to an aircraft registered in the United Kingdom and flying on an aerial work or a private flight.

(2) This article does not apply in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

(3) The commander of an aircraft to which this article applies must take all reasonable steps to ensure that—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 37 and Schedule 4 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers are recommended to use oxygen;
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130, oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes which is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used by all the flight crew of the aircraft.

Pilot to remain at controls and be secured in seat

93.—(1) This article applies to any flying machine or glider registered in the United Kingdom other than an EU-OPS aeroplane flying on a commercial air transport flight.

(2) The commander of an aircraft to which this article applies must cause one pilot to remain at the controls at all times while it is in flight.

(3) If the aircraft is required by or under this Order to carry two pilots, the commander must cause both pilots to remain at the controls during take-off and landing.

(4) If the aircraft carries two or more pilots (whether or not it is required to do so) and is flying on a flight for the purpose of the public transport of passengers, the commander must remain at the controls during take-off and landing.

- (a) (5) (a) Subject to sub-paragraph (b), each pilot at the controls of the aircraft must be secured in their seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness.
- (b) During take-off and landing a safety harness must be worn if it is required by article 37 and Schedule 4 to be provided.

(6) An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article 50 to act as pilot-in-command of the helicopter.

PART 11

Public Transport Operations

Flight data monitoring, accident prevention and flight safety programme

94.—(1) The operator of an aircraft registered in the United Kingdom flying for the purpose of public transport must establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in the United Kingdom with a maximum total weight authorised of more than 27,000kg flying for the purpose of public transport must include a flight data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme must be designed and managed to meet that objective.

(4) It is not the purpose of an accident prevention and flight safety programme to apportion blame or liability.

Public transport – operator’s responsibilities in relation to crew

95.—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first designating from among the flight crew a pilot to be the commander of the aircraft for the flight.

(2) The operator of an aircraft registered in the United Kingdom must not permit any person to be a member of the crew during any public transport flight (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

- (a) that person has had the training, experience, practice and periodical tests specified in Part C of Schedule 8 for the duties to be performed; and
- (b) the operator is satisfied that person is competent to perform their duties, and in particular to use the equipment provided in the aircraft for the purpose of those duties.

(3) The operator must maintain, preserve, produce and supply information respecting records relating to the matters specified in paragraph (2) in accordance with Part C of Schedule 8.

(4) During any flight for the purpose of the public transport of passengers the operator of an aircraft registered in the United Kingdom must not permit any member of the flight crew to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Public transport – operator’s responsibilities in relation to routes and aerodromes

96.—(1) The operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft.

(2) Subject to paragraph (3), the operator of an aircraft registered in the United Kingdom must not permit the aircraft to fly for the purpose of public transport without first being satisfied using every reasonable means that—

- (a) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and
- (b) in particular those places will be adequately staffed and equipped and will have such staffing and equipment as may be prescribed at the time at which it is reasonably estimated such a take-off or landing will be made to ensure so far as practicable the safety of the aircraft and its passengers.

(3) The operator of an aircraft is not required for the purposes of this article to be satisfied as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

Commercial air transport and public transport flights at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom

97. An aeroplane which is registered elsewhere than in the United Kingdom and is powered by one power unit only must not fly for the purpose of commercial air transport or public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for

the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome are less than 1000 feet and one nautical mile respectively.

PART 12

Loading of public transport aircraft

Operator's duty concerning the loading of public transport aircraft

98.—(1) This Part applies to an aircraft registered in the United Kingdom which is being loaded for a public transport flight.

(2) The operator of an aircraft to which this Part applies must not cause or permit it to be loaded except in accordance with this Part.

(3) In this Part, loading includes the suspension of a load from the aircraft.

Requirement to load in accordance with loading instructions

99.—(1) An aircraft to which this Part applies may only be loaded under the supervision of a person whom the operator has caused to be supplied with written instructions as to the distribution and securing of the load (in this Part called “the loading instructions”) which—

(a) conform with paragraph (3); and

(b) subject to article 102(1), conform with paragraph (4).

(2) The operator must not cause or permit the aircraft to be loaded in contravention of the loading instructions.

(3) Loading instructions conform with this paragraph if—

(a) they ensure the load may safely be carried on the flight; and

(b) they ensure any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(4) Loading instructions conform with this paragraph if they—

(a) indicate the additional items included in the weight of the aircraft prepared for service;

(b) show the position of the centre of gravity of the aircraft at that weight; and

(c) indicate the weight of the aircraft prepared for service.

(5) In sub-paragraph (4)(c), the weight of the aircraft prepared for service means the aggregate of the weight of the aircraft, shown in the weight schedule referred to in article 35, and the weight of such additional items in or on the aircraft as the operator thinks fit to include.

Requirement for a load sheet

100.—(1) Subject to article 102(1) and (2), the person supervising the loading of an aircraft to which this Part applies must—

(a) before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the prescribed requirements; and

(b) if not the commander of the aircraft, submit the load sheet for examination by the commander of the aircraft who must sign it.

(2) Subject to paragraph (3)—

(a) one copy of the load sheet must be carried in the aircraft when article 150 so requires until the flights to which it relates have been completed; and

(b) one copy of that load sheet and of the loading instructions must be preserved by the operator for at least six months after the flights and must not be carried in the aircraft.

(3) In the case of an aeroplane which has a maximum total weight authorised of not more than 2730kg, or a helicopter, if it is not reasonably practicable for the copy of the load sheet to be kept on the ground it may be carried in the aeroplane or helicopter in a container approved by the CAA for that purpose.

Carriage of baggage

101.—(1) Subject to paragraph (2), the operator of an aircraft registered in the United Kingdom and flying for the purpose of the public transport of passengers must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) the baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, the amount of baggage does not exceed the capacity of the spaces in the passenger compartment approved by the CAA for the purpose of stowing baggage.

(2) Paragraph (1)(b) does not apply to baggage carried in accordance with a permission issued under article 90(4)(c)(ii).

Exceptions

102.—(1) The loading instructions need not conform with article 99(4) and article 100(1) does not apply if—

- (a) the aircraft's maximum total weight authorised is not more than 1150kg;
- (b) the aircraft's maximum total weight authorised is not more than 2730kg and the flight is intended not to exceed 60 minutes in duration and is either—
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same aerodrome; or
- (c) the aircraft is a helicopter which has a maximum total weight authorised of not more than 3000kg, and a total seating capacity of not more than five persons.

(2) Article 100(1) does not apply if—

- (a) the load and the way it is to be distributed and secured on the next intended flight are to be unchanged from the previous flight; and
- (b) the commander of the aircraft makes and signs an endorsement to that effect on the load sheet for the previous flight, indicating—
 - (i) the date of the endorsement;
 - (ii) the place of departure on the next intended flight; and
 - (iii) the next intended place of destination.

PART 13

Performance Requirements and Operating Minima for Public Transport Flights

Aeroplanes registered in the United Kingdom – public transport operating conditions and performance requirements

103.—(1) An aeroplane registered in the United Kingdom and flying for the purpose of public transport must comply with subpart F of EU-OPS unless it is flying under and in accordance with a permission granted to the operator by the CAA under paragraph (5).

(2) The assessment of the ability of an aeroplane to comply with paragraph (1) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the aeroplane.

(3) In the event of the approved information in the flight manual being insufficient for that purpose such assessment must be based on additional data acceptable to the CAA.

(4) The Secretary of State may prescribe requirements for aeroplanes registered in the United Kingdom in respect of their weight and related performance and flight in specified meteorological conditions or at night⁽⁹⁾.

(5) The CAA may grant for any aeroplane a permission authorising it to comply with the applicable provisions of the requirements prescribed in accordance with paragraph (4).

(6) Subject to paragraph (7), an aeroplane to which this paragraph applies must fly at such an altitude as would enable the aeroplane—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) applies to an aeroplane registered in the United Kingdom flying under and in accordance with a permission granted by the CAA under paragraph (5) and flying over water for the purpose of public transport

(8) Paragraph (6) does not apply to an aeroplane flying as may be necessary for the purpose of taking off or landing.

(9) Without prejudice to paragraph (6), an aeroplane to which this paragraph applies must not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units.

(10) Paragraph (9) applies to an aeroplane flying under and in accordance with a permission granted by the CAA under paragraph (5) if either that permission or the certificate of airworthiness of the aeroplane designates the aeroplane as being of performance group X.

(11) For the purposes of paragraph (9), flying time is calculated at normal cruising speed with one power unit inoperative.

(9) The requirements are contained in Schedule 1 to the Air Navigation (General) Regulations 2006 [S.I. 2006/601](#).

Helicopters registered in the United Kingdom – public transport operating conditions and performance requirements

104.—(1) The Secretary of State may prescribe requirements for helicopters registered in the United Kingdom in respect of their weight and related performance and flight in specified meteorological conditions or at night⁽¹⁰⁾.

(2) Subject to paragraph (3), a helicopter registered in the United Kingdom must not fly for the purpose of public transport unless the helicopter complies with the applicable provisions of the requirements which have been prescribed for its weight and related performance and flight in specified meteorological conditions or at night.

(3) Paragraph (2) does not apply to a flight for the sole purpose of training persons to perform duties in a helicopter.

(4) The assessment of the ability of a helicopter to comply with paragraph (2) must be based on the information as to its performance approved by the State of design and contained in the flight manual for the helicopter.

(5) In the event of the approved information in the flight manual being insufficient for that purpose the assessment must be based on additional data acceptable to the CAA.

(6) Subject to paragraph (7), a helicopter registered in the United Kingdom when flying over water for the purpose of public transport must fly at such an altitude as would enable the helicopter—

- (a) if it has one engine only, in the event of the failure of that engine; or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(7) Paragraph (6) does not apply to a helicopter flying as may be necessary for the purpose of taking off or landing.

Helicopters registered in the United Kingdom carrying out Performance Class 3 operations

105.—(1) Without prejudice to article 104(6), a helicopter registered in the United Kingdom carrying out a Performance Class 3 operation must comply with paragraphs (2), (3), (4) and (5).

(2) The helicopter must not fly over water for the purpose of public transport in the specified circumstances unless it is equipped with the required apparatus.

(3) If the helicopter is equipped with the required apparatus and is flying under and in accordance with the terms of a national air operator's certificate, it must not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing of the CAA.

(4) If the helicopter is equipped with the required apparatus and is flying on a flight under and in accordance with the terms of a police air operator's certificate on which—

- (a) is carried any passenger who is not a permitted passenger, it must not fly in the specified circumstances on any flight for more than 20 minutes; or
- (b) no passenger is carried other than a permitted passenger, it must not fly over water on any flight for more than 10 minutes while more than five minutes from a point from which it can make an autorotative descent to land suitable for an emergency landing.

(5) The helicopter must not fly for the purpose of public transport over that part of the bed of the River Thames which lies between the following points—

- (a) Hammersmith Bridge (512918N) (0001351W); and

⁽¹⁰⁾ The requirements are contained in Schedule 2 to the Air Navigation (General) Regulations 2006 [S.I. 2006/601](#).

(b) Greenwich Reach (512906N) (0000043W),

between the ordinary high water marks on each of its banks unless it is equipped with the required apparatus.

(6) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out Performance Class 3 operations if—

- (a) the maximum total weight authorised for the helicopter is less than 3175kg; and
- (b) not more than nine passengers are carried.

(7) For the purposes of this article flying time must be calculated on the assumption that a helicopter is flying in still air at the speed specified in the flight manual for the helicopter as the speed for compliance with regulations governing flights over water.

(8) In this article—

- (a) ‘permitted passenger’ means—
 - (i) a police officer;
 - (ii) an employee of a police authority in the course of their duty;
 - (iii) a medical attendant;
 - (iv) the holder of a valid pilot’s licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator’s certificate and who is being carried for the purpose of training or familiarisation;
 - (v) a CAA Flight Operations Inspector;
 - (vi) a Home Office police aviation adviser;
 - (vii) an employee of a fire and rescue authority under the Fire and Rescue Services Act 2004⁽¹¹⁾;
 - (viii) an officer of revenue and customs;
 - (ix) an employee of the Ministry of Defence in the course of their duty; or
 - (x) such other person being carried for purposes connected with police operations as may be permitted by the CAA;
- (b) ‘required apparatus’ means apparatus approved by the CAA enabling the helicopter to which it is fitted to land safely on water; and
- (c) ‘specified circumstances’ means, in respect of a helicopter, circumstances in which it is more than 20 seconds flying time from a point from which it can make an autorotative descent to land suitable for an emergency landing.

Helicopters registered in the United Kingdom carrying out Performance Class 1 and 2 operations

106.—(1) Without prejudice to article 104(6), a helicopter registered in the United Kingdom carrying out a Performance Class 1 or Performance Class 2 operation which is flying under and in accordance with the terms of—

- (a) a national air operator’s certificate, must not fly over water for the purpose of public transport for more than 15 minutes during any flight unless it is equipped with the required apparatus;

(11) 2004 c.21.

- (b) a police air operator's certificate on which any passenger is carried who is not a permitted passenger and which is not equipped with the required apparatus, must not fly over any water on any flight for more than 15 minutes.

(2) A helicopter registered in the United Kingdom which is specified in its flight manual as being in either Group A or Category A may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopters carrying out a Performance Class 2 operation if—

- (a) the maximum total weight authorised of the helicopter is less than 5700kg; and
- (b) not more than 15 passengers are carried on the helicopter.

(3) In this article 'required apparatus' and 'specified circumstances' have the same meaning as in article 105(8)(b) and (c).

Public transport aircraft registered in the United Kingdom – aerodrome operating minima

107.—(1) This article applies to public transport aircraft registered in the United Kingdom.

(2) Subject to paragraphs (3) and (4), the operator of an aircraft to which this article applies must establish and include in the operations manual or the police operations manual relating to the aircraft the required information.

(3) In relation to any flight where—

- (a) neither an operations manual nor a police operations manual is required by this Order; or
- (b) it is not practicable to include the required information in the operations manual or the police operations manual,

the operator must comply with paragraph (4).

(4) If this paragraph applies the operator of the aircraft must—

- (a) before the commencement of the flight, cause to be supplied in writing to the commander of the aircraft the required information calculated in accordance with the required data and instructions provided in accordance with paragraph (5) or (6); and
- (b) cause a copy of the required information to be retained on the ground for at least three months after the flight.

(5) The operator of an aircraft for which an operations manual or a police operations manual is required by this Order, must include in that operations manual the required data and instructions.

(6) The operator of an aircraft for which neither an operations manual nor a police operations manual is required by this Order must—

- (a) before the commencement of the flight, cause to be supplied in writing to the commander of the aircraft the required data and instructions; and
- (b) cause a copy of the required data and instructions to be retained on the ground for at least three months after the flight.

(7) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(8) In establishing aerodrome operating minima for the purposes of this article the operator of the aircraft must take into account—

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness;
- (b) the composition of its crew;
- (c) the physical characteristics of the relevant aerodrome and its surroundings;

- (d) the dimensions of the runways which may be selected for use; and
- (e) (i) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use;
- (ii) the nature of any such aids that are in use; and
- (iii) the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids.
- (9) The operator must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which may reasonably be expected.
- (10) An aircraft to which this article applies must not commence a flight at a time when—
- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the commander of the aircraft it would not be able without contravening paragraphs (11) or (12), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.
- (11) An aircraft to which article 83 applies, when making a descent to an aerodrome, must not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.
- (12) An aircraft to which this article applies, when making a descent to an aerodrome, must not—
- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,
- unless in either case from such height the specified visual reference for landing is established and is maintained.
- (13) If, according to the information available, an aircraft would as regards any flight be required by rule 18(1), 19(1) or 20 of the Rules of the Air Regulations 2007(12) to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft must select before take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.
- (14) In this article—
- (a) ‘the required information’ means detailed information about the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome;
- (b) ‘specified’ in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as has been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or supplied in writing to the commander of the aircraft by the operator in accordance with paragraph (4); and
- (c) ‘the required data and instructions’ means such data and instructions as will enable the commander of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator before the commencement of the flight.

(12) [S.I. 2007/734](#) to which there are amendments not relevant to this provision.

Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima

108.—(1) This article applies to public transport aircraft registered elsewhere than in the United Kingdom.

(2) An aircraft to which this article applies must not fly in or over the United Kingdom unless the operator has made available to the flight crew aerodrome operating minima which comply with paragraph (3) for every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) must be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(4) An aircraft must not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take off when the relevant runway visual range is less than 150 metres,

otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(5) An aircraft must not take off from or land at an aerodrome in the United Kingdom in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not descend from a height of 1000 feet or more above the aerodrome to a height of less than 1000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to paragraphs (4) and (5), when making a descent to an aerodrome an aircraft must not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless, in either case, the specified visual reference for landing is established and maintained from such height.

(8) In this article ‘specified’ means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).

PART 14

Operating Minima and Equipment Requirements for Aerial Work and Private Aircraft

Aerial work and private aircraft – aerodrome operating minima

109.—(1) This article applies to aerial work aircraft and private aircraft.

(2) An aircraft to which this article applies must not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take off when the relevant runway visual range is less than 150 metres,

otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(3) In the case of an aircraft registered in the United Kingdom, the approval referred to in paragraph (2) is issued by the CAA.

(4) Without prejudice to paragraph (2), when making a descent at an aerodrome to a runway for which there is a notified instrument approach procedure an aircraft must not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(5) Without prejudice to paragraph (2), when making a descent to a runway for which there is a notified instrument approach procedure an aircraft must not—

- (a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case the specified visual reference for landing is established and maintained from such height.

(6) If, according to the information available, an aircraft would be required by rule 18(1), 19(1) or 20 of the Rules of the Air Regulations 2007 to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft must select before take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable alternate aerodrome is available must not be commenced unless—

- (a) a designated instrument approach procedure is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(8) A flight must not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.

(9) In this article—

- (a) ‘specified’ in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as have been notified for the aerodrome or, if the relevant minima have not been notified, such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima; and
- (b) ‘designated’ in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.

Aerial work and private aircraft – survival equipment

110.—(1) This article applies to any aerial work aircraft or private aircraft registered in the United Kingdom.

(2) The commander of an aircraft to which this article applies must be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the commander reasonably considers necessary for the purposes of facilitating the survival of the persons carried in the aircraft.

(3) In complying with paragraph (2) the commander must have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

PART 15

Operations – General Provisions

Wearing of survival suits by crew

111.—(1) Subject to paragraph (2), each member of the crew of an aircraft registered in the United Kingdom must wear a survival suit if such a suit is required to be carried by article 37 and Schedule 4.

