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## STATUTORY INSTRUMENTS

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# 2009 No. 3015

## The Air Navigation Order 2009 (revoked)

### 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—

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- (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 [F1Part 1] of Section 2 of CAP 747 F2... which would apply if it were an EASA aircraft;
  - (c) comply with any United Kingdom national requirements for State aircraft published in [F3Section 2] of CAP 747F4 ...; and
  - (d) not fly within the airspace of another State without the permission of the competent authority of that State.

[F5(4) In this article, “CAP 747” means the document entitled “Mandatory Requirements for Airworthiness” published by The Stationery Office on behalf of the CAA (First Edition Issue 3 dated 29th January 2010).]

#### **Textual Amendments**

- F1** Words in art. 17(3)(b) substituted (14.4.2010) by [The Air Navigation \(Amendment\) Order 2010 \(S.I. 2010/770\)](#), arts. 1, **6(1)(a)**
- F2** Words in art. 17(3)(b) omitted (14.4.2010) by virtue of [The Air Navigation \(Amendment\) Order 2010 \(S.I. 2010/770\)](#), arts. 1, **6(1)(b)**
- F3** Words in art. 17(3)(c) substituted (14.4.2010) by [The Air Navigation \(Amendment\) Order 2010 \(S.I. 2010/770\)](#), arts. 1, **6(2)(a)**
- F4** Words in art. 17(3)(c) omitted (14.4.2010) by virtue of [The Air Navigation \(Amendment\) Order 2010 \(S.I. 2010/770\)](#), arts. 1, **6(2)(b)**
- F5** [Art. 17\(4\)](#) inserted (14.4.2010) by [The Air Navigation \(Amendment\) Order 2010 \(S.I. 2010/770\)](#), arts. 1, **6(3)**

### **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.

#### **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 [F6article 18(7)].

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*Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2009 (revoked), PART 3. (See end of Document for details)*

### Textual Amendments

- F6** Words in art. 19(4) substituted (9.11.2011) by [The Air Navigation \(Amendment\) Order 2011 \(S.I. 2011/2432\)](#), arts. 1, **4(2)**

### 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—

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### ***Occupant Warning***

This aircraft has not been certificated to an International Requirement

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- (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.

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*Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2009 (revoked), PART 3. (See end of Document for details)*

### **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 [F7 paragraph (1)] 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.

#### **Textual Amendments**

F7 Words in art. 25(5) substituted (9.11.2011) by [The Air Navigation \(Amendment\) Order 2011 \(S.I. 2011/2432\)](#), arts. 1, 4(3)

### **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;

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- (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.

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*Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2009 (revoked), PART 3. (See end of Document for details)*

### **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.

*Status: Point in time view as at 09/11/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2009 (revoked), PART 3. (See end of Document for details)*

(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.

**Status:**

Point in time view as at 09/11/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2009 (revoked), PART 3.