
STATUTORY INSTRUMENTS

2012 No. 1751

CIVIL AVIATION

The Air Navigation (Amendment) Order 2012

<i>Made</i>	- - - -	<i>10th July 2012</i>
<i>Laid before Parliament</i>		<i>17th July 2012</i>
<i>Coming into force</i>		
<i>Other than Part 1</i>		<i>10th August 2012</i>
<i>Part 1</i>		<i>17th September 2012</i>

At the Court at Windsor Castle, the 10th day of July 2012
Present,
The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2)(b), (3)(b), (3)(h), (3)(j) and (3)(n), 61(1)(a) and 101 of the Civil Aviation Act 1982 ^{M1}, Parts 2 and 3 of Schedule 13 to that Act and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 ^{M2}.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to Her Majesty that it is expedient for certain references to provisions of a Community instrument to be construed as a reference to those provisions as amended from time to time.

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

Marginal Citations

- M1** 1982 c.16; sections 60 and 61 have been amended by the [Airports Act 1986 \(c.31\)](#), [section 83\(5\)](#) and Schedule 6, Part 2. Section 60 was further amended by the [Aviation and Maritime Security Act 1990 \(c.31\)](#), [section 47](#) and Schedule 4, and by the [Civil Aviation Act 2006 \(c.34\)](#), [section 8](#). Section 61 was further amended by the [Aviation \(Offences\) Act 2003 \(c.19\)](#), [section 2](#), and Schedule 13 has been amended by the [Energy Act 2004 \(c.20\)](#), [section 101](#).
- M2** 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 28](#).

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Citation and commencement

- 1.—(1) This Order may be cited as the Air Navigation (Amendment) Order 2012.
- (2) This Order comes into force on 10th August 2012 except for Part 1 which comes into force on 17th September 2012.

Interpretation

2. In this Order—
 - (a) “the EASA Aircrew Regulation” means Commission Regulation (EU) No. 1178/2011 of 3rd November 2011^{M3}, laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No. 216/2008^{M4} of the European Parliament and of the Council; and
 - (b) “the EASA Air Traffic Controller Licensing Regulation” means Commission Regulation (EU) No. 805/2011 of 10th August 2011^{M5} laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council.

Marginal Citations

- M3** OJ No L 311, 25.11.2011, p.1.
M4 OJ No L 79, 19.3.2008, p.1.
M5 OJ No L 206, 11.8.2011, p.21.

Review

- 3.—(1) The Secretary of State must from time to time—
 - (a) carry out a review of Parts 3, 3A, 6, 7, 8, 24 and 25A of the Air Navigation Order 2009^{M6} as amended or inserted by this Order,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the EASA Aircrew Regulation and the EASA Air Traffic Controller Licensing Regulation are implemented in other Member States.
- (3) The report must in particular—
 - (a) set out the objectives intended to be achieved by the regulatory system established by this Order,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this article must be published before 10th August 2017.
- (5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Marginal Citations

- M6** S.I. 2009/3015, to which there are amendments not relevant to this Order.

Amendment of the Air Navigation Order 2009

4. The Air Navigation Order 2009 is further amended as follows.

VALID FROM 17/09/2018

PART 1

Changes arising from the EASA Aircrew Regulation

5. In article 3 (aircraft to be registered), in paragraph (2), for “50” substitute “ 50A ”.
6. In article 29 (circumstances where a certificate of release to service is not required), in paragraph (3)(b), for “granted or rendered valid under this Order” substitute “ , which has been granted or rendered valid under this Order or is a Part-FCL licence, ”.
7. In article 31 (who may issue a certificate of release to service), in paragraph (1)(d), for “a JAR-FCL Airline Transport Pilot Licence (Aeroplane)” substitute “ a Part-FCL Airline Transport Pilot Licence (Aeroplane) ”.
8. For article 50 (requirement for appropriate licence to act as member of flight crew of aircraft registered in United Kingdom) substitute—

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

50.—(1) Subject to paragraph (2), a person must not act as a pilot of an EASA aircraft that is registered in the United Kingdom without holding an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation.

(2) A person may act as a pilot of an EASA aircraft without holding an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation when undergoing flying training, including solo flying training authorised and supervised by a flight instructor, in accordance with the EASA Aircrew Regulation as amended from time to time.

(3) Subject to the exceptions set out in articles 51, 57 and 59 a person must not act as a flight radiotelephony operator, a flight engineer or a flight navigator of an EASA aircraft that is registered in the United Kingdom without holding an appropriate licence granted or rendered valid under this Order.

Requirement for appropriate licence to act as member of flight crew of non-EASA aircraft registered in the United Kingdom

50A.—(1) Subject to articles 51 to 60, a person must not act as a member of the flight crew of an aircraft to which this paragraph applies without holding an appropriate licence granted or rendered valid under this Order.

(2) Paragraph (1) applies to any non-EASA aircraft registered in the United Kingdom other than such an aircraft that is referred to in paragraphs (a)(ii), (d) or (h) of Annex

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II of the Basic EASA Regulation and that is flying for the purpose of commercial air transport (an ‘excepted aircraft’).

(3) A person must not act as a member of the flight crew of an excepted aircraft unless—

- (a) the person acts as a flight radiotelephony operator, flight engineer or flight navigator and holds an appropriate licence granted or rendered valid under this Order; or
- (b) the person holds an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation.

Appropriate licence

50B. An appropriate licence for the purposes of this Part and Schedule 7 means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.”.