(2) This article does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Operation of radio in aircraft

112.—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

- (a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and
- (b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to paragraphs (3) and (4), whenever an aircraft is in flight in such circumstances that it is required by or under this Order or by EU-OPS to be equipped with radio communication equipment, a continuous radio watch must be maintained by a member of the flight crew listening to the signals transmitted on the frequency notified or designated for use by that aircraft by a message received from an appropriate aeronautical radio station.

(3) The radio watch may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits this.

(4) The radio watch may be kept by a device installed in the aircraft if—

- (a) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
- (b) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.

(5) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order or by EU-OPS to be equipped with radio communication or radio navigation equipment, a member of the flight crew must operate that equipment in such a manner as the appropriate air traffic control unit may instruct or as may be notified in relation to the airspace in which the aircraft is flying.

(6) The radio station in an aircraft must not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions must not be made except—

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and

- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

(7) In any flying machine registered in the United Kingdom which is flying on a public transport flight the pilot and the flight engineer (if any) must not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

Operation of airborne collision avoidance system

113. On any flight on which an airborne collision avoidance system is required to be carried in an aeroplane by article 39 and Schedule 5, the system must be operated—

- (a) in the case of an aircraft to which article 83 applies, in accordance with procedures contained in the operations manual for the aircraft;
- (b) in the case of an aircraft registered in the United Kingdom to which article 83 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment; or
- (c) in the case of an aircraft which is registered elsewhere than in the United Kingdom, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Training in operation of airborne collision avoidance system

114.—(1) This article applies to any aeroplane to which article 83 does not apply.

(2) Before commencing an ACAS equipped flight, the commander must be satisfied on reasonable grounds that every member of the flight crew has had the training specified in paragraph (4).

(3) A person must not act as a member of the flight crew on an ACAS equipped flight in an aeroplane to which this article applies unless that person has had the training specified in paragraph (4).

(4) The training referred to in paragraphs (2) and (3) is—

- (a) suitable training in the operation of the airborne collision avoidance system in the aeroplane; and
- (b) suitable training in the use of the procedures referred to in article 113(b).

(5) In this article “an ACAS equipped flight” means a flight on which an airborne collision avoidance system is required to be carried by article 39 and Schedule 5.

Operation of vibration health monitoring systems

115. The operator of a helicopter on which a vibration health monitoring system is required to be carried by paragraph 4(15) of Schedule 4 must operate that equipment in accordance with procedures approved by the CAA.

Method of carriage of persons

116.—(1) A person must not—

- (a) subject to paragraphs (2) and (3), be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person must not be on the wings or undercarriage of an aircraft;

- (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.
- (2) A person may have temporary access to—
 - (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods in the aircraft; and
 - (b) any part of an aircraft in which cargo or stores are carried, which part is designed to enable a person to have access to it while the aircraft is in flight.
- (3) This article does not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

Functioning of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters

117.—(1) This article applies to commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) Subject to paragraph (5), whenever an aeroplane or helicopter to which this article applies is carrying passengers, every exit from the aeroplane or helicopter and every internal door in the aeroplane or helicopter must be in working order.

(3) Subject to paragraph (4), during take-off and landing and during any emergency, every exit and door in the aeroplane or helicopter must be kept free of obstruction and must not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(4) In the case of—

- (a) an exit which, in accordance with arrangements approved by the CAA either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be locked or bolted if the commander of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) does not apply.

(5) Subject to compliance with paragraph (6), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(6) This paragraph is complied with if—

- (a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the CAA either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words 'exit' or 'emergency exit' are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words 'No Exit' in red letters.

Marking of exits – commercial air transport aeroplanes and public transport aeroplanes and helicopters

118.—(1) This article applies to commercial air transport aeroplanes, public transport aeroplanes and public transport helicopters registered in the United Kingdom.

(2) An operator must ensure that every exit from an aeroplane or helicopter to which this article applies is marked in accordance with this article.

(3) Every exit from such an aeroplane or helicopter must be marked on interior surfaces with the words ‘exit’ or ‘emergency exit’ in capital letters, which must be red in colour and if necessary outlined in white to contrast with the background.

(4) Every exit from such an aeroplane or helicopter must be marked on exterior surfaces with the words ‘exit’ or ‘emergency exit’ in capital letters, which must be located on a background which provides adequate contrast.

(5) Every exit from such an aeroplane or helicopter must be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be red in colour and located on a background which provides adequate contrast.

(6) Every exit from such an aeroplane or helicopter which may be opened from the outside must be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which must be located on a background which provides adequate contrast.

(7) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

Marking of break-in areas

119.—(1) This article applies to all aircraft registered in the United Kingdom.

(2) An operator must ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft, such areas are marked in accordance with this article.

(3) The markings on the exterior surface of the fuselage must show the areas (in this article referred to as ‘break-in areas’) which can, for the purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(4) The break-in areas must be marked by right angled corner markings, each arm of which must be nine centimetres in length along its outer edge and three centimetres in width.

(5) If the corner markings of the break-in area are more than two metres apart, intermediate lines nine centimetres by three centimetres must be inserted so that there is no more than two metres between adjacent marks.

(6) The colour of break-in markings must be red or yellow, and if necessary they must be outlined in white to contrast with the background.

(7) If instructions are marked on the break-in areas, the words ‘Cut Here in Emergency’ must be marked across the centre of each break-in area in capital letters.

(8) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

Flights over any foreign country

120.—(1) The operator and the commander of an aircraft registered in the United Kingdom (or, if the operator’s principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country, must not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if that person neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in that paragraph.

(3) Subject to paragraph (4), the operator and the commander of an aircraft registered in the United Kingdom (or, if the operator’s principal place of business or permanent residence is in the United Kingdom, any other aircraft) which is being flown over any foreign country must comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(4) A direction under paragraph (3) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

(5) A person does not contravene paragraph (3) if that person neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(6) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(7) In this article ‘appropriate aeronautical authorities’ includes any person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

PART 16

Height keeping and navigation

Minimum navigation performance

121.—(1) An aircraft registered in the United Kingdom must not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

(2) The equipment required by paragraph (1) must—

- (a) be approved by EASA or the CAA;
- (b) be installed in a manner approved by EASA in the case of an EASA aircraft and by the CAA in the case of a non-EASA aircraft;
- (c) be maintained in a manner approved by the CAA; and
- (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance – aircraft registered in the United Kingdom

122.—(1) Unless otherwise authorised by the appropriate air traffic control unit, an aircraft registered in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace

unless it is equipped with height keeping systems which enable the aircraft to maintain the required height keeping performance capability.

- (2) The equipment required by paragraph (1) must—
- (a) be approved by EASA or the CAA;
 - (b) be installed in a manner approved by EASA in the case of an EASA aircraft and by the CAA in the case of a non-EASA aircraft;
 - (c) be maintained in a manner approved by the CAA; and
 - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.

Height keeping performance – aircraft registered elsewhere than in the United Kingdom

123.—(1) Unless otherwise authorised by the appropriate air traffic control unit an aircraft registered elsewhere than in the United Kingdom must not fly in Reduced Vertical Separation Minimum airspace in the United Kingdom unless—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any specified airspace; and
- (b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed for the airspace in which the aircraft is flying, and it is so operated.

Area navigation and required navigation performance capabilities - aircraft registered in the United Kingdom

124.—(1) Subject to paragraph (3) an aircraft registered in the United Kingdom must not fly in Required Navigation Performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability notified, prescribed or otherwise designated for that airspace.

- (2) The equipment required by paragraph (1) must—
- (a) be approved by EASA or the CAA;
 - (b) be installed in a manner approved by EASA in the case of an EASA aircraft and the CAA in the case of a non-EASA aircraft;
 - (c) be maintained in a manner approved by the CAA; and
 - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the CAA.
- (3) An aircraft need not comply with the requirements of this article if—
- (a) the appropriate air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
 - (b) the aircraft complies with any instructions the air traffic control unit may give.

Area navigation and required navigation performance capabilities - aircraft registered elsewhere than in the United Kingdom

125.—(1) An aircraft registered elsewhere than in the United Kingdom must not fly in Required Navigation Performance airspace in the United Kingdom unless it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as

that law requires it to be so equipped when flying within designated required navigation performance airspace.

(2) Subject to paragraph (3), the navigation equipment must be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified for the airspace in which the aircraft is flying, and must be so operated.

(3) An aircraft need not comply with the requirements of this article if—

- (a) the appropriate United Kingdom air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
- (b) the aircraft complies with any instructions the air traffic control unit may give.

PART 17

Towing and Dropping

Towing of gliders

126.—(1) An aircraft in flight must not tow a glider unless the flight manual for the towing aircraft includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight must not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider must be satisfied, before the towing aircraft takes off that—

- (a) the tow rope is in good condition and is of adequate strength for the purpose;
- (b) the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination;
- (c) after separation the towing aircraft can make a safe landing at the place of intended destination;
- (d) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (e) emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider must be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Operation of self-sustaining gliders

127. A self-sustaining glider must not take off under its own power.

Towing, picking up and raising of persons and articles

128.—(1) Subject to the provisions of this article, an aircraft in flight must not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless—

- (a) there is a certificate of airworthiness issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered; and
 - (b) that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.
- (2) An aircraft must not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.
- (3) An aircraft in flight must not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.
- (4) The length of the combination of towing aircraft, tow rope, and article in tow, must not exceed 150 metres.
- (5) A helicopter must not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.
- (6) A passenger must not be carried in a helicopter at any time when an article, person or animal is suspended from the helicopter, other than—
- (a) a passenger who has duties to perform in connection with the article, person or animal;
 - (b) a passenger who has been picked up or raised by means external to the helicopter; or
 - (c) a passenger who it is intended will be lowered to the surface by means external to the helicopter.
- (7) Nothing in this article—
- (a) prohibits the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
 - (b) prohibits the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
 - (c) applies to any aircraft while it is flying in accordance with the B Conditions; or
 - (d) permits the towing or picking up of a glider otherwise than in accordance with article 126.

Dropping of articles and animals

129.—(1) Articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraphs (3) and (4), articles and animals (whether or not attached to a parachute) must not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom except under and in accordance with the terms of an aerial application certificate granted under article 131.

(3) Paragraph (2) does not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances—

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;

- (f) with the permission of the CAA, the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes; or
 - (g) with the permission of the CAA, the dropping of wind drift indicators for the purpose of enabling parachute descents to be made.
- (4) Paragraph (2) does not apply to the lowering of any article or animal from a helicopter to the surface, if—
- (a) there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered; and
 - (b) that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.
- (5) In this article ‘dropping’ includes projecting and lowering.

Dropping of persons and grant of parachuting permissions

130.—(1) Subject to paragraphs (9), (10) and (11), a person must not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator’s certificate or a parachuting permission granted by the CAA under this article.

(2) A person must not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(3) The CAA must grant a parachuting permission if it is satisfied that the applicant is a fit person to hold the permission and is competent to conduct parachuting safely, having regard in particular to the applicant’s—

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

(4) An aircraft must not be used for the purpose of dropping persons unless—

- (a) (i) there is a certificate of airworthiness issued or rendered valid for that aircraft under the law of the country in which the aircraft is registered;
- (ii) that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose; and
- (iii) the aircraft is operated in accordance with a written permission granted by the CAA under this article; or
- (b) the aircraft is operated under and in accordance with the terms of a police air operator’s certificate.

(5) Every applicant for and holder of a parachuting permission must make available to the CAA if requested a parachuting manual.

(6) The holder of a parachuting permission must make such amendments or additions to its parachuting manual as the CAA may require.

(7) The holder of a parachuting permission must make its parachuting manual available to every employee or person who is engaged or may engage in parachuting activities conducted by the holder.

(8) The manual must contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(9) Nothing in this article applies to the descent of persons by parachute from an aircraft in an emergency.

(10) Nothing in this article prohibits the lowering of any person in an emergency or for the purpose of saving life.

(11) Nothing in this article prohibits the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid for the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

(12) In this article ‘dropping’ includes projecting and lowering.

Dropping articles for purposes of agriculture etc and grant of aerial application certificates

131.—(1) An aircraft must not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The CAA must grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1), having regard in particular to the applicant’s—

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

(3) If the CAA grants an aerial application certificate it may do so subject to such conditions as it thinks fit, including conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(4) Every applicant for and holder of an aerial application certificate must make available to the CAA if requested an aerial application manual.

(5) The holder of an aerial application certificate must make its aerial application manual available to every member of the operating staff.

(6) The manual must contain all such information and instructions as may be necessary to enable the operating staff to perform their duties.

(7) The holder of an aerial application certificate must make such amendments or additions to the manual as the CAA may require.

PART 18

Dangerous Goods, Weapons and Munitions of War

Carriage of dangerous goods

132.—(1) The Secretary of State may make regulations prescribing—

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;

- (e) any other provisions for securing the safety of aircraft and any apparatus attached to aircraft, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
- (f) the persons to whom information about the carriage of dangerous goods must be provided;
- (g) the documents which must be produced to the CAA or an authorised person on request; and
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made under this article.

(2) It is an offence to contravene or permit the contravention of or fail to comply with any regulations made under this article.

(3) The provisions of this article and of any regulations made under this article are additional to and not in derogation from articles 133 and 134.

Carriage of weapons and of munitions of war – requirement for permission and for commander to be informed

133.—(1) This article applies to any aircraft other than an EU-OPS aeroplane on a commercial air transport flight.

- (2) Subject to article 135(1) and (3), an aircraft must not carry any munition of war unless—
 - (a) the munition of war is carried with the permission of the CAA; and
 - (b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(3) Subject to article 135(2) and (3), it is unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

Prohibition on carrying on board sporting weapons or munitions of war

134.—(1) Subject to article 135(2) and (3), it is unlawful for a person to carry or have in their possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage on an aircraft any sporting weapon or munition of war unless the provisions of paragraph (2) are complied with.

- (2) The provisions referred to in paragraph (1) are that—
 - (a) the sporting weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded;
 - (b) information about the sporting weapon or munition of war has been supplied by that passenger or by the consignor to the operator before the flight commences; and
 - (c) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

Exceptions concerning carriage of weapons and munitions of war

135.—(1) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the commander of the aircraft must be informed of the matters referred to in article 133(2)(b) but need not be so informed in writing.

(2) Article 133(3) and article 134 do not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(3) Nothing in this Part applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the United Kingdom if the sporting weapon or munition of war may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

Definitions

136. In this Part—

(a) 'munition of war' means—

(i) any weapon or ammunition;

(ii) any article containing an explosive, noxious liquid or gas; or

(iii) any other thing,

which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

(b) 'sporting weapon' means—

(i) any weapon or ammunition;

(ii) any article containing an explosive, noxious liquid or gas; or

(iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article,

which is not a munition of war.

PART 19

Prohibited Behaviour

Endangering safety of an aircraft

137. A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Endangering safety of any person or property

138. A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

139.—(1) A person must not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person must not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of acting as a member of the crew, be under the influence of drink or a drug to such an extent as to impair their capacity so to act.

Smoking in aircraft

140.—(1) Notices indicating when smoking is prohibited must be exhibited in every aircraft registered in the United Kingdom so as to be visible from each passenger seat.

(2) A person must not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of an aircraft

141. Every person in an aircraft must obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried in the aircraft, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner

142. A person must not while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of the crew member's duties.

Stowaways

143. A person must not secrete himself or herself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to being carried in the aircraft.

PART 20

Fatigue of Crew and Protection of Crew from Cosmic Radiation

Application and interpretation of Part 20

144.—(1) Subject to paragraph (2), articles 145 and 146 apply to an aircraft registered in the United Kingdom which is either—

- (a) flying on a public transport flight; or
- (b) operated by the holder of a national air operator's certificate.

(2) In this Part—

- (a) 'flight time' means all time spent by a person as a member of the crew in—
 - (i) a civil aircraft whether or not registered in the United Kingdom (other than such an aircraft which has a maximum total weight authorised of not more than 1600kg and which is not flying for the purpose of commercial air transport, public transport or aerial work); or
 - (ii) a military aircraft (other than a military aircraft which has a maximum total weight authorised of not more than 1600kg and which is flying on a military air experience flight),while it is in flight;
- (b) 'day' means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time;

- (c) a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped; and
- (d) a military air experience flight is a flight by a military aircraft operated under the auspices of the Royal Air Force Air Cadet Organisation for the purpose of providing air experience to its cadets.

Fatigue of crew – operator’s responsibilities

145.—(1) The operator of an aircraft to which this article applies must not cause or permit that aircraft to make a flight unless—

- (a) the operator has established a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew;
- (b) the scheme is approved by the CAA;
- (c) either—
 - (i) the scheme is incorporated in the operations manual required by article 83; or
 - (ii) in any case where an operations manual is not required by that article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in the aircraft as a member of its crew; and
- (d) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with by every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this article applies must not cause or permit any person to fly as a member of its crew who the operator knows or has reason to believe is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies must not cause or permit any person to fly in the aircraft as a member of its flight crew unless the operator possesses an accurate and up-to-date record for that person and for the 28 days immediately preceding the flight showing—

- (a) all flight times; and
- (b) brief details of the nature of the functions performed in the course of those flight times.

(4) Subject to article 159, the record referred to in paragraph (3) must be preserved by the operator of the aircraft for at least 12 months after the flight referred to in that paragraph.

Fatigue of crew – responsibilities of crew

146.—(1) A person must not act as a member of the crew of an aircraft to which this article applies if they know or suspect that they are suffering from or, having regard to the circumstances of the flight to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person must not act as a member of the flight crew of an aircraft to which this article applies without first ensuring that the operator of the aircraft is aware of their flight times during the period of 28 days preceding the flight.

Flight times – responsibilities of flight crew

147.—(1) Subject to paragraphs (2) and (3), a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom if, at the beginning of the flight, the aggregate of all that person’s previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article does not apply to a flight which is a private flight in an aircraft which has a maximum total weight authorised of not more than 1600kg.

(3) A person may act as a member of the flight crew on a private or aerial work flight where the operator does not hold a national air operator's certificate if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since last being medically examined and found fit by a person approved by the CAA for the purpose of article 72(3) is not more than 25 hours.

Protection of air crew from cosmic radiation

148.—(1) A relevant undertaking must take appropriate measures to—

- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed air crew; and
- (c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking must ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in paragraph (2) requires the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.

(4) The definition in article 255 of 'crew' does not apply for the purposes of this article.

(5) In this article—

- (a) 'air crew' has the same meaning as in article 42 of Council Directive 96/29/ Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation⁽¹³⁾;
- (b) 'undertaking' includes a natural or legal person and 'relevant undertaking' means an undertaking established in the United Kingdom which operates aircraft but does not include an EU-OPS operator;
- (c) 'highly exposed air crew' and 'milliSievert' have the same respective meanings as in article 42 of Council Directive 96/29/Euratom; and
- (d) 'year' means any period of twelve months.

Fatigue of crew – EU-OPS operator's responsibilities

149. The operator of an EU-OPS aeroplane must not cause or permit that aeroplane to make a commercial air transport flight unless—

- (a) the scheme for the regulation of flight times required under EU-OPS has been approved by the CAA; and

(13) O.J. No. L 159, 29.6.96, p.1.

- (b) the operator has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aeroplane as a member of its crew.

PART 21

Documents and Records

Documents to be carried

150.—(1) An aircraft must not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) Subject to paragraphs (3) and (4), an aircraft registered in the United Kingdom must, when in flight, carry documents in accordance with Schedule 9.

(3) Paragraph (2) does not apply to an EU-OPS aeroplane flying on a commercial air transport flight.

(4) If a 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 may be kept at that aerodrome instead of being carried in the aircraft.

Keeping and production of records of exposure to cosmic radiation

151.—(1) A relevant undertaking must keep a record for the period and in the manner prescribed of the exposure to cosmic radiation of air crew assessed under article 148 and the names of the air crew concerned.

(2) A relevant undertaking must, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking must, within a reasonable period after being requested to do so by a person for whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

(4) In this article ‘air crew’ and ‘undertaking’ have the same meaning as in article 148(5).

Use of flight recording systems

152.—(1) On a flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(4), (5), (6) or (7) of Schedule 4 to be carried in an aeroplane, the recorder must always be in use from the beginning of the take-off run to the end of the landing run.

(2) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(16) of Schedule 4 to be carried in a helicopter, the recorder must always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

Preservation of records of aeroplane flight data recorder

153.—(1) Subject to article 159, the operator of an aeroplane must at all times—

- (a) preserve the last 25 hours of recording made by any flight data recorder which must by or under this Order be carried in an aeroplane; and

- (b) preserve a record of at least one representative flight made within the last 12 months.
- (2) The representative flight referred to in paragraph (1)(b) must include a take-off, climb, cruise, descent, approach to landing and landing.
- (3) The record required by paragraph (1)(b) must include a means of identifying the flight to which it relates.
- (4) The operator of an aeroplane must preserve the records required by this article for such period as the CAA may direct.

Preservation of records of helicopter flight data recorder

- 154.**—(1) This article applies to a helicopter required to carry a flight data recorder specified in paragraph (1) or (2) of Scale SS of paragraph 5 of Schedule 4.
- (2) Subject to article 159, the operator of such a helicopter must at all times preserve the last eight hours of recording made by the flight data recorder.

Preservation of records of helicopter cockpit voice recorder/flight data recorder

- 155.**—(1) This article applies to any helicopter required to carry a combined cockpit voice recorder/flight data recorder specified in paragraph (3) of Scale SS of paragraph 5 of Schedule 4.
- (2) Subject to article 159, the operator of a helicopter must at all times preserve either the last eight hours of recording made by the combined cockpit voice recorder/flight data recorder or the recording specified in paragraph (3).
- (3) The recording referred to in paragraph (2) is—
- (a) the last five hours of recording or the duration of the last flight, whichever is the greater; and
 - (b) an additional period of recording in accordance with paragraph (4) and which together with the period preserved under sub-paragraph (a) amounts to eight hours.
- (4) The additional period of recording referred to in paragraph (3) is—
- (a) the period immediately preceding the period preserved under paragraph (3)(a); or
 - (b) such period or periods as the CAA may permit in any particular case or class of cases or generally.
- (5) The additional recording specified in paragraph (4) must be retained in accordance with arrangements approved by the CAA.

Production of documents and records

- 156.**—(1) The commander of an aircraft must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—
- (a) the certificates of registration and airworthiness in force for the aircraft;
 - (b) the licences of its flight crew; and
 - (c) any other documents which the aircraft is required by article 150 to carry when in flight.
- (2) The operator of an aircraft registered in the United Kingdom must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any of the documents or records specified in paragraph (3) which have been requested by that person.
- (3) The documents and records referred to in paragraph (2) are—
- (a) the documents referred to in Schedule 9 as Documents A, B and G;

- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 35(5);
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 9 as Documents D, E, F and H;
- (e) the records of flight times, duty periods and rest periods which the operator is required by article 145(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any operations manuals required to be made available under article 83(4)(a); and
- (g) the record made by any flight data recorder required to be carried by or under this Order.

(4) The holder of a licence granted or rendered valid under this Order or of a medical certificate required under article 72(2) must, within a reasonable time after being requested to do so by an authorised person, cause the licence, including any certificate of validation issued under article 78 to be produced to that person.

(5) During the period of two years beginning with the date of the last entry in it every person required by article 79 to keep a personal flying log book must cause it to be produced to an authorised person within a reasonable time after being requested to do so by that person.

Production of air traffic service equipment documents and records

157. The holder of an approval under article 205 or 206 must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records

158. An authorised person has the power to inspect and copy any certificate, licence, log book, document or record which the authorised person has the power under this Order, under any regulations made under this Order or under EU-OPS to require to be produced.

Preservation of documents, etc.

159.—(1) A person who is required by this Order to preserve any document or record by reason of being the operator of an aircraft is in this article called ‘the first operator’.

(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 paragraph (4) has been complied with.

(3) In the event of the death of the first operator the duty to preserve the document or record falls on the first operator’s personal representative.

(4) If another person becomes the operator of the aircraft, the first operator or their personal representative must deliver to that other person on demand—

- (a) the certificates of maintenance review and release to service;
- (b) the log books;
- (c) the weight schedule; and
- (d) any record made by a flight data recorder and preserved in accordance with article 154(2) and 155(2),

which are in force or required to be preserved for that aircraft.

(5) If an engine or variable pitch propeller is removed from an aircraft and installed in another aircraft operated by another person, the first operator of the aircraft or their personal representative must deliver to that other person on demand the log book relating to that engine or propeller.

(6) If any person for whom a record has been kept by the first operator in accordance with article 146(4) becomes a member of the flight crew of a public transport aircraft registered in the United Kingdom and operated by another person, the first operator or their personal representative must deliver those records to that other person on demand.

(7) It is the duty of the other person referred to in paragraphs (4), (5) and (6) to deal with the documents or records delivered under those provisions as if they were the first operator.

PART 22

Aircraft in Flight

Rules of the Air

160.—(1) The Secretary of State may make regulations (in this article called the ‘Rules of the Air’) prescribing—

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
- (b) the lights and other signals to be shown or made by aircraft or persons;
- (c) the lighting and marking of aerodromes; and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to paragraphs (3) and (4), it is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

(4) It is lawful for the Rules of the Air to be departed from by an aircraft of which the commander is acting as such in the course of the commander’s duty as a member of any of Her Majesty’s naval, military or air forces.

(5) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given within 10 days of the departure to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.

(6) Nothing in the Rules of the Air exonerates any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

161.—(1) If the Secretary of State decides it is necessary in the public interest to restrict or prohibit flying by reason of—

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of a flying display; or
- (c) national defence or any other reason affecting the public interest,

the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances are—

- (a) aircraft, whether or not they are registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and
- (b) aircraft which are registered in the United Kingdom, in any other airspace, being airspace for which the United Kingdom has, under international arrangements, undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.

(5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any reason referred to in paragraph (1)(c) the commander must, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft must not begin to descend while over such an area.

(6) The commander of an aircraft flying either within an area for which regulations have been made for any reason referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Flying displays

162.—(1) Subject to paragraphs (15), (16) and (18), no person may act as the organiser of a flying display (in this article referred to as ‘the flying display director’) without first obtaining the permission of the CAA for that flying display.

(2) Subject to paragraphs (16) and (18), the commander of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that—

- (a) the flying display director has been granted an appropriate permission under paragraph (6);
- (b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and
- (c) the pilot has been granted an appropriate pilot display authorisation.

(3) Subject to paragraphs (16) and (18), the commander of an aircraft who is participating in a flying display for which a permission has been granted must comply with any conditions subject to which that permission may have been granted.

(4) Subject to paragraphs (16) and (18), a person acting as pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.

(5) Subject to paragraphs (16) and (18), the flying display director must not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(6) The CAA must grant a permission required by paragraph (1) if it is satisfied that the applicant is fit and competent to safely organise the proposed flying display, having regard in particular to the applicant's—

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

(7) The CAA may grant such a permission subject to such conditions, which may include conditions concerning military aircraft, as the CAA thinks fit.

(8) The CAA must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display if it is satisfied that the applicant is—

- (a) a fit person to hold the authorisation; and
- (b) is qualified by having the knowledge, experience, competence, skill, physical and mental fitness to fly in accordance with the authorisation.

(9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the CAA may require.

(10) The CAA may authorise a person to conduct such examinations or tests for the purposes of this article as it may specify.

(11) Subject to article 228, a pilot display authorisation granted in accordance with this article remains in force for the period indicated in the authorisation.

(12) Subject to paragraph (13), for the purposes of this article, an appropriate pilot display authorisation means an authorisation which is valid and appropriate to the intended flight and which has been—

- (a) granted by the CAA under paragraph (8); or
- (b) granted by the competent authority of a JAA Full Member State.

(13) A pilot display authorisation granted by the competent authority of a JAA Full Member State is not an appropriate pilot display authorisation for the purposes of this article if the CAA has given a direction to that effect.

(14) A direction may be issued under paragraph (13) either for a particular authorisation, a specified category of authorisations or generally.

(15) Paragraph (1) does not apply to—

- (a) a flying display which takes place at an aerodrome in the occupation of the Ministry of Defence or of any visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or
- (b) a flying display at which the only participating aircraft are military aircraft.

(16) Paragraphs (1), (2), (3), (4) and (5) do not apply to a flying display at which the only participating aircraft are balloons.

(17) Subject to paragraph (18), the flying display director must not permit any military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which the permission for the flying display may have been granted.

(18) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot whether or not such race or contest is held in association with a flying display.

Balloons

163.—(1) This article applies to or in relation to balloons within the United Kingdom.

(2) A balloon in captive or tethered flight must not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Except with the permission of the CAA—

- (a) a balloon in captive flight must not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome; and
- (b) a balloon in captive or tethered flight must not be flown at a height measured to the top of the balloon of more than 60 metres above ground level.

(4) Except with the permission of the CAA, an uncontrollable balloon in captive or released flight must not be flown in airspace notified for the purposes of this paragraph.

(5) Except during the day and in Visual Meteorological Conditions, a controllable balloon must not be flown in free controlled flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

(6) Except with the permission of the appropriate air traffic control unit, a controllable balloon must not be flown in tethered flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome.

(7) When in captive flight, a balloon must be securely moored and must not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(8) A person must not cause or permit—

- (a) a group of small balloons of more than 1000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the CAA at least 28 days previous notice in writing of the release;
- (b) a group of small balloons of more than 2000 but not more than 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,except with the permission of the CAA; and
- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the CAA.

(9) In this article—

- (a) ‘day’ means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level; and
- (b) ‘simultaneously released at a single site’ means the release of a specified number of balloons during a period of not more than 15 minutes from within an area not more than 1 km square.

Gliders, kites and parascending parachutes

164.—(1) This article applies to gliders, kites and parascending parachutes within the United Kingdom.

- (2) Except with the permission of the CAA—
- (a) a glider or parascending parachute must not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
 - (b) a kite must not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
 - (c) a kite must not be flown at a height of more than 60 metres above ground level; and
 - (d) a parascending parachute must not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

Airships

165.—(1) This article applies to airships within the United Kingdom.

(2) An airship with a capacity of more than 3000 cubic metres must not be moored other than on a notified aerodrome except with the permission of the CAA.

(3) An airship with a capacity of 3000 cubic metres or less must not be moored within 2km of a congested area or within the aerodrome traffic zone of a notified aerodrome unless—

- (a) it is moored on a notified aerodrome; or
- (b) it has the permission of the CAA.

(4) An airship when moored in the open must be securely moored and must not be left unattended.

Small unmanned aircraft

166.—(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
- (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Small unmanned surveillance aircraft

167.—(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are—

- (a) over or within 150 metres of any congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
- (d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article ‘a small unmanned surveillance aircraft’ means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Rockets

168.—(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article does not apply to—

- (a) an activity to which the Outer Space Act 1986(14) applies; or
- (b) a military rocket.

(3) No person may launch a small rocket unless the conditions in paragraph (4), and any of the conditions in paragraphs (5), (6) and (7) which are applicable, are satisfied.

(4) The person launching the rocket is satisfied on reasonable grounds that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight remain, clear of any obstructions including any aircraft in flight.

(5) The person launching the rocket on a flight within controlled airspace has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace.

(6) The person launching the rocket on a flight within an aerodrome traffic zone of an aerodrome during its notified operating hours—

- (a) has obtained the permission of the air traffic control unit at the aerodrome; or
- (b) if there is no air traffic control unit, has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or
- (c) if there is no air traffic control unit and no aerodrome flight information service unit, has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely.

(14) 1986 c.38.

(7) A flight for aerial work purposes must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

(8) A flight by a large rocket must be carried out under and in accordance with a permission granted by the CAA to the person launching the rocket.

PART 23

Air Traffic Services

Requirement for an air traffic control approval

169.—(1) A person in charge of the provision of an air traffic control service must not provide such a service for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services unless that person has been given and complies with the terms of an air traffic control approval granted by the CAA.

(2) The CAA must grant an air traffic control approval if it is satisfied that the applicant is competent to provide a service which is safe for use by aircraft, having regard to the applicant's organisation, staffing, equipment, maintenance and other arrangements.

Duty of person in charge to satisfy himself as to competence of controllers

170. The holder of an approval granted under article 169 must not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

- (a) that person holds an appropriate licence; and
- (b) the approval holder is satisfied that the person is competent to perform the duties of an air traffic controller or a student air traffic controller.

Manual of air traffic services

171. A person must not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services for that place;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions are made to the manual as the CAA may from time to time require.

Provision of air traffic services

172. In the case of an aerodrome (other than a Government aerodrome) for which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome must—

- (a) inform the CAA in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by that person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

Making of an air traffic direction in the interests of safety

173.—(1) The CAA may, in the interests of safety, direct the person in charge of an aerodrome that there must be provided for that aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(2) The CAA may, in the interests of safety, direct the holder of a licence to provide air traffic services granted under Part I of the Transport Act 2000⁽¹⁵⁾ that there must be provided, for airspace specified in paragraph (3), such an air traffic control service, a flight information service or a means of two way radio communication as the CAA considers appropriate.

(3) The airspace referred to in paragraph (2) is United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services, otherwise than in respect of an aerodrome.

(4) The CAA may specify in the direction the periods during which, the times at which, the manner in which and the airspace within which such service or such means must be provided.

(5) The person who has been directed must cause such a service or means to be provided in accordance with the direction.

(6) The CAA may, pending inquiry into or consideration of the case, make a provisional air traffic direction.

(7) A provisional air traffic direction—

- (a) may contain any of the requirements which may be included in an air traffic direction made in accordance with paragraph (1) or (2);
- (b) has effect as though it were an air traffic direction made in accordance with paragraph (1) or (2).

Making of a direction for airspace policy purposes

174.—(1) After consultation with the Secretary of State the CAA may direct any person in charge of the provision of air traffic services to provide air traffic services for United Kingdom airspace or airspace outside the United Kingdom for which the United Kingdom has, under international arrangements, undertaken to provide air traffic services.

(2) A direction under paragraph (1) may be made—

- (a) in the interests of ensuring the efficient use of airspace; or
- (b) to require that air traffic services are provided to a standard considered appropriate by the CAA for the airspace classification.

(3) The CAA may specify in a direction under paragraph (1)—

- (a) the air traffic services and the standard to which they are to be provided; and
- (b) the periods during which, the times at which, the manner in which, and the airspace within which such services must be provided.

(4) The person who has been directed must cause such a service to be provided in accordance with the direction.

Use of radio call signs at aerodromes

175. The person in charge of an aerodrome provided with means of two-way radio communication must not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

(15) 2000 c.38.

Approval of instrument flight procedures

176.—(1) An instrument flight procedure within the United Kingdom must not be notified unless that procedure has been designed or approved by the CAA.

(2) The CAA must not notify or approve an instrument flight procedure unless it is satisfied that the procedure is safe for use by aircraft.

(3) Subject to paragraph (5), the CAA may approve an instrument flight procedure where an application for approval of the procedure has been made.

(4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the CAA may require.

(5) The CAA is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under paragraph (6).

(6) The CAA must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if it is satisfied that the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.

(7) The applicant for an approval under paragraph (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

(8) For the purpose of this article, the CAA may subject to such conditions as it thinks fit—

- (a) approve any course of training;
- (b) authorise a person to conduct such examinations or tests as it may specify; and
- (c) approve a person to provide any course of training.

PART 24

Licensing of air traffic controllers

Prohibition of unlicensed air traffic controllers

177.—(1) Subject to paragraph (3) and article 179, a person must not act as an air traffic controller, or hold himself or herself out, whether by use of a radio call sign or in any other way, as an air traffic controller unless—

- (a) they hold and comply with the privileges and conditions of a licence specified in paragraph (2);
- (b) the licence contains a valid medical certificate; and
- (c) they have identified themselves in such a manner as may be notified.

(2) The licence referred to in paragraph (1)(a) is—

- (a) an appropriate air traffic controller's licence granted under this Order; or
- (b) an appropriate air traffic controller's licence granted in another Member State and recognised by the CAA in accordance with article 200.

(3) A person may act as an air traffic controller if that person holds a valid air traffic controller's licence granted under this Order which is not an appropriate licence if that person is supervised in the same manner as the holder of a student air traffic controller's licence.

(4) A licence is an appropriate air traffic controller's licence if it includes valid ratings, endorsements and certificates which authorise the holder of the licence to —

- (a) provide at the aerodrome or place the type of air traffic control service for the sector for which, or the operational position at which, it is being provided; and
- (b) use the type of surveillance equipment being used (if any).

Prohibition of unlicensed student air traffic controllers

178.—(1) Subject to article 179, a person must not act as a student air traffic controller, or hold himself or herself out, whether by use of a radio call sign or in any other way, as a student air traffic controller unless that person—

- (a) holds and complies with the privileges and conditions of a licence specified in paragraph (2);
 - (b) the licence contains a valid medical certificate; and
 - (c) has identified himself or herself in such a manner as may be notified.
- (2) The licence referred to in paragraph (1)(a) is—
- (a) a valid student air traffic controller’s licence granted under this Order; or
 - (b) a valid student air traffic controller’s licence granted in another Member State and recognised by the CAA in accordance with article 200.

Acting as an air traffic controller: exceptions

179.—(1) A licence is not required by any person who, acting in the course of their employment, passes on such instructions or advice as they have been instructed so to do by the holder of an air traffic controller’s licence which entitles that holder to give such instructions or advice.