9. In article 52 (flight crew licence requirement – exception for solo flying training)—
 - (a) in the heading, add at the end “ in non-EASA aircraft ”;
 - (b) in paragraph (1) for “A person may act as pilot in command of an aircraft” substitute “ A person may act as pilot in command of a non-EASA aircraft ”;
 - (c) for sub-paragraph (2)(a), substitute—
 - “(a) the person is at least 16 years of age unless the aircraft is a balloon or a glider, in which case the person must be at least 14 years of age;”;
 - (d) in sub-paragraph (2)(f), for “a JAA licence” substitute “ a Part-FCL licence ”.
10. In article 53 (flight crew licence requirement – exception for dual flying training)—
 - (a) in the heading, add at the end “ in non-EASA aircraft ”;
 - (b) in paragraph (1) for “A person may act as pilot of an aircraft” substitute “ A person may act as pilot of a non-EASA aircraft ”; and
 - (c) in sub-paragraph (2)(b), for “a JAA licence” substitute “ a Part-FCL licence ”.
11. In article 54 (flight crew licence requirement – exception for gyroplanes at night)—
 - (a) in the heading, after “Exception for” insert “ non-EASA ”;
 - (b) in paragraph (1) for “A person may act as pilot in command of a gyroplane” substitute “ A person may act as pilot in command of a non-EASA gyroplane ”; and
 - (c) in sub-paragraph (2)(b), for “a JAA licence” substitute “ a Part-FCL licence ”.
12. In article 55 (flight crew licence requirement – exception for balloons)—
 - (a) in the heading, after “Exception for” insert “ non-EASA ”; and
 - (b) in paragraph (1) for “A person may act as pilot in command of a balloon” substitute “ A person may act as pilot in command of a non-EASA balloon ”.

13. In article 56 (flight crew licence requirement – exception for pilot undergoing training or tests)—

- (a) in the heading, add at the end “ in non-EASA aircraft ”;
- (b) in paragraph (1) for “a person may act as pilot of an aircraft” substitute “ a person may act as pilot of a non-EASA aircraft ”; and
- (c) in sub-paragraph (4)(a), after “holds” insert “ a Part-FCL licence or ”.

14. In article 60 (flight crew licence requirement – exception where CAA permission granted)

- (a) in the heading, after “Exception” insert “ for non-EASA aircraft ”; and
- (b) in paragraph (1) for “acting as pilot of an aircraft” substitute “ acting as pilot of a non-EASA aircraft ”.

15. For article 61 (requirement for appropriate licence to act as member of flight crew of aircraft registered elsewhere than in the United Kingdom), substitute—

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

61.—(1) Subject to paragraph (2), this article applies to any non-EASA aircraft registered in a country other than the United Kingdom.

(2) This article does not apply to such an aircraft that is referred to in paragraphs (a) (ii), (d) or (h) of Annex II of the Basic EASA Regulation when flying for the purpose of commercial air transport.

(3) A person must not act as a member of the flight crew which must by or under this Order be carried in an aircraft to which this article applies unless—

- (a) in the case of a non-EASA 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 a non-EASA 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.

Requirement for appropriate licence to act as member of flight crew of EASA aircraft and specified non-EASA aircraft registered elsewhere than in the United Kingdom

61A.—(1) A person must not act as a member of the flight crew which must by or under the EASA Aircrew Regulation as amended from time to time be carried in—

- (a) an EASA aircraft that is registered in a country other than the United Kingdom; or
- (b) a non-EASA aircraft that is referred to in paragraphs (a) (ii), (d) or (h) of Annex II of the Basic EASA Regulation that is flying for the purpose of commercial air transport and that is registered in a country other than the United Kingdom,

unless paragraph (2), (3) or (4) applies.

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(2) This paragraph applies if the operator of the aircraft is neither resident nor established in the European Union, and the person acting as a member of the flight crew 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.

(3) This paragraph applies if the person acting as a member of the flight crew is the holder of an appropriate licence converted, granted or rendered valid under the EASA Aircrew Regulation.

(4) This paragraph applies if the person is acting as a flight radiotelephony operator, a flight engineer or a flight navigator of an aircraft referred to in paragraph (1)(b) and holds 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.”.

16. For article 62 (deeming a non-United Kingdom flight crew licence valid) substitute—

“Deeming a non-United Kingdom flight crew licence and any Part-FCL licence valid for non-EASA aircraft and deeming a non-United Kingdom radiotelephony licence valid for any aircraft

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

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

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

(3) Subject to paragraph (6), for the purposes of this Part, a licence to which this article applies is, unless the CAA gives a direction to the contrary, deemed to be a licence rendered valid under this Order.

(4) Subject to paragraph (5), the privileges of a licence deemed valid under paragraph (3) are restricted so that it 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) 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) The restrictions in paragraph (4) do not apply to a flight radiotelephony operator's licence or a Part-FCL licence.

(6) A Part-FCL licence with single-engine piston aeroplane privileges is not deemed to be rendered valid for a microlight aeroplane unless the holder of the licence has undergone differences training in accordance with Section 2 of Part B of Schedule 7, appropriate for a microlight aeroplane class rating.”.

17. In article 63(1) (permission required where licence does not meet relevant minimum standards), after “any licence”, insert “, other than a Part-FCL licence,”.