(2) A licence is not required by any person who acts in the course of their duty as a member of Her Majesty’s naval, military or air forces or a visiting force.

Acting as an air traffic controller and a student air traffic controller

180.—(1) For the purposes of this Part and Schedule 10—

- (a) a person acts as an air traffic controller who either—
 - (i) provides an air traffic control service; or
 - (ii) supervises a student air traffic controller;or both; and
- (b) a person acts as a student air traffic controller who provides an air traffic control service under the supervision of an air traffic controller.

Grant of student air traffic controller’s licences

181.—(1) The CAA must grant a student air traffic controller’s licence authorising the holder to act as a student air traffic controller in the United Kingdom if it is satisfied that the applicant fulfils the requirements set out in paragraphs (2) and (3).

- (2) The requirements are that the applicant—
- (a) subject to article 183, can speak and understand English to at least level 4 on the language proficiency rating scale;
 - (b) is the holder of a valid medical certificate;
 - (c) is at least 18 years of age;
 - (d) meets the educational standards specified in paragraph (3);

- (e) has successfully completed approved initial training set out in Part A of Annex II of the air traffic controllers' directive; and
 - (f) is a competent person to act in the capacity to which the licence relates (and competency shall be assessed in accordance with paragraph (5)).
- (3) The educational standards are that the applicant—
- (a) is the holder of a General Certificate of Secondary Education or an equivalent educational qualification;
 - (b) is the holder of any educational qualification which would enable the applicant to gain access to university or a similar educational institution; or
 - (c) has sufficient experience and education to give the applicant a reasonable prospect of completing air traffic control training.
- (4) A licence may be granted subject to such conditions as the CAA thinks fit.
- (5) Competency must be assessed by reference to the applicant's knowledge, experience and skills to act in the capacity to which the licence relates and for that purpose an applicant must provide such evidence and undergo such examinations, assessments and tests and undertake such courses of training as the CAA may require.

Grant of air traffic controller's licence

182.—(1) Subject to paragraph (3), the CAA must grant an air traffic controller's licence authorising the holder to act as an air traffic controller in the United Kingdom if the applicant fulfils the requirements set out in article 181(2)(a) and (b) and paragraph (2).

- (2) The requirements are that the applicant—
- (a) is the holder of a student licence;
 - (b) subject to paragraph (3), is at least 21 years of age;
 - (c) has completed an approved unit training plan;
 - (d) has passed the appropriate examinations or assessments in accordance with the requirements set out in Part B of Annex II of the air traffic controllers' directive;
 - (e) is competent to be issued with a rating; and
 - (f) is a competent person to act in the capacity to which the licence relates.
- (3) In a duly justified case, a licence may be granted to a person of 20 years of age.
- (4) A licence may be granted subject to such conditions as the CAA thinks fit.

Language proficiency: additional requirements

183.—(1) The CAA may require the applicant to attain level 5 on the language proficiency rating scale where the operational circumstances of a particular rating or endorsement warrant a higher level of language proficiency for reasons of safety.

(2) The applicant must demonstrate language proficiency by providing to the CAA a certificate issued by an approved person stating the applicant's proficiency level in accordance with the language proficiency rating scale.

Language proficiency: ongoing requirements

184.—(1) Subject to paragraph (3), the CAA must ensure that it, or an approved person, assesses the English language proficiency of the holder of an air traffic controller's licence or a student air traffic controller's licence at regular intervals.

(2) Subject to paragraph (3), the interval at which the language proficiency of the holder of an air traffic controller's licence or a student air traffic controller's licence must be assessed must be no longer than—

- (a) three years for a licence holder who demonstrates proficiency in English language to level 4 on the language proficiency rating scale; and
- (b) six years for a licence holder who demonstrates proficiency in English language to level 5 on the language proficiency rating scale.

(3) Paragraphs (1) and (2) do not apply to a licence holder who has demonstrated proficiency in English language to level 6 on the language proficiency rating scale.

Particulars of licence

185.—(1) Subject to article 228, a student air traffic controller's licence remains in force for the period specified in the licence which shall not exceed two years.

(2) Subject to article 228, an air traffic controller's licence remains in force for the period specified in the licence, or, if no period is specified, for the lifetime of the holder.

(3) A licence may be renewed by the CAA from time to time if the CAA is satisfied that the applicant continues to satisfy, in the case of a student air traffic controller's licence, the requirements referred to in article 181(2)(a), (b), and (f) and, in the case of an air traffic controller's licence, the requirements in article 182(2)(e) and (f).

(4) A licence is not valid unless it has been signed by the holder in ink or indelible pencil and remains the property of the person to whom it is granted.

(5) The CAA may include in an air traffic controller's licence (subject to such conditions as it thinks fit) any of the ratings and endorsements specified in Part B of Schedule 10 upon being satisfied that the applicant is qualified as specified in article 182(2)(d) to act in the capacity to which the rating or endorsement relates and such rating or endorsement is deemed to form part of the licence.

Privileges of an air traffic controller's licence and a student air traffic controller's licence

186.—(1) An air traffic controller's licence entitles the holder to—

- (a) exercise the privileges specified in paragraph 1 of Part A of Schedule 10; and
- (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of that Schedule.

(2) A student air traffic controller's licence entitles the holder to exercise the privileges specified in paragraph 2 of Part A of Schedule 10.

On-the-job training instructor endorsement

187. An on-the-job training instructor endorsement must be granted to a holder of an air traffic controller's licence who—

- (a) has provided an air traffic service for the immediate preceding period of at least one year (or such longer period as the CAA may fix having regard to the ratings and endorsements for which instruction is given); and
- (b) has successfully completed an approved on-the-job training instructor course during which the required knowledge and pedagogical skills were assessed through appropriate examinations.

Maintenance of validity of ratings and endorsements

188.—(1) The holder of an air traffic controller’s licence is not entitled to exercise the privileges of a rating or endorsement contained in the licence unless the licence includes a current unit endorsement specifying that the rating or endorsement is valid for—

- (a) the aerodrome or place at which the holder so acts;
- (b) the sector on which or the operational position at which the holder so acts; and
- (c) the surveillance equipment (if any) with which the holder so acts.

(2) A unit endorsement may be entered in a licence either by the CAA or by the holder of an air traffic controller’s licence which includes an Examiner Licence Endorsement relating to the matters set out in paragraph (1)(a) to (c) (a “relevant licence”).

(3) A unit endorsement is valid for an initial period of one year.

(4) If an air navigation service provider demonstrates to the CAA or to the holder of a relevant licence that a licence holder—

- (a) has been exercising the privileges of the licence for at least the minimum number of hours set out in the unit competence scheme throughout the preceding 12 months;
- (b) has demonstrated competence in accordance with Part C of Annex II of the air traffic controllers’ directive; and
- (c) holds a valid medical certificate,

the validity of a unit endorsement must be extended by the CAA or the holder of a relevant licence for a further 12 months.

(5) The minimum number of hours required to maintain the validity of the unit endorsement may be reduced for an on-the-job training instructor in proportion to the time spent instructing trainees on the working positions for which the extension is applied.

(6) If a unit endorsement ceases to be valid, in order to revalidate the endorsement, a licence holder must successfully complete a unit training plan to the satisfaction of the CAA or the holder of a relevant licence.

(7) The holder of a rating or rating endorsement who has not been providing air traffic control services associated with that rating or rating endorsement for a period of four years may only commence unit training in that rating or rating endorsement after the CAA or the holder of a relevant licence—

- (a) has assessed whether the person continues to satisfy the conditions of that rating or rating endorsement; and
- (b) is satisfied that any training requirements that result from this assessment have been successfully completed.

Obligation to notify rating ceasing to be valid and change of unit

189.—(1) When a rating ceases to be valid for a sector or operational position the holder of the licence must—

- (a) inform the air navigation service provider responsible for that sector or position, and
- (b) if a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position, notify the CAA and forward the licence to the CAA, or a person approved by the CAA who must endorse the licence accordingly and return it to the holder.

(2) A person who ceases to act as an air traffic controller at a particular unit must—

- (a) notify the CAA; and

- (b) forward their licence to the CAA or a person approved by the CAA who must endorse the licence accordingly and return it to the holder.

Air navigation service provider: maintenance of records

190. An air navigation service provider must keep records for every licence holder working in a unit of the hours worked in a sector, group of sectors or in a working position and must provide these records to the CAA on request.

Requirement for medical certificate

191.—(1) The CAA, or an approved medical examiner may, after carrying out an examination, issue a medical certificate, subject to such conditions as it thinks fit, if it considers that the applicant for, or holder of, a licence is fit to perform the functions to which the application or licence relates.

(2) The issue of a medical certificate must be consistent with the provisions of Annex I to the Chicago Convention and the Requirements for European Class 3 Medical Certification of Air Traffic Controllers laid down by the European Organisation for the Safety of Air Navigation (Eurocontrol)(16).

(3) The certificate is deemed to form part of the licence.

(4) A medical certificate is valid for—

- (a) two years from the date of the medical examination in the case of an air traffic controller or student air traffic controller of up to (and including) the age of 40; and
- (b) one year for an air traffic controller or student air traffic controller over the age of 40.

Incapacity of air traffic controllers

192.—(1) Every holder of an air traffic controller's licence or a student air traffic controller's licence who—

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which their licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant,

must inform their employer and the CAA as soon as possible.

(2) A medical certificate ceases to be valid on the expiry of the period of injury or illness referred to in paragraph (1)(a) and becomes valid again (provided it has not expired)—

- (a) upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions under the licence; or
- (b) upon the CAA exempting the holder from the requirement of a medical examination subject to such conditions as the CAA may think fit.

Fatigue of air traffic controllers

193. A person must not act as an air traffic controller or a student air traffic controller if they know or suspect that they are suffering from or, having regard to the circumstances of the period of duty to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

(16) Published by Eurocontrol, Brussels, 8 February 2006, 2nd edition, HUM.ET2.ST08.1000.STD.02.

Acting under the influence of drink or a drug

194.—(1) A person must not act as a student air traffic controller whilst under the influence of drink or a drug to an extent that would impair their capacity to act as such.

(2) Every holder of an air traffic controller's licence or a student air traffic controller's licence who is under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly must inform their employer in writing as soon as possible.

Failing exams, assessments or tests

195. A person who, when last examined, assessed or tested for the purposes of this Part, failed that examination, assessment or test must not act in the capacity for which that examination, assessment or test would have qualified them had it been passed.

Use of simulators

196. No part of any examination, assessment or test undertaken for the purposes of this Part or Schedule 10 must be undertaken in a simulator unless that simulator has been approved by the CAA.

Approval of courses, persons and simulators

197. Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part, approve—

- (a) any course of training or instruction;
- (b) any unit training plan or unit competence scheme;
- (c) a person to conduct such examinations, assessments or tests as it may specify; and
- (d) a simulator.

Certification of training providers and mutual recognition of training certificates

198.—(1) A person must not provide training without being a certified training provider and unless the certificate relates to the training being provided.

(2) Where an applicant for certification has its principal place of operation and business in the United Kingdom it must submit its application to the CAA.

(3) The CAA must issue a training certificate to an applicant if it is satisfied that the applicant fulfils the requirements set out in paragraph 1 of Annex IV of the air traffic controllers' directive.

(4) A training certificate may —

- (a) relate to one or more types of training and one or more types of air navigation services, and
- (b) contain requirements placed on the training provider and be made subject to conditions.

(5) The training certificate must contain the information set out in paragraph 2 of Annex IV to the air traffic controllers' directive.

Certified training provider: production of records

199. A certified training provider must, within a reasonable time of being requested to do so by an authorised person, produce to that person any record or document (whether or not in electronic form) which that person may require for the purpose of determining whether the certified training provider fulfils the requirements set out in paragraph 1 of Annex IV of the air traffic controllers' directive.

Mutual recognition of air traffic controller's licences

200.—(1) An application by the holder of an air traffic controller's or a student air traffic controller's licence issued by the national supervisory authority of another Member State to have the licence, rating, endorsement or medical certificate recognised by the CAA must be made in writing to the CAA.

- (2) The CAA must recognise any—
- (a) licence and any associated rating;
 - (b) rating endorsement;
 - (c) language endorsement; and
 - (d) medical certificate,

issued in accordance with the provisions of the air traffic controllers' directive by the national supervisory authority of another Member State if it is satisfied that the holder meets the requirements of the air traffic controllers' directive.

(3) The CAA must issue a certificate of recognition to the air traffic controller upon being satisfied as set out in paragraph (2).

(4) Following the issue of a certificate of recognition in respect of a licence granted by the national supervisory authority of another Member State, the CAA must, if requested to do so by the air traffic controller, issue an equivalent licence.

(5) An air traffic controller whose licence has been recognised by the CAA must make an application in writing to the CAA for approval of a unit training plan.

(6) The CAA must inform the applicant within six weeks of receipt of the application whether it approves the plan.

(7) When establishing the unit training plan referred to in paragraph (5), the training provider must take account of the competencies and experience of the licence holder.

(8) The CAA must provide information and assistance to the national supervisory authority of another Member State on request.

Definitions relevant to this Part and Schedule 10

201.—(1) In this Part and Schedule 10—

“approved” means approved by the CAA under article 197;

“language proficiency rating scale” means the language proficiency rating scale set in Annex III of the air traffic controllers' directive;

“on-the-job training instructor” means a person who holds an on-the-job training instructor endorsement;

“on-the-job training instructor endorsement” means the endorsement described in article 9 of the air traffic controllers' directive;

“rating” means the authorisation entered on and forming part of the licence as identified in paragraph (3) of Part B of Schedule 10;

“unit competence scheme” means a scheme indicating the method by which the unit maintains the competence of its licence holders;

“unit training plan” means a plan detailing the processes and timing required to allow the unit procedures to be applied to the local area under the supervision of an on-the-job training instructor; and

“valid medical certificate” means a medical certificate issued under article 191(1) or recognised by the CAA under article 200.

(2) A reference in this Part and in Schedule 10 to the holder of an air traffic controller's licence or a student air traffic controller's licence includes a reference to the holder of a licence which has been recognised by the CAA under article 200.

(3) The following expressions defined in article 2 of the air traffic controllers' directive have the same meaning when used in this Part and Schedule 10: 'air traffic control service', 'air navigation service provider', 'language endorsement', 'rating endorsement', 'sector' and 'unit endorsement'.

(4) References in this Part and Schedule 10 to the provisions of articles 6 and 7 of, and the Annexes to, the air traffic controllers' directive are references to those provisions as amended from time to time.

PART 25

Flight Information Services and Licensing of Flight Information Service Officers

Prohibition of unlicensed flight information service officers

202.—(1) A person must not act as a flight information service officer at any aerodrome or area control centre or hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may so act unless—

- (a) they hold and comply with the terms of a flight information service officer's licence granted under this Order authorising the holder to act as such an officer at that aerodrome or area control centre; and
- (b) they have identified themselves in such a manner as may be notified.

(2) In this Part 'acting as a flight information service officer' means giving a flight information service.

Licensing of flight information service officers

203.—(1) The CAA must grant a flight information service officer licence to any person aged 18 years or more if it is satisfied that the applicant—

- (a) is a fit person to hold the licence; and
- (b) is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates.

(2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.

(3) The licence may be issued subject to such conditions as the CAA thinks fit.

(4) A licence to act as a flight information service officer—

- (a) may be renewed by the CAA from time to time, when it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1);
- (b) remains in force, subject to article 228, for the period indicated in the licence or if no period is indicated, for the lifetime of the holder.

(5) A flight information service officer's licence does not authorise the giving of a flight information service at an aerodrome or area control centre unless—

- (a) that aerodrome or area control centre has been specified in the licence by a person authorised by the CAA for the purpose; and
- (b) the licence has been validated for that aerodrome or area control centre by a person authorised for the purpose by the CAA.

(6) If, throughout any period of 90 days, the holder of the licence has not at any time given such a service at a particular aerodrome or area control centre, the licence ceases to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated for that aerodrome or area control centre by a person authorised by the CAA for the purpose.

(7) A licence to act as a flight information service officer is not valid unless it has been signed by the holder in ink or indelible pencil.

(8) Every holder of a flight information service officer's licence must, on such occasions as the CAA may require, submit to such examinations and tests and supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

Flight information service manual

204. A person must not provide a flight information service at any aerodrome or area control centre unless—

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual for that aerodrome or area control centre;
- (b) the manual is produced to the CAA within a reasonable time after a request for its production is made by the CAA; and
- (c) such amendments or additions have been made to the manual as the CAA may from time to time require.

PART 26

Air Traffic Service Equipment

Air traffic service equipment

205.—(1) A person must not cause or permit any air traffic service equipment to be established or used in the United Kingdom otherwise than under and in accordance with an approval granted by the CAA to the person in charge of the equipment.

(2) An approval must be granted under paragraph (1) if the CAA is satisfied—

- (a) as to the intended purpose of the equipment;
- (b) that the equipment is fit for its intended purpose; and
- (c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a public use licence has been granted must cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may include such other conditions as the CAA thinks fit including—

- (a) a condition requiring the person in charge of the equipment to use a person approved by the CAA under paragraph (6) for the provision of particular services in connection with the equipment; and
- (b) a condition requiring that the equipment be flight checked by such an approved person.

(6) The CAA may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted for one or more persons or generally.

(8) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

Air traffic service equipment records

206.—(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

- (a) keep records for such equipment or apparatus in accordance with Part A of Schedule 11; and
- (b) preserve such records for one year or such longer period as the CAA may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit must provide recording apparatus in accordance with paragraph (4).

(3) The CAA may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

- (a) when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; and
- (b) in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

- (a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;
- (b) ensure that each record made by the apparatus complies with Part B of Schedule 11;
- (c) not cause or permit that apparatus to be used unless it is approved by the CAA; and
- (d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the CAA may have regard to the matters specified in Part C of Schedule 11.

(7) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the CAA may have had regard under paragraph (6); and
- (b) for one or more persons or generally.

(8) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus must ensure that, so far as practicable—

- (a) a record is kept which complies with Part B of Schedule 11; and

- (b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft are recorded.
- (9) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.
- (10) The person in charge of any air traffic service equipment must preserve any record made in compliance with paragraph (5) or (8) for 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the CAA may in a particular case direct.
- (11) A person required by this article to preserve any record by reason of being the person in charge of the air traffic service equipment is in this paragraph called ‘the first person in charge’.
- (12) If the first person in charge ceases to be in charge of the air traffic service equipment, they must continue to preserve the record until paragraph (14) is complied with.
- (13) In the event of the death of the first person in charge, the duty to preserve the record falls on their personal representative.
- (14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or their personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.
- (15) The person in charge of any air traffic service equipment must within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.
- (16) This article does not apply to any air traffic service equipment of which the person solely in charge is the Secretary of State.

PART 27

Aerodromes, Aeronautical Lights and Dangerous Lights

Requirement to use licensed or Government aerodrome

- 207.**—(1) This article applies to any aircraft flying on a flight specified in article 208.
- (2) An aircraft to which this article applies must not take off or land at a place in the United Kingdom other than—
- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft;
 - (b) a Government aerodrome notified as available for the take-off and landing of such aircraft; or
 - (c) a Government aerodrome where the person in charge of the aerodrome has given permission for the particular aircraft to take off or land.
- (3) When taking off or landing at an aerodrome specified in paragraph (2), an aircraft to which this article applies must do so in accordance with any conditions subject to which the aerodrome may have been licensed or notified, or subject to which such permission may have been given.

Flights which must use licensed or Government aerodrome

- 208.**—(1) Subject to paragraph (5), article 207 applies to any aeroplane which has a maximum total weight authorised of more than 2730kg flying on a flight—

- (a) for the purpose of the commercial air transport of passengers or the public transport of passengers;
 - (b) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (c) for the purpose of carrying out flying tests for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence.
- (2) Subject to paragraph (5), article 207 applies to any aeroplane which has a maximum total weight authorised of not more than 2730kg flying on a flight which is—
- (a) a scheduled journey for the purpose of the commercial air transport of passengers or the public transport of passengers;
 - (b) for the purpose of the commercial air transport of passengers or the public transport of passengers and which begins and ends at the same aerodrome;
 - (c) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence;
 - (d) for the purpose of a flying test for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (e) for the purpose of the commercial air transport of passengers or the public transport of passengers and which is at night.
- (3) Subject to paragraph (5), article 207 applies to any helicopter or gyroplane flying on a flight—
- (a) which is a scheduled journey for the purpose of the public transport of passengers; or
 - (b) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence.
- (4) Subject to paragraph (5), article 207 applies to any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of—
- (a) the public transport of passengers; or
 - (b) instruction in flying.
- (5) Article 207 does not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Helicopters flying for public transport at night

209.—(1) The person in charge of any area in the United Kingdom intended to be used for the take-off or landing of helicopters at night must cause there to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area at night, such lighting as will enable the pilot of the helicopter—

- (a) when landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
 - (b) when taking off, to make a safe take-off.
- (2) A helicopter flying for the purpose of the public transport of passengers at night must not take off or land at a place to which paragraph (1) applies unless there is in operation such lighting.
- (3) Paragraph (1) does not apply to an aerodrome specified in article 207(2)

Use of Government aerodromes

210. With the concurrence of the Secretary of State and subject to such conditions as it thinks fit, the CAA may notify any Government aerodrome as an aerodrome available for the take-off and landing of aircraft flying on flights for the purpose of—

- (a) the commercial air transport of passengers;
- (b) the public transport of passengers; or
- (c) instruction in flying,

or of any classes of such aircraft.

Licensing of aerodromes

211.—(1) The CAA must grant a licence for any aerodrome in the United Kingdom if it is satisfied that—

- (a) the applicant is competent, having regard to its previous conduct and experience, and its equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings;
- (c) an effective safety management system is in place; and
- (d) the aerodrome manual submitted under paragraph (7) is adequate.

(2) If the CAA grants an aerodrome licence it may do so subject to such conditions as it thinks fit and, subject to article 228, the licence remains in force for the period specified.

(3) An aerodrome licence holder must supply to any person on request information concerning the terms of the licence.

(4) An aerodrome licence holder must not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to an aircraft flying on a flight specified in article 208, but the licence does not cease to be valid by reason only of such a contravention.

(5) An aerodrome licence holder must take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(6) On making an application for an aerodrome licence the applicant must submit to the CAA an aerodrome manual for that aerodrome.

(7) An aerodrome manual required under this article must contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 12.

(8) Every aerodrome licence holder must—

- (a) supply to the CAA any amendments or additions to the aerodrome manual before or immediately after they come into effect;
- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the CAA may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(9) Every aerodrome licence holder must make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to their duties and ensure that each such copy is kept up to date.

(10) Every aerodrome licence holder must take all reasonable steps to secure that all members of the aerodrome operating staff—

- (a) are aware of the contents of every part of the aerodrome manual which is relevant to their duties; and
- (b) undertake their duties in conformity with the relevant provisions of the manual.

(11) In this article—

- (a) ‘aerodrome licence holder’ means a person who has been granted a licence under paragraph (1);
- (b) ‘aerodrome operating staff’ means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron; and
- (c) ‘visual traffic pattern’ means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 45 of the Rules of the Air Regulations 2007(17), the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

Public use licence

212.—(1) If the applicant for an aerodrome licence requests or if the CAA considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, the CAA may grant an aerodrome licence with a public use condition in addition to any other conditions.

(2) A public use condition is a condition that the aerodrome is to be available to all persons on equal terms and conditions at all times when it is available for the take-off or landing of aircraft.

(3) An aerodrome licence with a public use condition is in this Order referred to as ‘a public use licence’.

(4) The holder of a public use licence must cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft flying on flights for the purpose of the commercial air transport of passengers, the public transport of passengers or instruction in flying.

Charges at aerodromes with a public use licence

213. The holder of a public use licence must, when required by the Secretary of State, supply to the Secretary of State such information as he may require about the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

Use of aerodromes by aircraft of Contracting States and of the Commonwealth

214. The person in charge of any aerodrome in the United Kingdom which is open to public use by aircraft registered in the United Kingdom (whether or not the aerodrome is a licensed aerodrome) must cause the aerodrome and all of its air navigation facilities to be available for use by aircraft

(17) [S.I. 2007/734](#) to which there are amendments not relevant to this provision.

registered in other Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the United Kingdom.

Noise and vibration caused by aircraft on aerodromes

215.—(1) The Secretary of State may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft.

(2) Section 77(2) of the Civil Aviation Act 1982⁽¹⁸⁾ applies to any aerodrome in relation to which the Secretary of State has prescribed conditions in accordance with paragraph (1).

Customs and Excise aerodromes

216.—(1) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) The Secretary of State may, with the concurrence of the Commissioners for Revenue and Customs, by order revoke any designation so made.

Aviation fuel at aerodromes

217.—(1) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be delivered to the installation unless satisfied that—

- (a) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
- (b) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
- (c) in the case of delivery from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation and is fit for use in aircraft.

(2) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit any fuel to be dispensed from the installation to an aircraft unless satisfied as the result of sampling that the fuel is fit for use in aircraft.

(3) Paragraph (1) does not apply to fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(4) The aviation fuel installation manager must keep a written record for each installation of which they have the management, which record must include detailed information about—

- (a) the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) the maintenance and cleaning of the installation.

(5) The aviation fuel installation manager must—

- (a) preserve the written record required under paragraph (4) for 12 months or such longer period as the CAA may in a particular case direct; and
- (b) within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

⁽¹⁸⁾ 1982 c.16.

(6) A person must not cause or permit any aviation fuel to be dispensed for use in an aircraft if the person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(7) If it appears to the CAA or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the CAA or that authorised person may direct the aviation fuel installation manager not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the CAA or by an authorised person.

(8) In this article—

- (a) ‘an aviation fuel installation manager’ means a person who has the management of any aviation fuel installation on an aerodrome in the United Kingdom;
- (b) ‘aviation fuel’ means fuel intended for use in aircraft; and
- (c) ‘aviation fuel installation’ means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART 28

Lights and Lighting

Aeronautical lights

218.—(1) Except with the permission of the CAA and in accordance with any conditions subject to which the permission may be granted, a person must not establish, maintain or alter the character of—

- (a) an aeronautical beacon within the United Kingdom; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at a licensed aerodrome, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the CAA must not give its permission for the purpose of this article except with the consent of that authority.

(3) A person must not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the CAA.

Lighting of en-route obstacles

219.—(1) The person in charge of an en-route obstacle must ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval of not more than 52 metres.

(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.

(3) In the event of the failure of any light which is required by this article to be displayed by night the person in charge must repair or replace the light as soon as reasonably practicable.

(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(5) In any particular case the CAA may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as it may specify.

(6) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(7) This article does not apply to any en-route obstacle for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(8) In this article, an ‘en-route obstacle’ means any building, structure or erection, the height of which is 150 metres or more above ground level, but it does not include a building, structure or erection—

- (a) which is in the vicinity of a licensed aerodrome; and
- (b) to which section 47 of the Civil Aviation Act 1982(19) (warning of presence of obstructions near licensed aerodromes) applies.

Lighting of wind turbine generators in United Kingdom territorial waters

220.—(1) Subject to paragraph (10), this article applies to any wind turbine generator—

- (a) the height of which is 60 metres or more above the level of the sea at the highest astronomical tide; and
- (b) which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator must ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) If four or more wind turbine generators are located together in the same group, with the permission of the CAA only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) Subject to paragraph (5), the light or lights required by paragraph (2) must be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light must be elevated to between three and four degrees above the horizontal plane;
- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type is to be visible at the horizontal plane;
- (c) not more than 10% of the minimum peak intensity specified for a light of this type is to be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) Subject to paragraph (7), the person in charge of a wind turbine generator must ensure that by night, any light required to be fitted by this article is displayed.

(7) In the event of the failure of any light which is required by this article to be displayed by night the person in charge of a wind turbine generator must repair or replace the light as soon as reasonably practicable.

(8) If visibility in all directions from every wind turbine generator in a group is more than 5km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(9) In any particular case the CAA may direct that a wind turbine generator must be fitted with and display such additional lights in such positions and at such times as it may specify.

(10) This article does not apply to any wind turbine generator for which the CAA has granted a permission to the person in charge permitting that person not to fit and display lights in accordance with this article.

(11) A permission may be granted for the purposes of this article for a particular case or class of cases or generally.

(12) In this article—

- (a) ‘wind turbine generator’ is a generating station which is wholly or mainly driven by wind;
- (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and
- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—
 - (i) it is within 2km of that other wind turbine generator; or
 - (ii) it is within 2km of a wind turbine generator which is in the same group as that other wind turbine generator.

Lights liable to endanger

221.—(1) A person must not exhibit in the United Kingdom any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the CAA to be a light described in paragraph (1) is exhibited, the CAA may direct the person who is the occupier of the place where the light is exhibited or who has charge of the light, to take such steps within a reasonable time as are specified in the direction—

- (a) to extinguish or screen the light; and
- (b) to prevent in the future the exhibition of any other light which may similarly endanger aircraft.

(3) The direction may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the CAA under this article must not be exercised except with the consent of that authority.

Lights which dazzle or distract

222. A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

PART 29

Public Transport and Aerial Work by Foreign Registered Aircraft

Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom

223.—(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, must not take on board or discharge any passengers or cargo in the United Kingdom

where valuable consideration is given or promised for the carriage of such persons or cargo unless it complies with paragraph (2) or is exempt from this paragraph under paragraph (3).

(2) This paragraph is complied with if the operator or the charterer of the aircraft or the Government of the country in which the aircraft is registered has been granted a permission by the Secretary of State under this article and any conditions subject to which such permission may be subject are complied with.

(3) An aircraft is exempt from the requirement to comply with paragraph (1) if it is exercising traffic rights permitted by Chapter III of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community⁽²⁰⁾.

(4) No operator or charterer of an aircraft which is required to comply with paragraph (2) may hold itself out as a person who may offer to take on board or discharge any passenger or cargo in the United Kingdom for valuable consideration except in accordance with—

- (a) a permission granted under this article; and
- (b) any conditions to which such a permission may be subject.

(5) Paragraph (4) does not apply to any person who reasonably believes that they will hold such a permission by the time the relevant flight is made.

Filing and approval of tariffs

224.—(1) If a permission granted under article 223(2) contains a tariff provision and the Secretary of State so requires, the operator or charterer of the aircraft concerned must file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA must consider the proposed tariff and may approve or disapprove it.

(2) In this article, ‘tariff provision’—

- (a) means a condition as to any of the following matters—
 - (i) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 223(2) relates;
 - (ii) any additional goods, services or other benefits to be provided in connection with such carriage;
 - (iii) the prices, if any, to be charged for any such additional goods, services or benefits; and
 - (iv) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo; and
- (b) includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

(3) The CAA acts on behalf of the Crown in performing the functions conferred on it by this article.

Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the United Kingdom

225. An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, must not fly over the United Kingdom for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised for the flight or the purpose of the flight) or for the purpose of any other form of aerial work unless—

⁽²⁰⁾ O.J. No. L 293, 31.10.08, p. 3.

- (a) it has the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft; and
- (b) it complies with any conditions to which that permission may be subject.

PART 30

Mandatory Reporting

Mandatory reporting of occurrences

226.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This article applies to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Without prejudice to the generality of paragraph (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of the Occurrence Reporting Directive.

(5) Every person listed below must report to the CAA any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to that person's attention in the exercise of that person's functions—

- (a) the operator and the commander of a turbine-powered aircraft which has a certificate of airworthiness issued by the CAA;
- (b) the operator and the commander of an aircraft operated under a national air operator's certificate or an EU-OPS air operator certificate granted by the CAA;
- (c) a person who carries on the business of manufacturing a turbine-powered aircraft, a commercial air transport aeroplane or a public transport aircraft, or any equipment or part of such an aircraft, in the United Kingdom;
- (d) a person who carries on the business of maintaining or modifying a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (e) a person who carries on the business of maintaining or modifying an aircraft, operated under a national air operator's certificate or an EU-OPS air operator certificate granted by the CAA, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (f) a person who signs an airworthiness review certificate, or a certificate of release to service for a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service for any equipment or part of such an aircraft;
- (g) a person who signs an airworthiness review certificate or a certificate of release to service for an aircraft operated under a national air operator's certificate or an EU-OPS air operator certificate granted by the CAA, and a person who signs an airworthiness review certificate or a certificate of release to service for any equipment or part of such an aircraft;
- (h) a person who performs a function which requires him to be authorised by the CAA as an air traffic controller or as a flight information service officer;

- (i) a licensee and a manager of a licensed aerodrome or a manager of an airport to which Chapter III of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community applies;
 - (j) a person who performs a function concerning the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilized by a person who provides an air traffic control service under an approval issued by the CAA;
 - (k) a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport to which Chapter III of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community applies.
- (6) Reports of occurrences must be made within such time, by such means and containing such information as may be prescribed and must be presented in such form as the CAA may in any particular case approve.
- (7) A person listed in paragraph (5) must make a report to the CAA within such time, by such means, and containing such information as the CAA may specify in a notice in writing served on the person, being information which is in that person's possession or control and which relates to an occurrence which has been reported by that person or another person to the CAA in accordance with this article.
- (8) A person must not make any report under this article if the person knows or has reason to believe that the report is false in any particular.
- (9) The CAA must put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).
- (10) The CAA must store in its databases the reports which it has collected of occurrences, accidents and serious incidents.
- (11) The CAA must make all relevant safety-related information stored in the databases mentioned in paragraph (10) available to the competent authorities of the other Member States and the Commission.
- (12) The CAA must ensure that the databases referred to in paragraph (10) are compatible with the software developed by the European Commission for the purpose of implementing the Occurrence Reporting Directive.
- (13) The CAA, having received an occurrence report, must enter it into its databases and notify, whenever necessary: the competent authority of the Member State where the occurrence took place; where the aircraft is registered; where the aircraft was manufactured, and where the operator's air operator's certificate was granted.
- (14) The CAA must 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 accordance with paragraphs (9) to (13) to enable it to draw the safety lessons from the reported occurrences.
- (15) The CAA and the Chief Inspector of Air Accidents must use any information received in accordance with the terms of this article solely for the purposes set out in this article.
- (16) The names or addresses of individual persons must not be recorded on the databases referred to in paragraph (10).
- (17) Without prejudice to the rules of criminal law, no proceedings may 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 this article as required by Article 4 of the Occurrence Reporting Directive, except in cases of gross negligence.

(18) The provisions in paragraphs (15) to (17) apply without prejudice to the right of access to information by judicial authorities.

(19) The CAA must put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.

(20) Voluntary reports presented to the CAA under paragraph (19) must be subjected to a process of disidentification by it where the person making the report requests that his or her identity is not recorded on the databases.

(21) The CAA must ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

Mandatory reporting of birdstrikes

227.—(1) Subject to the provisions of this article, the commander of an aircraft must make a report to the CAA of any birdstrike occurrence which occurs whilst the aircraft is in flight in or over the United Kingdom.

(2) The report must be made within such time, by such means and contain such information as may be prescribed and it must be presented in such form as the CAA may in any particular case approve.

(3) Nothing in this article requires a person to report any occurrence which that person has reported under article 226 or which that person has reason to believe has been or will be reported by another person to the CAA in accordance with that article.

(4) A person must not make any report under this article if that person knows or has reason to believe that the report is false in any particular.

(5) In this article ‘birdstrike occurrence’ means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more birds.

PART 31

Powers and Penalties

Revocation, suspension and variation of certificates, licences and other documents

228.—(1) Subject to paragraphs (5) and (6), the CAA may provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order must surrender it to the CAA within a reasonable time after being required to do so by the CAA.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than an aerodrome licence, has been granted or issued or which

has effect under this Order, in the absence of provision to the contrary in the document, renders the document invalid during the continuance of the breach.

(5) The provisions of this article do not apply in relation to permits to which article 230 applies.

(6) A flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

Provisional suspension or variation of EASA airworthiness certificates

229.—(1) The CAA may, subject to and in accordance with article 14(1) of the Basic EASA Regulation, provisionally suspend or vary any EASA certificate of airworthiness, EASA restricted certificate of airworthiness or EASA permit to fly which it has issued to an EASA aircraft pending inquiry into or consideration of the case.

(2) A provisional suspension or variation under paragraph (1) ceases to have effect where—

- (a) it is withdrawn by the CAA; or
- (b) it is revoked by the CAA following a finding, in accordance with article 14(3) of the Basic EASA Regulation, that it is not justified.

(3) The CAA must revoke a provisional suspension or variation if it is found not to be justified under Article 14(3) of the Basic EASA Regulation.

Revocation, suspension and variation of permissions, etc. granted under article 223 or article 225

230.—(1) The permits to which this article applies are permissions granted by the Secretary of State under article 223 or article 225 and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.

(2) Subject to the provisions of this article, the Secretary of State may revoke, suspend or vary any permit to which this article applies.

(3) Subject to paragraph (4), the Secretary of State may exercise the powers under paragraph (2) only after notifying the permit holder of the intention to do so and after due consideration of the case.