- 18.** In article 64 (grant, renewal and privileges of flight crew licences)—
- (a) in the heading, after “privileges of” insert “ United Kingdom ”;
 - (b) in paragraph (1), for “an aircraft” substitute “ a non-EASA aircraft ”;
 - (c) in paragraph (2), after “undergo such” insert “ assessments, ” and after “medical”, insert “ assessments and ”;
 - (d) in paragraph (7), omit “(Aeroplanes)”; and
 - (e) in paragraph (8), after “ ‘Privileges and conditions’ ”, add “ on a non-EASA aircraft ”.
- 19.** In article 65 (ratings and qualifications)—
- (a) in paragraph (2), omit “, JAR-FCL licence”;
 - (b) after paragraph (2), insert—
“(2A) The CAA may include in any National Private Pilot's Licence (Helicopters) any rating specified in Section 3 of Part B of Schedule 7.”; and
 - (c) in paragraph (5), after “Schedule 7”, add “ on a non-EASA aircraft ”.
- 20.** In article 66 (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)—
- (a) in the heading, for “pilot licences which are United Kingdom licences for which there are no JAR-FCL equivalents except for Basic Commercial Pilots' Licences” substitute “ United Kingdom pilot licences for balloons, airships, gliders and gyroplanes ”;
 - (b) for paragraph (1), substitute—
“(1) This article applies to the following United Kingdom pilot licences—
 - (a) United Kingdom Private Pilot's Licence (Balloons and Airships);
 - (b) United Kingdom Commercial Pilot's Licence (Balloons);
 - (c) United Kingdom Commercial Pilot's Licence (Airships);
 - (d) United Kingdom Commercial Pilot's Licence (Gliders); and
 - (e) United Kingdom Private Pilot's Licence (Gyroplanes).”;
 - (c) in paragraph (3), after “holder of a” insert “ United Kingdom ”; and
 - (d) in paragraph (4), omit “book”.
- 21.** In article 67 (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)—
- (a) in the heading, for “JAR-FCL licences, United Kingdom licences for which there are JAR-FCL equivalents and United Kingdom Basic Commercial Pilots' Licences” substitute “ United Kingdom aeroplane and helicopter licences ”;
 - (b) for paragraph (1) substitute—
“(1) This article applies to United Kingdom aeroplane and helicopter licences.”;
 - (c) for paragraph (2)(c) substitute—
“(c) the holder has undertaken the differences training specified in paragraph FCL.710 of Part-FCL.”; and

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(d) in paragraph (2)(d), omit “book”.

22. In article 68(1) and (2) (maintenance of privileges of other ratings specified in Section 1 of Part B of Schedule 7), for “A person” substitute “ The holder of a United Kingdom licence ”.

23. For article 69 substitute—

“Maintenance of privileges of ratings specified in Sections 2 and 3 of Part B of Schedule 7

69.—(1) Subject to paragraph (2), the holder of a United Kingdom licence or a National Private Pilot's Licence is not entitled to exercise the privileges of any rating specified in Sections 2 or 3 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 (Aeroplanes) may exercise the privileges of a microlight aeroplane class rating included in the licence if the following conditions are satisfied—

- (a) the rating was granted before 1st February 2008;
- (b) there is included in the holder's personal flying log a certificate of test or a certificate of experience which is appropriate to the functions to be performed on the flight in accordance with Case A of 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.”.

24. In article 71 (maintenance of privileges of Flight Navigators' Licences), after “holder of a”, insert “ United Kingdom ”.

25. For articles 72 and 73 substitute—

“Requirement for a medical certificate for a United Kingdom licence and a National Private Pilot's Licence (Helicopters)

72.—(1) This article applies to any licence granted under article 64, other than—

- (a) a National Private Pilot's Licence (Aeroplanes);
- (b) a United Kingdom Private Pilot's Licence (Gyroplanes);
- (c) a United Kingdom Private Pilot's Licence (Balloons and Airships);
- (d) a United Kingdom Commercial Pilot's Licence (Balloons) that is restricted to aerial work and to the privileges of a United Kingdom Private Pilot's Licence (Balloons and Airships); and
- (e) a United Kingdom Flight Radiotelephony Operator's Licence.

(2) The holder of a licence to which this article applies, other than a National Private Pilot's Licence (Helicopters), is not entitled to perform any of the functions to which the

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licence relates unless the licence includes a valid medical certificate issued under article 72A or the holder of the licence has a valid medical certificate issued under Part-MED that is not a Light Aircraft Pilot Licence medical certificate.

(3) The holder of a National Private Pilot's Licence (Helicopters) is not entitled to exercise any of the privileges of the licence unless the holder has a medical certificate of a type described in paragraph (2) or a medical certificate granted under Part-MED that is valid for a Light Aircraft Pilot Licence issued under Part-FCL.

Issue and validity of a medical certificate for a United Kingdom licence and a National Private Pilot's Licence (Helicopters)

72A.—(1) The CAA may approve a person to carry out a medical assessment or examination for the purposes of this article and to issue a medical certificate in accordance with paragraph (6).

(2) An approval may be granted generally or in a particular case or class of cases.

(3) Every applicant for, or holder of, a licence to which article 72 applies must, whenever the CAA requires, submit to a medical assessment or examination by a person approved by the CAA.

(4) The approved person must make a report of the assessment or examination to the CAA in such form as the CAA may require.

(5) On the basis of such medical assessment or examination, the approved person must assess whether the applicant for or holder of the licence meets the requirements specified by the CAA.

(6) If the approved person assesses the applicant for or holder of the licence as meeting the requirements specified by the CAA, the approved person must issue a certificate to that effect.

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

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

Requirement for a Part MED medical certificate for a Part-FCL licence

72B. The holder of a Part-FCL licence is not entitled to exercise any of the privileges of the licence unless the holder has a valid medical certificate in accordance with paragraph MED.A.030 of Part-MED.