(4) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary to do so, the Secretary of State may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (3); but the Secretary of State must in any such case comply with those requirements as soon as is reasonably practicable and must then, in the light of due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(5) The powers vested in the Secretary of State by paragraphs (2) and (4) may be exercised when in the judgement of the Secretary of State and whether or not by reason of anything done or omitted to be done by the permit holder or otherwise connected with the permit holder, it is necessary or expedient that the permit holder should not enjoy, or should no longer enjoy, the rights conferred by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.

(6) In particular, and without limitation, the Secretary of State may exercise the powers under paragraphs (2) and (4) if it appears that—

- (a) the permit holder has committed a breach of any condition to which it is subject;
 - (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach of the agreement;
 - (c) the permit holder, or a Government of another country which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, has—
 - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, according to its object and purpose, of any such agreement; or
 - (ii) engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982⁽²¹⁾ or the holder of a route licence granted under that section as applied by section 69A of that Act in the operation of air services to or from points in the country concerned; or
 - (d) the permit holder, having been granted the permit as a person designated by the Government of a country other than the United Kingdom for the purposes of an agreement referred to in sub-paragraph (b), is no longer so designated or that permit holder's conduct, or circumstances which have arisen in relation to the permit holder, make it necessary or expedient to disregard or qualify the consequences of being so designated.
- (7) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article must surrender it to the Secretary of State within a reasonable time of being required by him to do so.
- (8) The breach of any condition subject to which any permit to which this article applies has been granted renders the permit invalid during the continuance of the breach.
- (9) References in this article to the 'permit holder' are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

Prohibitions in relation to documents and records

- 231.**—(1) A person must not with intent to deceive—
- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order, by or under Part 21, 66, 145, 147 or M or by or under EU-OPS which has been forged, altered, revoked or suspended, or to which the person is not entitled;
 - (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order, by or under Part 21, 66, 145, 147 or M or by or under EU-OPS to, or allow it to be used by, any other person; or
 - (c) make any false representation for the purpose of procuring for any person the grant, issue, renewal or variation of any such certificate, licence, approval, permission, exemption or other document.
- (2) In paragraph (1), a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.
- (3) A person must not intentionally damage, alter or render illegible—
- (a) any log book or other record required to be maintained by or under this Order, by or under Part 21, 66, 145, 147 or M or by or under EU-OPS.

(21) 1982 c. 16.

- (b) any entry made in such a log book or record.
- (4) A person must not—
 - (a) knowingly make, or procure or assist in the making of, any false entry in or material omission from any log book or record referred to in paragraph (3); or
 - (b) destroy any such log book or record during the period for which it is required under this Order to be preserved.
- (5) All entries made in writing in any log book or record referred to in paragraph (3) must be made in ink or indelible pencil.
- (6) A person must not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.
- (7) A person must not purport to issue any certificate for the purposes of this Order, any regulations made under this Order, Part 21, 66, 145, 147 or M or EU-OPS unless authorised to do so by the relevant legislation.
- (8) A person must not issue any certificate referred to in paragraph (7) unless satisfied that all statements in the certificate are correct.

CAA's power to prevent aircraft flying

232.—(1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the CAA or that authorised person may direct in accordance with paragraph (3).

(2) The circumstances referred to in paragraph (1) are—

- (a) where any provision of article 3, 10, 11, 12, 16, 42, 50, 98, 132, 133, 134, 139(2) or 152 would be contravened in relation to the flight;
- (b) where the flight would be in contravention of any other provision of this Order, of any regulations made under this Order, of Part 21, 145 or M or of EU-OPS and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) where the aircraft is in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made under this Order, of Part 21, 145 or M or of EU-OPS.

(3) If paragraph (1) applies the CAA or that authorised person may direct the operator or the commander of the aircraft not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the CAA or by an authorised person.

(4) If the CAA or an authorised person has directed under paragraph (3), the CAA or an authorised person may take such steps as are necessary to detain the aircraft.

(5) For the purposes of this article the CAA or any authorised person may enter and inspect any aircraft.

Power to prevent third-country aircraft taking off

233. If it appears to an authorised person that a third-country aircraft—

- (a) has a safety deficiency and does not comply with international safety standards;
- (b) would obviously be hazardous to flight safety; and
- (c) is intended or is likely to be flown without completion by the operator of the appropriate corrective action,

that authorised person must give to the person appearing to be in command of the aircraft a direction in writing not to permit the aircraft to take off until further notice and take such steps as may be necessary to detain that aircraft.

Notifying competent authority of the detention of a third-country aircraft

234. If an authorised person detains a third-country aircraft that person must immediately inform the competent authority of the State of the operator of the detention and, where necessary, of the State in which the aircraft is registered.

Revocation of article 233 direction when validity of certificate of airworthiness affected

235. If an aircraft has been prohibited from taking off pursuant to article 233 and—

- (a) the safety deficiency affects the validity of the certificate of airworthiness of the aircraft; and
- (b) the CAA has granted the operator of the aircraft an exemption from the requirement that the aircraft must have a valid certificate of airworthiness,

an authorised person must not revoke a direction issued pursuant to article 233 without first being satisfied that the operator has obtained permission for the flight from all States over which it is intended to fly the aircraft.

Secretary of State's power to prevent aircraft flying

236.—(1) If it appears to the Secretary of State or an authorised person that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the Secretary of State or that authorised person may make a direction in accordance with paragraph (3).

(2) The circumstances referred to in paragraph (1) are where any provision of article 120, 223 or 225 would be contravened in relation to the flight.

(3) If paragraph (1) applies the Secretary of State or that authorised person may direct the operator or the commander of the aircraft not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Secretary of State or by an authorised person.

(4) The Secretary of State or any authorised person may take such steps as are necessary to detain an aircraft concerning which a direction has been made under paragraph (1).

(5) For the purposes of paragraph (1) the Secretary of State or any authorised person may enter any aerodrome and may enter and inspect any aircraft.

Directions to operators of aircraft to make data available

237.—(1) The Secretary of State may give a direction to any person who is an operator of an aircraft referred to in paragraph (2) requiring the operator to take the action referred to in paragraph (3).

(2) The aircraft is one which (alone or in combination with one or more other aircraft operated by the operator) is flown for the carriage of passengers from the United Kingdom (directly or via another country) to a country which is outside the European Economic Area and is specified in the direction.

(3) The action is the making available electronically of data in respect of all passengers and crew on the aircraft or expected to be on the aircraft.

- (4) A direction may be given in respect of—
 - (a) all aircraft;

- (b) any aircraft; or
- (c) any class of aircraft,

of which (at the time when the direction is given or at any subsequent time) the person is the operator and which is or are specified in the direction.

(5) A direction must specify—

- (a) the competent authorities of the country to whom the data are to be made available electronically; and
- (b) the types of data to which the direction relates.

(6) A direction only has effect in relation to data which are collected and contained in the operator's automated reservation system or departure control system.

Right of access to aerodromes and other places

238.—(1) Subject to paragraph (2), the CAA and any authorised person has the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting the aerodrome;
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or the authorised person has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or the authorised person has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order;
- (d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 205 is situated for the purpose of inspecting—
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
 - (ii) any document or record which it or the authorised person has power to demand under this Order; and
- (e) to any building or place from which a certified training provider is carrying on business for the purpose of inspecting—
 - (i) any facilities, equipment or accommodation used or intended to be used in connection with the provision of training; and
 - (ii) any document or record which it or the authorised person has power to demand under article 199.

(2) Access to a Government aerodrome may only be obtained with the permission of the person in charge of the aerodrome.

Obstruction of persons

239. A person must not intentionally obstruct or impede any person who is exercising a power or performing a duty under this Order.

Directions and directives

240.—(1) Any person who without reasonable excuse fails to comply with any direction or directive given to that person under any provision of this Order or any regulations made under this Order is deemed for the purposes of article 241 to have contravened that provision.

(2) Where any provision of this Order or any regulations made under this Order gives to a person the power to direct, the person to whom such a power is given also has the power to revoke or vary any such direction or directive.

Offences and penalties

241.—(1) Subject to paragraph (2), if any provision of this Order, any regulations made under this Order, Part 21, Part 145, Part M or EU-OPS is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 223, the charterer of that aircraft, is (without prejudice to the liability of any other person for that contravention) deemed for the purposes of the following provisions of this article to have contravened that provision.

(2) A person will not be deemed to have contravened a provision specified in paragraph (1) if the person proves that the contravention occurred without that person's consent or connivance and that that person exercised all due diligence to prevent the contravention.

(3) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, any regulations made under this Order, Part 21, Part 145, Part 147, Part M or EU-OPS was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission will be deemed not to be a contravention by that person of that provision.

(4) If a person is charged with contravening a provision of this Order or any regulations made under this Order by reason of that person having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport, public transport or aerial work, the flight is to be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if the person proves that they neither knew nor suspected that the flight was for that purpose.

(5) Any person who contravenes any provision specified in Part A of Schedule 13 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any person who contravenes any provision specified in Part B of Schedule 13 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) Any person who contravenes any provision specified in Part C of Schedule 13 is guilty of an offence and 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.

(8) Any person who contravenes any provision specified in Part D of Schedule 13 is guilty of an offence and 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 five years or both.

Exemption from Order

242. The CAA may exempt from any of the provisions of this Order (other than articles 120, 149, 151, 223, 224, 225, 230, and 243) or any regulations made under this Order, any aircraft or persons or classes of aircraft or persons, subject to such conditions as it thinks fit.

Appeal to County Court or Sheriff Court

243.—(1) Subject to paragraphs (3), (4) and (5), an appeal lies to a county court from any decision of the CAA that a person is not a fit person to hold a licence to act as—

- (a) an aircraft maintenance engineer;
- (b) a member of the flight crew of an aircraft;
- (c) an air traffic controller;
- (d) a student air traffic controller; or

- (e) a flight information service officer.
- (2) If the court is satisfied that on the evidence submitted to the CAA it was wrong in deciding that a person is not a fit person to hold a licence, the court may reverse the CAA's decision and the CAA must give effect to the court's determination.
- (3) An appeal does not lie from a decision of the CAA that a person is not qualified to hold the licence by reason of a deficiency in that person's knowledge, experience, competence, skill, physical or mental fitness.
- (4) If the appellant resides or has its registered or principal office in Scotland the appeal lies to the sheriff within whose jurisdiction the appellant resides and the appeal is by way of summary application⁽²²⁾.
- (5) Notwithstanding any provision to the contrary in rules governing appeals to the county court in Northern Ireland, if the appellant resides or has its registered or principal office in Northern Ireland the appeal lies to a county court held under the County Courts (Northern Ireland) Order 1980⁽²³⁾.
- (6) The CAA will be a respondent to any appeal under this article.
- (7) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision is deemed to have been taken on the date on which the CAA supplied a statement of its reasons for the decision to the applicant for the licence or the holder or former holder of it.
- (8) In the case of an appeal to the sheriff—
- (a) the sheriff may, if the sheriff thinks fit, and on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor;
 - (b) where it is proposed to appoint any person as an assessor, an objection to the proposed assessor, either personally or concerning the proposed assessor's qualification, may be stated by any party to the appeal and must be considered and disposed of by the sheriff.
- (9) The assessors for each sheriffdom must be appointed from a list of persons approved for the purposes by the sheriff principal and—
- (a) such a list must be published in such manner as the sheriff principal directs;
 - (b) such a list will be in force for three years only, but persons entered in any such list may be again approved in any subsequent list; and
 - (c) it is lawful for the sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in their sheriffdom.
- (10) The sheriff before whom an appeal is heard with the assistance of an assessor must make a note of any question submitted by the sheriff to such assessor and of the answer to that question.
- (11) An appeal lies on a point of law from any decision of a sheriff under this article to the Court of Session.

Approval of persons to supply reports

244. In relation to any of its functions under any of the provisions of this Order the CAA may approve a person as qualified to supply reports to it and may accept such reports.

⁽²²⁾ Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules) 1999 S.I. 1999/929.

⁽²³⁾ S.I. 1980/397 (N.I. 3).

Certificates, authorisations, approvals and permissions

245. Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the CAA, unless otherwise provided, such a certificate, authorisation, approval or permission—

- (a) must be in writing;
- (b) may be issued or granted subject to such conditions as the CAA thinks fit; and
- (c) may be issued or granted, subject to article 228, for such periods as the CAA thinks fit.

Competent authority

246.—(1) The CAA is the national aviation authority of the United Kingdom for the purposes of the Basic EASA Regulation.

(2) The CAA is the competent authority of the United Kingdom for the purposes of—

- (a) the EASA Aircraft Certification Regulation; and
- (b) the EASA Continuing Airworthiness Regulation.

(3) The CAA is the competent authority of the United Kingdom for the purposes of EU-OPS.

(4) The CAA is the national supervisory authority for the purposes of article 3 of the air traffic controller's directive.

(5) The Secretary of State is the competent authority under article 15 of Council Directive 96/29/Euratom for the purposes of article 42 of the Directive⁽²⁴⁾.

PART 32

Application of the Order

Extra-territorial effect of the Order⁽²⁵⁾

247.—(1) Except where the context otherwise requires, the provisions of this Order, in so far as they apply (whether by express reference or otherwise)—

- (a) to aircraft registered in the United Kingdom, apply to such aircraft wherever they may be; and
- (b) to such other aircraft when they are within the United Kingdom or on or in the neighbourhood of an offshore installation.

(2) Except where the context otherwise requires, the provisions of this Order in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything—

- (a) by persons in, or by any of the crew of, any aircraft registered in the United Kingdom, apply to such persons and crew, wherever they may be;
- (b) in relation to any aircraft registered in the United Kingdom by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be; and
- (c) in relation to any aircraft on or in the neighbourhood of an offshore installation, apply to every person irrespective of their nationality or, in the case of a body corporate, of the law under which it was incorporated and wherever that person or body may be.

⁽²⁴⁾ O.J. No. L 159, 29.6.1996, p.1.

⁽²⁵⁾ Paragraph 6 of Part III of Schedule 13 to the Civil Aviation Act 1982 c.16, as amended by section 101 of the Energy Act 2004 c.20, authorises the inclusion in an Air Navigation Order of certain extra-territorial provisions.

(3) Nothing in this article is to be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948⁽²⁶⁾ that that person will not be guilty of an offence.

Aircraft in transit over certain United Kingdom territorial waters

248.—(1) This article applies to any aircraft which is registered elsewhere than in the United Kingdom when flying over the territorial waters adjacent to the United Kingdom within any part of a strait specified in Schedule 14.

(2) If an aircraft is flying solely for the purpose of continuous and expeditious transit of the strait, only the articles and Schedules specified in paragraph (3) apply to that aircraft.

(3) The articles and Schedules referred to in paragraph (2) are—

- (a) article 39 and Schedule 5 to the extent necessary for the monitoring of the appropriate distress radio frequency;
- (b) article 160(2), (3), and (4) and the regulations made under that article;
- (c) article 241 and Part B of Schedule 13; and
- (d) article 242.

(4) The powers conferred by the provisions referred to in paragraph (3) may not be exercised in a way which would hamper the transit of the strait by an aircraft registered elsewhere than in the United Kingdom, but without prejudice to action needed to secure the safety of aircraft.

(5) In this article—

‘transit of the strait’ means overflight of the strait from an area of high seas at one end of the strait to an area of high seas at the other end, or flight to or from an area of high seas over some part of the strait for the purpose of entering, leaving or returning from a State bordering the strait; and

‘an area of high seas’ means any area outside the territorial waters of any State.

Application of Order to British-controlled aircraft registered elsewhere than in the United Kingdom

249.—(1) The CAA may direct that such of the provisions of this Order and of any regulations made or having effect under this Order as may be specified in the direction have effect as if reference in those provisions to aircraft registered in the United Kingdom included references to the aircraft specified in the direction.

(2) A direction under paragraph (1) may only specify an aircraft registered elsewhere than in the United Kingdom but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom.

Application of Order to the Crown

250.—(1) Subject to the provisions of this article, the provisions of this Order apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft is deemed to be the operator

⁽²⁶⁾ 1948 c.56. Section 3(1) limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies.

of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article renders liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

Application of the Order to visiting forces

251.—(1) This article applies to the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters.

(2) Except as otherwise expressly provided in this Order, every body and person and any property to which this article applies is exempt from the provisions of this Order and of any regulations made under this Order to the same extent as if it formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

Application of the Order to military aircraft

252.—(1) Except as otherwise provided by paragraph (2), and articles 144(2), 160(1)(a), 162(7) and (17) and 215, nothing in this Order applies to or in relation to any military aircraft.

(2) If a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of that person's duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the provisions specified in paragraph (3) apply to that flight.

(3) The provisions referred to in paragraph (2) are articles 137, 138, 139 and 161 and in addition article 160 (so far as applicable) applies unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exceptions from application of provisions of the Order for certain classes of aircraft

253.—(1) This article applies to—

- (a) any small balloon;
- (b) any kite weighing not more than two kg;
- (c) any small unmanned aircraft; and
- (d) any parachute including a parascending parachute.

(2) Subject to paragraph (3), nothing in this Order applies to or in relation to an aircraft to which this article applies.

(3) Articles 131, 138, 161, 163, 164, 165, 166, 167, 232 except 232(2)(a) and 255 apply to or in relation to an aircraft to which this article applies.

Saving

254.—(1) Subject to articles 211, 212 and 214, nothing in this Order or any regulations made under this Order confers any right to land in any place as against the owner of the land or any other persons interested in the land.