Requirement for a medical declaration

73.—(1) Paragraph 2 applies to the following licences granted under article 64—

- (a) a National Private Pilot's Licence (Aeroplanes);
- (b) a United Kingdom Private Pilot's Licence (Gyroplanes);
- (c) a United Kingdom Private Pilot's Licence (Balloons and Airships); and
- (d) a United Kingdom Commercial Pilot's Licence (Balloons) that is restricted to aerial work and to the privileges of a United Kingdom Private Pilot's Licence (Balloons and Airships).

(2) The holder of a licence to which this article applies is not entitled to exercise any of the privileges of the licence unless the holder has—

- (a) a valid medical certificate issued under article 72A;

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- (b) a valid medical declaration issued under article 73A; or
- (c) a medical certificate granted under Section 2 of Subpart A of Part-MED that is valid for a Light Aircraft Pilot Licence issued under Part-FCL.

Issue and validity of a medical declaration

73A.—(1) A medical declaration is valid if it is issued in accordance with paragraph (2) and the validity period specified in paragraph (3) or (4) has not expired.

- (2) A medical declaration is issued in accordance with this paragraph 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 medical practitioner or, if the applicant is a member of Her Majesty's naval, military or air forces, a Medical Officer of those forces who is included in the General Practitioner Register maintained by the General Medical Council, is authorised to review the applicant's medical records; and
 - (d) the applicant's general medical practitioner or Medical Officer has signed a statement in the declaration that, having seen those medical records, the general medical practitioner or Medical Officer 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.

(3) Subject to paragraph (4), the validity period of a medical declaration commences on the date it is signed by the general medical practitioner or Medical Officer and is as specified in the table in paragraph (4).

(4) If a new medical declaration is signed when the applicant already holds a current medical declaration which expires within the next 45 days, the validity period of the new medical declaration commences on the date on which the current medical declaration expires and is as specified in the following table.

Period of validity of medical declaration

<i>Age of holder at date of signature of medical declaration</i>	<i>Medical declaration validity period</i>
Under 45	Until the holder's 45th birthday or 5 years whichever is longer
45 to 59	5 years
60 to 64	Until the holder's 65th birthday or 1 year whichever is longer
65 or over	1 year

Issue of Light Aircraft Pilot Licence medical certificates

73B.—(1) This article establishes the requirements for the purposes of MED.D.035(a)(2) of Part-MED for a general medical practitioner to act as an authorised aeromedical examiner for the purpose of the issue, revalidation or renewal of Light Aircraft Pilot Licence medical certificates in accordance with Part-MED.

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(2) The requirements referred to in paragraph (1) are that the general medical practitioner must—

- (a) be in general practice or be a Medical Officer of Her Majesty's naval, military or air forces who is included in the General Practitioner Register maintained by the General Medical Council;
- (b) hold a valid licence to practise medicine from the General Medical Council; and
- (c) have access to and be able to consult the medical records of the applicant.

(3) A general medical practitioner who issues a Light Aircraft Pilot Licence medical certificate must, in relation to that certificate, keep for a period of 10 years after the expiry of the certificate—

- (a) the signed and completed Light Aircraft Pilot Licence medical application form;
- (b) a copy of the completed assessment or examination forms; and
- (c) a copy of the medical certificate.

Occupational health medical practitioners

73C. For the purposes of paragraph MED.D.040(b) of Part-MED an ‘occupational health medical practitioner’ is any doctor listed in the Specialist Register of the General Medical Council as having specialist registration in occupational medicine.”.

26. In article 74 (licence holder not to act a member of flight crew when unfit)—

- (a) in the heading, for “a member” substitute “ as member ”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (b), after “any” insert “ significant ”; and
 - (ii) for “inform the CAA” substitute “ inform an aeromedical examiner authorised by the CAA ”;
- (c) in paragraph (4), for “examined” substitute “ assessed ” and for “examination” substitute “ assessment ”; and
- (d) in paragraph (5)—
 - (i) after “may be lifted by the CAA” insert “ or an aeromedical examiner authorised by the CAA ”;
 - (ii) for “it” substitute “ the CAA or the aeromedical examiner ”; and
 - (iii) for “examined” substitute “ assessed ”.

27. In article 75 (training for landing on or taking off from water)—

- (a) for “an aircraft”, substitute “ a non-EASA aircraft ”; and
- (b) omit “book”.

28. For article 78 (validation of licences) substitute—

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“Validation of licences

78. Except for a Part-FCL licence the CAA may issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than that of the United Kingdom.”.

29. In article 79 (personal flying log book)—

- (a) in the heading, omit “book”;
- (b) for each reference to “log book” substitute “ log ”; and
- (c) in paragraph (1), for “a licence under this Order” substitute “ a flight crew licence under this Order or a flight crew licence issued by the CAA under Part-FCL ”.

30.—(1) In article 80(2)(a) (instruction in flying), for “a JAA licence” substitute “ a Part-FCL licence ”.

(2) At the end of article 80(2)(b), add “ or the holder of the licence holds a valid instructor's certificate granted under Part-FCL which entitles the holder to give the instruction ”.

31. For article 81 (glider pilot – minimum age) substitute—

“Glider pilots – minimum age

81. A person under 14 years of age must not act as pilot in command of a non-EASA glider.”.

32. For article 82(1) (licences and ratings no longer to be granted) substitute—

“Licences and ratings no longer to be granted

82.—(1) The CAA must not grant—

- (a) a United Kingdom Commercial Pilot's Licence (Helicopters and Gyroplanes); or
- (b) a United Kingdom Airline Transport Pilot's Licence (Helicopters and Gyroplanes),

to any person who was not on 31st December 2002 the holder of such a licence.”.

33. After article 82 insert the following—

“Status of licences issued by the CAA

82A.—(1) This article applies to pilot licences issued by the CAA prior to 17th September 2012 that were not entitled to be mutually recognised by the JAA Full Member States in accordance with JAR-FCL 1 or JAR-FCL 2.