(2) Nothing in this Order obliges the CAA to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the grant of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

PART 33

Interpretation

Interpretation

255.—(1) In this Order—

‘A Conditions’ means the conditions set out in Section 1 of Part A of Schedule 2;

‘Accident prevention and flight safety programme’ means a programme designed to detect and eliminate or avoid hazards in order to improve the safety of flight operations;

‘Aerial work’ has the meaning assigned to it by article 259;

‘Aerial work aircraft’ means an aircraft (other than a commercial air transport aeroplane or a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

‘Aerial work flight’ means a flight for the purpose of aerial work;

‘Aerial work undertaking’ means an undertaking whose business includes the performance of aerial work;

‘Aerobatic manoeuvres’ includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

‘Aerodrome’—

- (a) means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft; and
- (b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but
- (c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

‘Aerodrome control service’ means an air traffic control service for any aircraft—

- (a) on the manoeuvring area or apron of the aerodrome for which the service is being provided;
- (b) which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface; or
- (c) which has been transferred from approach control in accordance with procedures approved by the CAA;

‘Aerodrome operating minima’ in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

‘Aerodrome traffic zone’ has the meaning assigned to it by article 258;

‘Aeronautical beacon’ means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

‘Aeronautical ground light’ means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

‘Aeronautical radio station’ means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

‘Aircraft rating’ includes a type rating and a class rating;

‘Air/ground communications service’ means a service provided from an aerodrome to give information to pilots of aircraft flying in the vicinity of the aerodrome by means of radio signals and ‘air/ground communications service unit’ is to be construed accordingly;

‘Air traffic controller’s directive’ means Directive 2006/23/EC(27) of the European Parliament and Council on a Community air traffic controller licence;

‘Air traffic control service’ means a service provided for the purpose of preventing collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of air traffic;

‘Air traffic control unit’ means a person appointed by a person maintaining an aerodrome or place to provide an air traffic control service;

‘Air traffic service equipment’ means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding—

- (a) any public electronic communications network; and
- (b) any equipment concerning which the CAA has made a direction that it is not air traffic service equipment for the purposes of articles 205 and 206;

‘Alternate aerodrome’ means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

‘Altitude hold and heading mode’ mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

‘Annual costs’ in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight for the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

‘Annual flying hours’ means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft for the year commencing on the first day of January preceding the date of the flight;

‘Approach control service’ means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome for which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

‘Approach to landing’ means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 feet above the relevant specified decision height or minimum descent height;

‘Appropriate aeronautical radio station’ means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

‘Appropriate air traffic control unit’ means, in relation to an aircraft, as the context requires—

- (a) the air traffic control unit serving the area in which the aircraft currently is; or
- (b) the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate before entering that area;

‘Apron’ means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

‘Area control centre’ means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

‘Area control service’ means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone;

‘Area navigation equipment’ means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

‘Authorised person’ means—

- (a) any constable;
- (b) in any article other than articles 233, 234, 235 and 236 any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;
- (c) in article 236 any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and
- (d) in articles 233, 234 and 235 any person authorised by the Secretary of State pursuant to regulation 5 of the Civil Aviation (Safety of Third-Country Aircraft) Regulations 2006⁽²⁸⁾;

‘Automated reservation system’ means the central reservation system of the operator of an aircraft which holds data relating to a flight booked by or on behalf of a passenger;

‘B Conditions’ means the conditions set out in Section 2 of Part A of Schedule 2;

‘Basic EASA Regulation’ means Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20th February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No. 1592/2002 and Directive 2004/36/EC⁽²⁹⁾;

‘Beneficial interest’ includes interests arising under contract and other equitable interests;

‘British protected person’ has the same meaning as in section 50 of the British Nationality Act 1981⁽³⁰⁾;

‘Cabin crew’ in relation to an aircraft means those persons on a public transport flight carried for the purpose of performing duties to be assigned by the operator or the commander of the aircraft in the interests of the safety of passengers but who do not act as a member of the flight crew;

‘Captive balloon’ means a balloon which when in flight is attached by a restraining device to the surface;

‘Captive flight’ means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

‘Cargo’ includes mail and animals;

‘Category II approach and landing’ means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height below 200 feet but not less than 100 feet; and
- (b) a runway visual range of not less than 300 metres;

⁽²⁸⁾ S.I. 2006/1384.

⁽²⁹⁾ O.J. No. L 79 of 19.03.2008, p.1.

⁽³⁰⁾ 1981 c.61.

‘Category IIIA approach and landing’ means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height lower than 100 feet; and
- (b) a runway visual range of not less than 200 metres;

‘Category IIIB approach and landing’ means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height lower than 50 feet or no decision height; and
- (b) a runway visual range of less than 200 metres but not less than 75 metres;

‘Certificate of airworthiness’ includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

‘Certificate of maintenance review’ has the meaning assigned to it by article 25(3);

‘Certificate of release to service issued under Part 145’ means a certificate of release to service issued in accordance with Part 145;

‘Certificate of release to service issued under this Order’ means a certificate issued in accordance with article 30 by a person specified in article 31;

‘Certificate of revalidation’ means a certificate issued in accordance with Section 2 of Part C of Schedule 7 for the purpose of maintaining the privileges of a flight crew licence;

‘Certificate of validity’ has the meaning assigned to it by article 22(5);

‘Certificated for single pilot operation’ means in relation to an aircraft one which is not required to carry more than one pilot by virtue of any one or more of the following—

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the related flight manual;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force for the aircraft or the related flight manual;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft for which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force for such an identical aircraft or the related flight manual; or
- (d) in the case of an aircraft flying in accordance with the conditions of a national permit to fly or an EASA permit to fly, that permit to fly;

‘Certified training provider’ means a person who has been certified by the CAA under article 198 or by a national supervisory authority of another Member State in accordance with article 13 of the air traffic controllers’ directive;

‘Class A airspace’, ‘Class B airspace’, ‘Class C airspace’, ‘Class D airspace’ and ‘Class E airspace’ mean airspace respectively notified as such;

‘Class rating’ for aeroplanes has the meaning specified in paragraph 1.215 of Section 1 of JAR-FCL 1;

‘Cloud ceiling’ in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

‘Commander’ in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

‘the Commonwealth’ means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981⁽³¹⁾ and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and ‘Commonwealth citizen’ is to be construed accordingly;

‘Commercial air transport aeroplane’ means an aeroplane flying, or intended by the operator of the aeroplane to fly, for the purpose of commercial air transport;

‘Commercial air transport flight’ means a flight which is required to be operated in accordance with EU-OPS and an aircraft flies for the purpose of commercial air transport if the flight is a commercial air transport flight;

‘Competent authority’ means, subject to article 246, in relation to the United Kingdom, the CAA, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

‘Conditional sale agreement’ has the same meaning as in section 189 of the Consumer Credit Act 1974⁽³²⁾;

‘Congested area’ in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

‘Contracting State’ means any State (including the United Kingdom) which is party to the Chicago Convention;

‘Controllable balloon’ means a balloon which is not a small balloon and which is capable of free controlled flight;

‘Controlled airspace’ means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

‘Control area’ means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

‘Control zone’ means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

‘Co-pilot’ means a pilot who in performing duties as such is subject to the direction of another pilot carried in the aircraft;

‘Country’ includes a territory;

‘Crew’ means persons carried in an aircraft who are—

- (a) a member of the flight crew;
- (b) a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 95(2) or any provision of EU-OPS; or
- (c) a member of the cabin crew;

‘Critical power unit’ means the power unit whose failure would most adversely affect the performance or handling qualities of an aircraft;

‘Danger Area’ means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

‘Decision height’ in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

‘Declared distance’ has the meaning which has been notified;

(31) 1981 c.61; as amended by S.I. 1983/882; S.I. 1983/1699; the Brunei and Maldives Act 1985, section 1 and paragraph 8 of the Schedule, S.I. 1989/1331; S.I. 1990/1502; S.I. 1994/1634 and S.I. 1998/3161.

(32) 1974 c.39.

‘Departure control system’ means, in relation to an operator of an aircraft, the system used by the operator to check passengers onto a flight;

‘Direct costs’ means the costs actually and necessarily incurred in connection with a flight without a view to profit but excluding any remuneration payable to the pilot for services as such;

‘Director’ has the same meaning as in section 250 of the Companies Act 2006⁽³³⁾;

‘Disidentification’ means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;

‘EASA’ means the European Aviation Safety Agency established under the Basic EASA Regulation;

‘EASA aircraft’ means an aircraft which is required by the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

‘EASA certificate of airworthiness’ means a certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;

‘EASA Aircraft Certification Regulation’ means [Commission Regulation \(EC\) No. 1702/2003](#) of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations⁽³⁴⁾;

‘EASA Continuing Airworthiness Regulation’ means [Commission Regulation \(EC\) No. 2042/2003](#) of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks⁽³⁵⁾;

‘EASA permit to fly’ means a permit to fly issued for an EASA aircraft under and in accordance with subpart P of Part 21;

‘EASA restricted certificate of airworthiness’ means a restricted certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;

‘EU-OPS’ means Annex III to the Technical Harmonisation Regulation⁽³⁶⁾;

‘EU-OPS aeroplane’ means an aeroplane operated by an EU-OPS operator;

‘EU-OPS air operator certificate’ means an air operator’s certificate granted under EU-OPS;

‘EU-OPS operator’ means an operator who holds an EU-OPS air operator certificate;

‘Flight’ and ‘to fly’ have the meanings respectively assigned to them by article 256;

‘Flight check’ means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

‘Flight crew’ in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

⁽³³⁾ 2006 c.46.

⁽³⁴⁾ O.J. No. L 243, 24.9.2003, p.6.

⁽³⁵⁾ O.J. No. L 315, 28.11.2003, p.1. This Regulation was amended as specified at footnote (e) on page 126. There are other amendments not relevant to this Order.

⁽³⁶⁾ The Technical Harmonisation Regulation was amended and Annex III inserted by Regulation 1899/2006 of the European Parliament and of the Council of 12 December 2006 O.J. No. L 377, 27.12.2006, p.1; an updated Annex III was inserted by Commission Regulation 859/2008 O.J. No. L 254, 20.9.2008, p.1.

‘Flight data monitoring programme’ means a programme of analysing recorded flight data in order to improve the safety of flight operations;

‘Flight information service’ means—

- (a) in the case of an aerodrome—
 - (i) the giving of information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
 - (ii) the grant or refusal of a permission under rule 40(b) or 41(2) of the Rules of the Air Regulations 2007⁽³⁷⁾; and
- (b) in the case of an area control centre, the giving of information by means of radio signals to aircraft,

and ‘aerodrome flight information service’ is to be construed accordingly;

‘Flight information service unit’ means a person appointed by the CAA or by any other person maintaining an aerodrome or area control centre to provide a flight information service and ‘aerodrome flight information service unit’ is to be construed accordingly;

‘Flight level’ means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

‘Flight manual’ means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

‘Flight recording system’ means a system comprising either a flight data recorder or a cockpit voice recorder or both;

‘Flight simulator’ means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

‘Flight visibility’ means the visibility forward from the flight deck of an aircraft in flight;

‘Flying display’ means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

‘Flying machine’ means an aeroplane, a powered lift tilt rotor aircraft, a SLMG, a helicopter or a gyroplane;

‘Free balloon’ means a balloon which when in flight is not attached by any form of restraining device to the surface;

‘Free controlled flight’ means flight during which—

- (a) a balloon is not attached to the surface by any form of restraining device (other than a tether of not more than five metres in length which may be used as part of the take-off procedure); and
- (b) the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

‘General lighthouse authority’ has the same meaning as in section 193 of the Merchant Shipping Act 1995⁽³⁸⁾;

‘Glider’ means—

- (a) a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

⁽³⁷⁾ S.I. 2007/734 to which there are amendments not relevant to this provision.

⁽³⁸⁾ 1995 c.21.

- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

and any reference in this Order to a glider includes a reference to a self-sustaining glider and a self-propelled hang-glider;

‘Government aerodrome’ means any aerodrome in the United Kingdom which is in the occupation of any Government Department or visiting force;

‘Hire-purchase agreement’ has the same meaning as in section 189 of the Consumer Credit Act 1974;

‘Holding’ means, in the case of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

‘Hostile environment’ means, for the purposes of sub-paragraphs 4(15)(b)(ix) and (xvii) of Schedule 4, an environment in which—

- (a) a safe forced landing cannot be accomplished because the surface is inadequate; or
- (b) the helicopter occupants cannot be adequately protected from the elements; or
- (c) search and rescue response and capability is not provided consistent with anticipated exposure; or
- (d) there is an unacceptable risk of endangering persons or property on the ground;

‘Instructor’s rating’ means a flying instructor’s rating, an assistant flying instructor’s rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

‘Instrument approach procedure’ means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;

‘Instrument flight procedure’ means—

- (a) a standard instrument arrival;
- (b) an instrument approach procedure;
- (c) a standard instrument departure; or
- (d) a planned departure route;

‘Instrument Flight Rules’ means Instrument Flight Rules prescribed by Section 6 of the Rules of the Air Regulations 2007;

‘Instrument Landing System’ means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position relative to a defined approach path whilst carrying out an approach to land;

‘Instrument Meteorological Conditions’ means weather precluding flight in compliance with the Visual Flight Rules;

‘International headquarters’ means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(39);

‘International safety standards’ means the safety standards contained in the Chicago Convention as in force from time to time;

‘JAA’ means the body that was known as the Joint Aviation Authorities, until its dissolution on 30th June 2009⁽⁴⁰⁾, which was previously an associated body of the European Civil Aviation Conference;

‘JAA Full Member State’ means a State which was a full member of the JAA on 30th June 2009;

‘JAA licence’ means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State in accordance with a procedure which had been assessed as satisfactory following an inspection by a licensing medical standardisation team of the JAA.

‘JAR-FCL 1’ means, unless otherwise specified, the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;

‘JAR-FCL 2’ means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

‘JAR-FCL licence’ means a licence included in Section 2 of Part A of Schedule 7;

‘JAR-OPS 3’ means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st April 2004 and the Corrigendum adopted by the JAA on 1st July 2004;

‘Kg’ means kilogramme or kilogrammes as the context requires;

‘Km’ means kilometre or kilometres as the context requires;

‘To land’ in relation to aircraft includes alighting on the water;

‘Large rocket’ means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

‘Legal personal representative’ means the person constituted as the executor, administrator, or other representative, of a deceased person;

‘Let-down’ means, in the case of an aircraft approaching an aerodrome to land, a defined procedure designed to enable an aircraft to descend safely to a point at which it can continue the approach visually;

‘Licence’ includes in relation to a flight crew licence any certificate of competency or certificate of validity or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

‘Licensed aerodrome’ means an aerodrome licensed under article 211;

‘Lifejacket’ includes any device designed to support a person individually in or on the water;

‘Log book’ includes in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, a record kept either in a book, or by any other means approved by the CAA in the particular case;

‘Maintenance’ means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

‘Manoeuvring area’ means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

‘Maximum approved passenger seating configuration’ means—

(40) The JAA was dissolved pursuant to a resolution of the European Civil Aviation Conference submitted to the Special Plenary Session of the European Civil Aviation Conference held on 25th June 2008.

- (a) in the case of an aircraft to which article 83 applies the maximum approved passenger seating configuration specified in the operations manual of the aircraft; and
- (b) in any other case, the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

‘Maximum total weight authorised’ means in relation to an aircraft the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force for the aircraft;

‘Medical attendant’ means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

‘Medium intensity steady red light’ means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention⁽⁴¹⁾;

‘Microlight aeroplane’ means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum total weight authorised not exceeding—
 - (i) 300kg for a single seat landplane, (or 390kg for a single seat landplane of which at least 51% was built by an amateur, or non-profit making association of amateurs, for their own purposes and without any commercial objective, in respect of which a permit to fly issued by the CAA was in force prior to 1st January 2003);
 - (ii) 450kg for a two-seat landplane; or
 - (iii) 330kg for a single seat amphibian or floatplane; or
 - (iv) 495kg for a two-seat amphibian or floatplane; or
 - (v) 315kg for a single seat landplane equipped with an airframe mounted total recovery parachute system; or
 - (vi) 472.5kg for a two-seat landplane equipped with an airframe mounted total recovery parachute system; and
- (b) a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

‘Microwave Landing System’ means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position within a defined volume of airspace whilst carrying out an approach to land;

‘Military aircraft’ means—

- (a) the naval, military or air force aircraft of any country;
- (b) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (c) any aircraft for which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

‘Military rocket’ means—

- (a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any rocket for which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;

(41) Annex 14 is published by the International Civil Aviation Organisation. For availability see Explanatory Note.

‘Minimum descent height’ in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

‘Multi-crew co-operation’ means the functioning of the flight crew as a team of co-operating members led by the pilot in command;

‘National air operator’s certificate’ means an air operator’s certificate granted by the CAA under article 12(2);

‘National certificate of airworthiness’ means a certificate of airworthiness issued under article 18;

‘National permit to fly’ means a permit to fly issued under article 21;

‘Nautical mile’ means the International Nautical Mile, that is to say, a distance of 1852 metres;

‘Night’ means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

‘Non-EASA aircraft’ means an aircraft which is not required by the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite are to be construed accordingly;

‘Non-precision approach’ means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

‘Non-revenue flight’ means—

- (a) in the case of a flight by an aeroplane, any flight which the holder of a United Kingdom Private Pilot’s Licence (Aeroplanes) is not prohibited from undertaking by paragraph (2) (a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 7;
- (b) in the case of a flight by a helicopter, any flight which the holder of a United Kingdom Private Pilot’s Licence (Helicopters) is not prohibited from undertaking by paragraph (2) (a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 7; and
- (c) in the case of a flight by a gyroplane, any flight which the holder of a United Kingdom Private Pilot’s Licence (Gyroplanes) is not prohibited from undertaking by under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 7;

‘North Atlantic Minimum Navigation Performance Specification airspace’ means the airspace prescribed as such;

‘Notified’ means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled ‘United Kingdom Notam’ or ‘United Kingdom Aeronautical Information Publication’ and for the time being in force;

‘Notified aerodrome’ means an aerodrome which is notified for the purposes of rule 45 of the Rules of the Air Regulations 2007(42);

‘Notified operating hours’ means the times notified for an aerodrome during which rule 45 of the Rules of the Air Regulations 2007 applies;

‘Obstacle limitation surfaces’ has the same meaning as in the document entitled ‘CAP 168 Licensing of aerodromes’ published by the CAA in December 2008;

‘Occurrence’ means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious

(42) [S.I. 2007/734](#) to which there are amendments not relevant to this provision.

incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996(43);

‘Occurrence Reporting Directive’ means Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation(44)

‘Offshore service’ means an air traffic control service for any aircraft flying to or from offshore oil and gas installations and for other aircraft operating in the vicinity of these aircraft in airspace specified for this purpose in the manual of air traffic services;

‘Operating staff’ means the servants and agents employed by an operator of an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

‘Operational position’ means a position provided and equipped for the purpose of providing a particular type of air traffic control service;

‘Operator’ has the meaning assigned to it by article 257;

‘Parascending parachute’ means a parachute which is towed by cable in such a manner as to cause it to ascend;

‘Part 21’ means the Annex so entitled to the EASA Aircraft Certification Regulation, as amended(45);

‘Part 66’ means Annex III so entitled to the EASA Continuing Airworthiness Regulation;

‘Part 145’ means Annex II so entitled to the EASA Continuing Airworthiness Regulation;

‘Part 147’ means Annex IV so entitled to the EASA Continuing Airworthiness Regulation;

‘Part M’ means Annex I so entitled to the EASA Continuing Airworthiness Regulation as amended(46);

‘Passenger’ means a person other than a member of the crew;

‘Performance Class 1 operations’ means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the power unit failure recognition occurs during take-off at or before reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

‘Performance Class 2 operations’ means flights where, in the event of the failure of a power unit, the helicopter will be able to safely continue the flight to an appropriate landing area or, where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

‘Performance Class 3 operations’ means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

‘Period of duty’ means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called on to perform, any of the functions specified in a rating included in the controller’s licence;

‘Pilot in command’ means a person who for the time being is in charge of the piloting of an aircraft without being under the direction of any other pilot in the aircraft;

‘Planned departure route’ means a departure route for use by an aircraft flying in accordance with the Instrument Flight Rules which links an aerodrome or a specific runway of an

(43) S.I. 1996/2798.