(2) The following have effect—

- (a) any United Kingdom Basic Commercial Pilot's Licence (Aeroplanes) that includes a restriction specified in paragraph (3) is deemed to be a United Kingdom Private Pilot's Licence (Aeroplanes);

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- (b) any United Kingdom Basic Commercial Pilot's Licence (Aeroplanes), other than a licence referred to in sub-paragraph (a), is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes);
- (c) any JAA Commercial Pilot Licence (Aeroplane) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes);
- (d) any JAA Airline Transport Pilot Licence (Aeroplane) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Airline Transport Pilot's Licence (Aeroplanes); and
- (e) any JAA Commercial Pilot Licence (Helicopter) that is endorsed to the effect that the licence does not fully comply with JAR-FCL is deemed to be a United Kingdom Commercial Pilot's Licence (Helicopters).

(3) A restriction referred to in paragraph (2)(a) is a restriction that the holder must not fly as pilot in command or co-pilot for the purposes of public transport or aerial work, apart from aerial work for—

- (a) the giving of instruction in flying;
- (b) the conducting of flying tests for the purpose of this Order;
- (c) the towing of a glider in flight;
- (d) the giving of flying displays; or
- (e) parachute dropping.”.

34. In article 156 (production of documents and records)—

(a) for paragraph (4) substitute—

“(4) The holder of a licence granted or rendered valid under this Order or by the CAA under the EASA Aircrew Regulation or of a medical certificate required under article 72 or article 72B or of a medical declaration under article 73 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, the medical certificate or the medical declaration, to be produced to that person.”; and

(b) in paragraph (5), omit “book”.

35. In article 158 (power to inspect and copy documents and records)—

(a) omit “book”; and

(b) before “document” insert “ declaration, ”.

36. In article 229 (provisional suspension or variation of EASA airworthiness certificates)—

(a) in the heading, for “airworthiness certificates” substitute “ certificates, licences and other documents ”; and

(b) for paragraph (1) substitute—

“(1) The CAA may, subject to and in accordance with article 14(1) of the Basic EASA Regulation, provisionally suspend or vary any certificate, licence, rating, endorsement, approval, authorisation or other document which it has issued to a person under an EASA Regulation, pending inquiry into or consideration of the case.”.

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- 37.** In article 231 (prohibitions in relation to documents and records)—
- (a) in sub-paragraphs (1)(a), (1)(b) and paragraph (7) for “Part 21, 66, 145, 147 or M” substitute “ an EASA Regulation ”;
 - (b) in sub-paragraph (3)(a), for “by or under Part 21, 66, 145, 147 or M or by or under EU-OPS.” substitute “ by or under an EASA Regulation or by or under EU-OPS; or ”.
- 38.** In article 241(3) (offences and penalties), for “Part 21, Part 145, Part 147, Part M” substitute “ an EASA Regulation ”.
- 39.** In article 246 (competent authority)—
- (a) for paragraph (2), substitute—
 - “(2) The CAA is the competent authority of the United Kingdom for the purposes of—
 - (a) the EASA Aircraft Certification Regulation;
 - (b) the EASA Aircrew Regulation; and
 - (c) the EASA Continuing Airworthiness Regulation.”;
 - (b) omit paragraph (4).
- 40.** In article 255(1) (interpretation)—
- (a) for the definition of “Class rating” substitute—
 - “‘Class rating’ means a rating that entitles the holder of a pilot licence to act as pilot of an aircraft of a specified class that does not require a type rating;”;
 - (b) for the definition of “Commercial air transport flight” substitute—
 - “‘Commercial air transport flight’ means a flight which is required to be operated in accordance with EU-OPS or a flight which would, if undertaken by an EASA aeroplane registered in a Member State be so required: and an aircraft flies for the purpose of commercial air transport if it flies on a commercial air transport flight;”;
 - (c) omit the definition of “EASA certificate of airworthiness”;
 - (d) after the definition of “EASA Aircraft Certification Regulation” insert—
 - “‘EASA Aircrew Regulation’ means Commission Regulation (EU) No. 1178/2011 of 3rd November 2011, laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council ^{M7};
 - ‘EASA certificate of airworthiness’ means a certificate of airworthiness issued for an EASA aircraft under and in accordance with subpart H of Part 21;”;
 - (e) after the definition of “EASA permit to fly” insert—
 - “‘EASA Regulation’ means the Basic EASA Regulation and any implementing rule made under that Regulation;”;
 - (f) after the definition of “General lighthouse authority” insert—
 - “‘General medical practitioner’ means a person registered in the General Practitioner Register kept by the General Medical Council;”;
 - (g) at the end of the definition of “Instructor’s rating”, after “(helicopter)”, add “ or any instructor certificate issued in accordance with Part-FCL ”;

- (h) omit the definitions of “JAA licence”, “JAR-FCL licence” and “JAR-OPS 3”;
- (i) in the definition of “Non-EASA aircraft”, after “a non-EASA glider” insert “, a non-EASA helicopter, a non-EASA SLMG, a non-EASA SSEA ”;
- (j) after the definition of “Part 147” insert—
 - “Part-ARA’ means Annex VI so entitled to the EASA Aircrew Regulation;
 - ‘Part-FCL’ means Annex I so entitled to the EASA Aircrew Regulation;
 - ‘Part-FCL licence’ means a flight crew licence granted under Part-FCL by an EU Member State or a country that has an agreement with EASA or the EU to grant and administer licences in accordance with the EASA Aircrew Regulation and to be subject to standardisation by EASA in respect of that Regulation;”;
- (k) after the definition of “Part M” insert—
 - “Part-MED’ means Annex IV so entitled to the EASA Aircrew Regulation;
 - ‘Part-ORA’ means Annex VII so entitled to the EASA Aircrew Regulation;”;
- (l) for the definition of “Proficiency check” substitute—
 - “Proficiency check’ means a demonstration of skill to revalidate or renew a rating, including such oral examination as the examiner may require;”;
- (m) for the definition of “Skill test” substitute—
 - “Skill test’ means a demonstration of skill for licence or rating issue, including such oral examination as the examiner may require;”;
- (n) for the definition of “Touring motor glider” substitute—
 - “Touring motor glider’ means an aircraft with the characteristics of a non-power-driven glider which has one or more integrally mounted, non-retractable power units and one or more non-retractable propellers and which is designed or intended to take off under its own power;”;
- (o) for the definitions of “Type rating” for aeroplanes and helicopters substitute—
 - “Type rating’ means a rating that entitles the holder of a pilot licence to act as pilot of an aircraft of the type specified in the rating and the holder of a flight engineer's licence to act as flight engineer in an aircraft of the type specified in the rating;”;
- (p) omit the definitions of “United Kingdom licence for which there is a JAR-FCL equivalent” and “United Kingdom licence for which there is no JAR-FCL equivalent”.

Marginal Citations

M7 OJ No L 311, 25.11.2011, p.1.

41. In Sub-Section 1 of Section 1 of Part A of Schedule 7 (aeroplane pilots)—

- (a) in the entry for Private Pilot's Licence (Aeroplanes)—
 - (i) omit “*No maximum period of validity*”;
 - (ii) in sub-paragraph (4)(a), before “microlight aeroplanes” insert “ aeroplanes, ”; and
 - (iii) in sub-paragraph (4)(b), before “a microlight aeroplane” insert “ an aeroplane, ”.
- (b) omit the entry for Basic Commercial Pilot's Licence (Aeroplanes); and
- (c) in the entries for Commercial Pilot's Licence (Aeroplanes) and Airline Transport Pilot's Licence (Aeroplanes), omit “*Maximum period of validity – 10 years*”.

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42. In Sub-Section 2 of Section 1 of Part A of Schedule 7 (helicopter and gyroplane pilots)—
- (a) in the entry for Private Pilot's Licence (Helicopters)—
 - (i) omit “*No maximum period of validity*”; and
 - (ii) in paragraph (2)(d)(ii), after “unless” insert “ flying at night, ”;
 - (b) in the entry for Private Pilot's Licence (Gyroplanes), omit “*No maximum period of validity*”;
 - (c) in the entries for Commercial Pilot's Licence (Helicopters and Gyroplanes) and Airline Transport Pilot's Licence (Helicopters and Gyroplanes), omit “*Maximum period of validity – 10 years*”; and
 - (d) after the entry for Airline Transport Pilot's Licence (Helicopters and Gyroplanes), add—

“Commercial Pilot's Licence (Helicopters)

Minimum age – 18 years

Privileges:

- (1) Subject to paragraphs (2) and (5), the holder of a Commercial Pilot's Licence (Helicopters) is entitled—
 - (a) to exercise the privileges of a Private Pilot's Licence (Helicopters) which includes a night rating (helicopters); and
 - (b) to fly as pilot in command of any helicopter which is of a type specified in an aircraft rating included in the licence when the helicopter is flying on a flight for any purpose.
- (2) The holder may not—
 - (a) fly such a helicopter for the purpose of commercial air transport or public transport unless it is certificated for single-pilot operation;
 - (b) fly such a helicopter for the purpose of commercial air transport or public transport after attaining the age of 60 years unless the helicopter is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling the second pilot to act as pilot in command or co-pilot of that helicopter;
 - (c) unless the licence includes an instrument rating (helicopter), fly as pilot in command of such a helicopter in circumstances which require compliance with the Instrument Flight Rules—
 - (i) in Class A, B or C airspace at any time; or
 - (ii) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight;
 - (d) fly as pilot in command of a helicopter carrying passengers unless the holder has carried out at least three circuits, each to include a take-off and landing, as pilot flying in a helicopter of the same type or a flight simulator of the helicopter type to be used, during the previous 90 days;
 - (e) unless the licence includes an instrument rating (helicopter), act as pilot in command of a helicopter carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in subparagraph (d) has been at night.

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(3) Subject to paragraphs (4) and (5), the holder is entitled to fly as co-pilot of any helicopter of a type specified in an aircraft rating included in the licence when the helicopter is flying on a flight for any purpose whatsoever.

(4) The holder may not—

(a) unless the licence includes an instrument rating (helicopter), fly as co-pilot of such a helicopter flying in circumstances which require compliance with the Instrument Flight Rules—

(i) in Class A, B or C airspace at any time; or

(ii) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight; or

(b) as co-pilot serve at the flying controls in a helicopter carrying passengers during take off and landing unless the holder has served as a pilot at the controls during take off and landing in a helicopter of the same type or in a flight simulator of the helicopter type to be used, during the previous 90 days.

(5) The holder must not at any time after attaining the age of 65 years act as pilot in command or co-pilot of any helicopter on a flight for the purpose of commercial air transport or public transport.

Airline Transport Pilot's Licence (Helicopters)

Minimum age – 21 years

Privileges:

The holder of an Airline Transport Pilot's Licence (Helicopters) is entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters) except that the restriction at sub-paragraph (2)(a) of those privileges does not apply.”