(44) O.J. No. L 167, 4.7.2003, p.23.

(45) O.J. No. L 243, 27.9.2003, p.6, amended by [Commission Regulation \(EC\) No. 375/2007](#) O.J. No. L 94, 4.4.2007, p.3 and to which there are other amendments not relevant to this Order.

(46) Annex I was amended by [Commission Regulation \(EC\) No. 707/2006](#), O.J. No. L 122, 5.5.2006, p.17 and by [Commission Regulation \(EC\) No. 1056/2008](#) of 27th October 2008 O.J. No. L283, 28.10.2008, p.5.

aerodrome with a notified significant point from which the flight may safely continue and which is not wholly contained within controlled airspace;

‘Police air operator’s certificate’ means a certificate granted by the CAA under article 13(5);

‘Police authority’ means a Chief Officer of police for any area of England or Wales, a Chief Constable for any area of Scotland and the Chief Constable of the Northern Ireland Police Service;

‘Police officer’ means any person who is a member of a police force or of the Northern Ireland Police Service (including, for the avoidance of doubt, the Northern Ireland Police Service Reserve), and any special constable;

‘Pre-flight inspection’ means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

‘Precision approach’ means an instrument approach using an Instrument Landing System, Microwave Landing System or precision approach radar for guidance in both azimuth and elevation;

‘Precision approach radar’ means radar equipment designed to enable an air traffic controller to determine accurately an aircraft’s position whilst it is carrying out an approach to land so that the air traffic controller can provide instructions and guidance to the pilot to enable the pilot to manoeuvre the aircraft relative to a defined approach path;

‘Pressurised aircraft’ means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

‘Private aircraft’ means an aircraft which is not an aerial work aircraft, a public transport aircraft or a commercial air transport aeroplane;

‘Private flight’ means a flight which is not an aerial work, public transport or commercial air transport flight;

‘Proficiency check’ has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1 for aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 for helicopters;

‘Public electronic communications network’ has the same meaning as in section 151 of the Communications Act 2003(47);

‘Public transport’ has the meaning assigned to it by article 260;

‘Public transport aircraft’ means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

‘Public transport flight’ means a flight for the purpose of public transport;

‘Public use licence’ has the meaning assigned to it by article 212(3);

‘Record’ has the same meaning as in section 81(6) of the Transport Act 2000(48);

‘Reduced Vertical Separation Minimum airspace’ means any airspace between flight level 290 and flight level 410 inclusive which has been notified, prescribed or otherwise designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1000 feet or 300 metres must be applied;

‘Released flight’ means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

‘Relevant overseas territory’ means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

‘Replacement’ in relation to any part of an aircraft or its equipment—

(47) 2003 c.21.

(48) 2000 c.38.

- (a) includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but
- (b) does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

‘Required Navigation Performance airspace’ means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

‘Rocket’ means a device which is propelled by ejecting expanding gases generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

‘Runway visual range’ in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in—

- (a) the vicinity of the touchdown zone; or
- (b) if this is not reasonably practicable, in the vicinity of the midpoint of the runway, and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range must be taken to be the runway visual range for the time being;

‘Safety management system’ means a systematic approach to managing safety including the necessary organisational structure, accountabilities, policies and procedures;

‘Scheduled journey’ means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

‘Seaplane’ has the same meaning as in section 97 of the Civil Aviation Act 1982(49);

‘Sector’ means part of the airspace controlled from an area control centre or other place;

‘Self-launching motor glider’ means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

‘Self-propelled hang-glider’ means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration of not more than 35 knots calibrated airspeed;
- (c) carries a maximum of two persons;
- (d) has a maximum fuel capacity of 10 litres; and
- (e) has a maximum unladen weight, including full fuel, of 60kg for single place aircraft and 70kg for two place aircraft;

‘Self-sustaining glider’ means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

‘Simple single engine aeroplane’ means a single engine piston aeroplane with a maximum take off weight authorised of not more than 2000kg and which is not a microlight aeroplane or a SLMG;

(49) 1982 c.16.

‘Skill test’ has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1 for aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 for helicopters;

‘SLMG’ means a self-launching motor glider;

‘Small balloon’ means a balloon of not more than two metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

‘Small rocket’ means a rocket of which the total impulse of the motor or combination of motors is not more than 10,240 Newton-seconds;

‘Small unmanned aircraft’ means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

‘Special tasks service’ means an air traffic control service—

(a) for any aircraft flying for the purposes of research and development of aircraft, aircraft equipment or aircraft systems which is not flying in accordance with normal aviation practice; and

(b) for other aircraft in the vicinity of any such aircraft;

‘Special VFR flight’ means a flight which is a special VFR flight for the purposes of the Rules of the Air Regulations 2007;

‘SSEA’ means a simple single engine aeroplane;

‘Standard instrument arrival’ means an arrival route for use by an aircraft flying in accordance with the instrument flight rules which links a notified significant point with a point from which an instrument approach procedure may be commenced;

‘Standard instrument departure’ means a departure route for use by an aircraft flying in accordance with the Instrument Flight Rules which links an aerodrome or a specific runway of an aerodrome with a notified significant point from which the flight may safely continue and which is wholly contained within controlled airspace;

‘State aircraft’ means an aircraft engaged in military, customs, police or similar services;

‘State of design’ means the State having jurisdiction over the organisation responsible for the type design of an aircraft;

‘State of the operator’ means the State in which the operator of an aircraft has its principal place of business or, if it has no such place of business, its permanent residence, in circumstances where—

(a) that aircraft is registered in another Contracting State;

(b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;

(c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has its principal place of business or, if it has no such place of business, its permanent residence, agreed to transfer to it its functions and duties as State of registry for that aircraft in relation to, in the case of article 16(1), airworthiness, in the case of article 39(1), aircraft radio equipment, in the case of article 61, flight crew licensing or, in the case of article 112, radio licensing; and

(d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

‘Take-off decision point’ means the latest point in the take-off at which, following recognition of a power unit failure, the helicopter will be able to carry out a rejected take-off;

‘Technical Harmonisation Regulation’ means [Council Regulation \(EEC\) No. 3922/91](#) of 16th December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended⁽⁵⁰⁾;

‘Technical log’ means a record containing the information specified in paragraph M.A.306 of Part M;

‘Terminal control service’ means an air traffic control service for any aircraft—

- (a) flying in a terminal control area; or
- (b) intending to fly within a terminal control area while it is in an adjacent sector specified for this purpose in the manual of air traffic services;

‘Tethered flight’ means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

‘Third-country aircraft’ means any aircraft, other than a State aircraft, which is not used or operated under the control of the competent authority of a Member State;

‘Touring motor glider’ has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1;

‘Type rating’ for aeroplanes has the meaning specified in paragraph 1.220 of Section 1 of JAR-FCL 1;

‘Type rating’ for helicopters has the meaning specified in paragraph 2.220 of Section 1 of JAR-FCL 2;

‘Uncontrollable balloon’ means a balloon which is not a small balloon and which is not capable of free controlled flight;

‘United Kingdom licence’ means a licence included in Section 1 of Part A of Schedule 7;

‘United Kingdom licence for which there is a JAR-FCL equivalent’ means the following licences included in Section 1 of Part A of Schedule 7—

- (a) Private Pilot’s Licence (Aeroplanes);
- (b) Commercial Pilot’s Licence (Aeroplanes);
- (c) Airline Transport Pilot’s Licence (Aeroplanes);
- (d) Private Pilot’s Licence (Helicopters);
- (e) Commercial Pilot’s Licence (Helicopters and Gyroplanes);
- (f) Airline Transport Pilot’s Licence (Helicopters and Gyroplanes);

‘United Kingdom licence for which there is no JAR-FCL equivalent’ means any licence included in Section 1 of Part A of Schedule 7 other than any such licence which is a United Kingdom licence for which there is a JAR-FCL equivalent;

‘Valuable consideration’ means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

‘Visiting force’ means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of the Visiting Forces Act 1952⁽⁵¹⁾—

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or

⁽⁵⁰⁾ O.J. No. L 373, 31.12.91, p.4. The Technical Harmonisation Regulation was amended and Annex III inserted by Regulation 1899/2006 of the European Parliament and of the Council of 12 December 2006 O.J. No. L 377, 27.12.2006, p.1; an updated Annex III was inserted by Commission Regulation 859/2008 O.J. No. L 254, 20.9.2008, p.1. Council Regulation 3922/91 applies throughout the area of the EEA by virtue of the amendment of the EEA Agreement (Cm 2073 and 2183) by the Decision of the EEA Joint Committee No. 7/94 of 21.3.94 (O.J. No. L160, 28.6.94, p.1).

⁽⁵¹⁾ 1952 c.67.

- (b) which from time to time apply to that country by virtue of paragraph (b) of section 1(1) and of any Order in Council made or hereafter to be made under section 1 designating that country for the purposes of that Act following section 1(2) of that Act;

‘Visual Flight Rules’ means Visual Flight Rules prescribed by Section 5 of the Rules of the Air Regulations 2007⁽⁵²⁾;

‘Visual Meteorological Conditions’ means weather permitting flight in accordance with the Visual Flight Rules;

‘With the surface in sight’ means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument and ‘when the surface is not in sight’ is to be construed accordingly.

- (2) References in this Order to—

- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;
- (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, SLMG, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples of the same unless otherwise stated.

- (3) The expressions appearing in the ‘Classification of Aircraft’ in Part A of Schedule 3 have the meanings assigned to them in that Part.

Meaning of in flight

256.—(1) An aircraft is deemed to be in flight—

- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off, until the moment when it next comes to rest after landing;
- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached to the surface or comes to rest on the surface;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest on the surface; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest on the surface.

- (2) The expressions ‘a flight’ and ‘to fly’ are to be construed in accordance with paragraph (1).

Meaning of operator

257.—(1) Subject to paragraph (2), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(2) For the purposes of the application of any provision in Part 3 and Part 4, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than the holder of a

⁽⁵²⁾ S.I. 2007/734 amended by S.I. 2007/1371; there are other amending instruments but none are relevant to this provision.

national air operator's certificate, the holder of an EU-OPS air operator certificate or an aerial work undertaking has the management of that aircraft for a period of not more than 14 days, paragraph (1) has effect as if that agreement had not been entered into.

Meaning of aerodrome traffic zone

258.—(1) Subject to paragraphs (3) and (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1850 metres or less is that specified in paragraph (2).

(2) The aerodrome traffic zone at an aerodrome referred to in paragraph (1) is the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of two nautical miles.

(3) Paragraph (4) applies if—

- (a) the aerodrome traffic zone specified in paragraph (2) would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome; and
- (b) this paragraph is notified as being applicable.

(4) The aerodrome traffic zone is that specified in paragraph (5) as though the length of the longest runway at the aerodrome were notified as greater than 1850 metres.

(5) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1850 metres is that specified in paragraph (6).

(6) The aerodrome traffic zone is the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 2½ nautical miles.

(7) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome which is on an offshore installation is the airspace extending from mean sea level to 2000 feet above mean sea level and within 1½ nautical miles of the offshore installation.

(8) The aerodrome traffic zone of a notified aerodrome excludes any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

Meaning of aerial work

259.—(1) Subject to paragraph (2) and Part 34, aerial work means any purpose, other than commercial air transport or public transport, for which an aircraft is flown if valuable consideration is given or promised for the flight or the purpose of the flight.

(2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight is deemed to be a private flight for the purposes of Part 3 and Part 4.

(3) Aerial work consists of instruction or testing in a club environment if it consists of the giving of instruction in flying or the conducting of flying tests for the purposes of this Order in an aircraft owned by, operated by or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

Meaning of public transport

260.—(1) For the purposes of this Order and subject to Part 34, an aircraft in flight is flying on a public transport flight if the conditions specified in paragraph (2) are met.

- (2) The conditions referred to in paragraph (1) are—
- (a) the aircraft is not flying on a commercial air transport flight; and
 - (b) that
 - (i) valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
 - (ii) the flight is operated by the holder of a national air operator's certificate or an EU-OPS air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).
- (3) The persons referred to in paragraph (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order or EU-OPS.
- (4) The cargo referred to in paragraph (2)(b)(ii) is cargo intended to be used by any persons specified in paragraph (3) or by the operator.

PART 34

Public Transport and Aerial Work

Application of Part

261. Nothing in this Part applies to a commercial air transport flight.

Public transport – special rules for hire of aircraft

262.—(1) Subject to the provisions of this article and this Part, an aircraft in flight is deemed to fly for the purpose of public transport for the purposes of Part 3 and Part 4 (other than articles 37(2) and 39(2)), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight.

(2) Paragraph (1) does not apply to any single-seat aircraft which has a maximum total weight authorised of not more than 910kg otherwise than under a hire-purchase or conditional sale agreement.

(3) Paragraph (1) does not apply if the only such valuable consideration is paid under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (1), it is not flying for the purpose of the public transport of passengers unless valuable consideration is given or promised for the carriage of those passengers.

(5) A glider is not flying for the purpose of public transport for the purposes of Part 3 and Part 4 by virtue of paragraph (1) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in paragraph (1) for the flight or the purpose of the flight it is a private flight—

- (a) subject to sub-paragraph (b), for all purposes other than Part 3 and Part 4; and
- (b) for the purposes of articles 37(2) and 39(2).

Public transport – special rule for associations of persons

263.—(1) A transaction is effected in accordance with this paragraph if, under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member of the association on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected in a different manner.

(2) If a transaction is effected in accordance with paragraph (1) valuable consideration is, for the purposes of this Order, deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

Public transport – special rule for groups of companies

264.—(1) For the purposes of article 260(1)(a), there is to be disregarded any valuable consideration given or promised for a flight or the purpose of a flight by one company to another company which is—

- (a) its holding company;
- (b) its subsidiary; or
- (c) another subsidiary of the same holding company.

(2) In this article ‘holding company’ and ‘subsidiary’ have the meanings respectively specified in Section 1159 of the Companies Act 2006(53).

Public transport and aerial work – exceptions – flying displays

265.—(1) A flight is, for the purposes of Part 7, a private flight if—

- (a) the flight is of a sort described in paragraph (2); and
- (b) the only valuable consideration for the flight or the purpose of the flight is of a sort described in paragraph (3).

(2) A flight is of a sort described in this paragraph if it is—

- (a) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
- (b) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (a) and is made with the intention of carrying out such a flight; or
- (c) for the purpose of returning after such a flight as is specified in sub-paragraph (a) to a place at which the aircraft is usually based.

(3) Valuable consideration is of a sort described in this paragraph if it is one or more of the following—

- (a) valuable consideration specified in article 262(1);
- (b) in the case of an aircraft owned in accordance with article 269(2), valuable consideration which falls within article 269(3);
- (c) valuable consideration given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration is not more than the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution must bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or

- (d) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which must not exceed £500 for any one race or contest except with the permission of the CAA granted to the organiser of the race or contest.

(4) Any prize falling within paragraph (3)(d) is deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

Public transport and aerial work – exceptions – charity flights

266.—(1) Subject to paragraph (2), a flight is a private flight if the only valuable consideration given or promised for the flight or the purpose of the flight is one or more of the following—

- (a) valuable consideration specified in article 262(1);
- (b) in the case of an aircraft owned in accordance with article 269(2), valuable consideration which falls within article 269(3); or
- (c) valuable consideration given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission of the CAA and in accordance with any conditions specified in it.

(2) If valuable consideration specified in article 262(1) is given or promised the flight is a public transport flight for the purposes of Part 3 and Part 4 (other than articles 37(2) and 39(2)).

Public transport and aerial work – exceptions – cost sharing

267.—(1) Subject to paragraph (4), a flight is a private flight if—

- (a) the only valuable consideration given or promised for the flight or the purpose of the flight is of a sort described in paragraph (2); and
- (b) the criteria in paragraph (3) are satisfied.

(2) Valuable consideration is of a sort described in this paragraph if it is one or more of the following—

- (a) valuable consideration specified in article 262(1);
- (b) in the case of an aircraft owned in accordance with article 269(2), valuable consideration which falls within article 269(3); or
- (c) a contribution to the direct costs of the flight otherwise payable by the pilot in command.

(3) The criteria in this paragraph are satisfied if—

- (a) no more than four persons (including the pilot) are carried;
- (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the direct costs is not more than the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
- (c) no information has been published or advertised before the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over must be members of that flying club; and
- (d) no person acting as a pilot is employed as a pilot by, or is a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

(4) If valuable consideration specified in article 262(1) is given or promised the flight is a public transport flight for the purposes of Part 3 and Part 4 (other than articles 37(2) and 39(2)).

Public transport and aerial work – exceptions – recovery of direct costs

268.—(1) Subject to paragraphs (2) and (3), a flight is a private flight if the only valuable consideration given or promised for the flight or the purpose of the flight is one or more of the following—

- (a) valuable consideration specified in article 262(1);
- (b) in the case of an aircraft owned in accordance with article 269(2), valuable consideration which falls within article 269(3); or
- (c) the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director.

(2) Neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried on the flight.

(3) If valuable consideration specified in article 262(1) is given or promised the flight is a public transport flight for the purposes of Part 3 and Part 4 (other than articles 37(2) and 39(2)).

Public transport and aerial work – exceptions – jointly owned aircraft

269.—(1) A flight is a private flight if the aircraft falls within paragraph (2) and the only valuable consideration given or promised for the flight or the purpose of the flight falls within paragraph (3).

(2) An aircraft falls within this paragraph if it is owned—

- (a) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and—
 - (i) the aircraft is registered in the names of all the joint owners; or
 - (ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the CAA of the names of all the persons beneficially entitled to a share in the aircraft; or
- (b) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company.

(3) Valuable consideration falls within this paragraph if it is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft and is either or both—

- (a) in respect of and no greater than the direct costs of the flight; or
- (b) in respect of the annual costs.

Public transport and aerial work – exceptions – parachuting

270. A flight is an aerial work flight if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a parachuting permission granted by the CAA under article 130;
- (b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) and which—
 - (i) is made with the intention of carrying out such a flight; and
 - (ii) on which no person is carried who it is not intended to carry on such a flight and who may be carried on such a flight in accordance with the terms of a parachuting permission granted by the CAA under article 130; or

- (c) returning after such a flight as is specified in sub-paragraph (a) to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a).

Judith Simpson
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