43. In Sub-Section 3 (balloon and airship pilots) of Section 1 of Part A of Schedule 7—

(a) in the entry for Private Pilot's Licence (Balloons and Airships), omit “*No maximum period of validity*”; and

(b) in the entries for “Commercial Pilot's Licence (Balloons)” and “Commercial Pilot's Licence (Airships)”, omit “*Maximum period of validity – 10 years*”.

44. In Sub-Sections 4 (glider pilots) and 5 (other flight crew) of Section 1 of Part A of Schedule 7, omit “*Maximum period of validity – 10 years*” wherever it occurs.

45. Omit Section 2 (JAR-FCL Licences) of Part A of Schedule 7.

46. In Section 3 (National Private Pilot's Licence (Aeroplanes)) of Part A of Schedule 7—

(a) in the heading, omit “(Aeroplanes)”;

(b) in the entry for National Private Pilot's Licence (Aeroplanes) omit “*No maximum period of validity*”; and

(c) after the entry for National Private Pilot's Licence (Aeroplanes), add—

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“National Private Pilot's Licence (Helicopters)

Minimum age – 17 years

Privileges and conditions—

(1) Subject to paragraphs (2) to (4), the holder of the licence is entitled to fly as pilot in command of a single-engine helicopter with a maximum total weight authorised of 2000 kg or less, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board.

Flight outside the United Kingdom

(2) The holder may not fly such a helicopter outside the United Kingdom except with the permission of the competent authority for the airspace in which the aircraft is being flown.

Flight for purpose of commercial air transport, public transport and aerial work

(3) The holder may not fly such a helicopter for the purpose of commercial air transport, public transport or aerial work.

Carriage of persons

(4) The holder may not fly as pilot in command of such a helicopter when carrying passengers unless within the preceding 90 days the holder has made at least three take-offs and three landings as the sole manipulator of the controls of a helicopter of the same type as that being flown.”.

47. In Part B (ratings and qualifications) of Schedule 7—

- (a) for the heading to Section 1 substitute “Ratings and qualifications which may be included in United Kingdom licences but not in National Private Pilot's Licences”;
- (b) in paragraph 1 of Sub-Section 1 (aircraft ratings) of Section 1, omit “or a JAR-FCL licence”; and
- (c) in Sub-Section 2 (other ratings) of Section 1—
 - (i) in paragraph 4, omit “or a JAR-FCL pilot licence”;
 - (ii) in the entry for instrument meteorological conditions rating (aeroplanes), for paragraph (1), substitute—

“(1) Subject to paragraph (2), within the United Kingdom an instrument meteorological conditions rating (aeroplanes) entitles the holder of a United Kingdom Private Pilot's Licence (Aeroplanes) to fly as pilot in command of an aeroplane without being subject to the restrictions contained in paragraph (2) (c) or (f) of the privileges of the United Kingdom Private Pilot's Licence (Aeroplanes).”;
 - (iii) in the entry for night rating (aeroplanes), omit “or a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes)”;
 - (iv) in the entry for night qualification (aeroplane), omit “, a JAR-FCL Private Pilot Licence (Aeroplane) or a United Kingdom Basic Commercial Pilot's Licence (Aeroplanes)”;
 - (v) in the entry for flight instructor rating (aeroplane), under “Restrictions – restricted privileges”, for sub-paragraph (a), substitute—

“(a) flight instruction for—

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- (i) the issue of a National Private Pilot's Licence (Aeroplanes) and a United Kingdom Private Pilot Licence (Aeroplanes);
- (ii) those parts of integrated courses which are at United Kingdom Private Pilot's Licence (Aeroplanes) level; and
- (iii) class and type ratings for single-engine aeroplanes, other than for the approval of first solo flights by day or by night and first solo cross country flights by day or by night; and”;
- (vi) in the entry for flight instructor rating (helicopter), under “Restrictions – restricted privileges”, for paragraph (3)(a) substitute—
 - “(a) flight instruction for—
 - (i) the issue of a National Private Pilot's Licence (Helicopters) and a United Kingdom Private Pilot's Licence (Helicopters);
 - (ii) those parts of integrated courses which are at United Kingdom Private Pilot's Licence (Helicopters) level; and
 - (iii) type ratings for single-engine helicopters, other than for the approval of first solo flights by day or by night and first solo cross country flights by day or by night; and”;
- (vii) at the end of the entry for instrument rating instructor rating (aeroplane), add “for a United Kingdom licence ”; and
- (viii) at the end of the entry for instrument rating instructor rating (helicopter), add “for a United Kingdom licence ”.

48. In Section 2 of Part B of Schedule 7—

- (a) for the heading substitute “ Aircraft and instructor ratings which may be included in United Kingdom aeroplane pilot licences and in National Private Pilot's Licences (Aeroplanes) ”; and
- (b) in paragraph 1, after “United Kingdom” insert “ aeroplane ” and omit “, a JAR-FCL pilot licence”.

49. After Section 2 of Part B of Schedule 7, add—

“SECTION 3

Rating which may be included in National Private Pilot's Licences (Helicopters)

A helicopter type rating for a single engine helicopter with a maximum total weight authorised of 2000 kg or less may be included in a National Private Pilot's Licence (Helicopters) granted under Part 7.”.

50.—(1) In Section 1 of Part C of Schedule 7—

- (a) in paragraph 1(1) (appropriateness of certificate) and 2 (certificate of test), for “69(3)” substitute “ 69(2) ”;
- (b) in paragraph 4(1), (2), (4) and (5) (period of validity of certificate of test), for each reference to “date of the test which it certifies” substitute “ last day of the month in which the test was taken ”;

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- (c) in paragraph 5 (certificate of experience), for “69(3)” substitute “ 69(2) ”;
 - (d) in paragraph 6 (period of experience), for both references to “preceding the signing of the certificate” substitute “ preceding the last day of the month in which the certificate was signed ”; and
 - (e) in paragraph 7 (period of validity of certificate of experience), for each reference to “after it was signed” substitute “ after the last day of the month in which it was signed ”.
- (2) In Section 2 of Part C of Schedule 7—
- (a) for paragraph 9(1)(a)(i) (validity of type ratings and multi-engine class ratings, aeroplane), substitute—
 - “(i) *Validity*
 - Type ratings and multi-engine class ratings for aeroplanes are valid for one year beginning with the date of issue, revalidation or renewal or the last day of the month in which the rating expires if it is revalidated within the period of three months preceding that day.”;
 - (b) in paragraph 9(1)(a)(ii), for “specified in paragraph 1.245(a) and (b) of Section 1 of JAR-FCL 1” substitute “ for the ratings specified in paragraph FCL.740.A of Part-FCL ”;
 - (c) for paragraph 9(1)(b)(i) (validity of single-pilot single-engine class ratings), substitute—
 - “(i) *Validity*
 - Single-pilot single-engine class ratings for aeroplanes are valid for two years beginning with the date of issue, revalidation or renewal or the last day of the month in which the rating expires if it is revalidated within the period of three months preceding that day.”;
 - (d) in paragraph 9(1)(b)(ii), for “specified in paragraph 1.245(c)(1) of Section 1 of JAR-FCL 1” substitute “ for the ratings specified in paragraph FCL.740.A of Part-FCL ”;
 - (e) in paragraph 9(1)(b)(iii), for “the expiry date of the rating” substitute “ the last day of the month in which the rating expires ”;
 - (f) in paragraph 9(1)(b)(iv)(aa), for “the expiry date of the rating” substitute “ the last day of the month in which the rating expires ”;
 - (g) in paragraph 9(1)(b)(iv)(bb), for “the expiry of the rating”, substitute “ the last day of the month in which the rating expires ”;
 - (h) in paragraph 9(1)(c)(ii) (expired ratings), for “specified at Appendix 3 to paragraph 1.240 of Section 1 of JAR-FCL 1”, substitute “ specified in Appendix 9 of Part-FCL ”;
 - (i) in paragraph 9(2)(a) (type ratings, helicopter – validity), for “the date of expiry if revalidated within the period of three months preceding the date of expiry”, substitute “ the last day of the month in which the rating expired if revalidated within the period of three months preceding that day ”;
 - (j) in paragraph 9(2)(b) (type ratings, helicopter – revalidation), for “paragraph 2.245(b) of Section 1 of JAR-FCL 2”, substitute “ paragraph FCL.740.H of Part-FCL ”;
 - (k) in paragraph 9(3)(a) (flight engineer type ratings – validity), for “the date of expiry if revalidated within the period of three months preceding the date of expiry”, substitute “ the last day of the month in which the rating expired if revalidated within the period of three months preceding that day ”; and
 - (l) after paragraph 9 of Section 2 of Part C of Schedule 7, insert—

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“9A Instrument ratings

9A. Instrument ratings

(a) *Validity periods*

Instrument ratings are valid from the date of issue, revalidation or renewal to the end of the month in which they were issued, revalidated or renewed, plus one year after that date in each case.

(b) *Revalidation and renewal of expired ratings*

(i) Instrument rating – aeroplane

For revalidation of instrument ratings (aeroplane) the applicant must complete the requirements specified in paragraph FCL.625.A of Part-FCL.

(ii) Instrument rating – helicopter

For revalidation of instrument ratings (helicopter) the applicant must complete the requirements specified in paragraph FCL.625.H of Part-FCL.

(c) *Expired instrument ratings*

If the instrument rating has expired the applicant must complete the renewal requirements specified in paragraphs FCL.625(c) and FCL.625(d) of Part-FCL.

9B Instructor ratings

9B. Instructor ratings

(a) *Validity periods*

Instructor ratings are valid from the date of issue, revalidation or renewal to the end of the month in which they were issued, revalidated or renewed, plus three years after that date in each case.

(b) *Revalidation and renewal of expired ratings*

In the following table, for an instructor rating listed in column 1 the requirements for revalidation are those set out in column 2 and for expired ratings the renewal requirements are those set out in column 3.

Rating	Revalidation requirement (Part-FCL)	Renewal requirement (Part-FCL)
Flight instructor (aeroplane)	FCL.940.FI(a) and (b)	FCL.940.FI(c)
Flying instructor's rating (aeroplanes)	FCL.940.FI(a) and (b)	FCL.940.FI(c)
Assistant instructor's rating (aeroplanes)	FCL.940.FI(a) and (b)	FCL.940.FI(c)
Flight instructor (helicopter)	FCL.940.FI(a) and (b)	FCL.940.FI(c)

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Flying instructor's rating (helicopters)	FCL.940.FI(a) and (b)	FCL.940.FI(c)
Assistant flying instructor's rating (helicopters)	FCL.940.FI(a) and (b)	FCL.940.FI(c)
Type rating instructor's rating (multi-pilot aeroplane)	FCL.940.TRI(a)	FCL.940.TRI(b)
Type rating instructor's rating (helicopter)	FCL.940.TRI(a)	FCL.940.TRI(b)
Class rating instructor's rating (single pilot aeroplane)	FCL.940.CRI(a) and (b)	FCL.940.CRI(c)
Instrument instructor rating (aeroplane)	FCL.940.IRI	FCL.940.IRI
Instrument instructor rating (helicopter)	FCL.940.IRI	FCL.940.IRI".

51.—(1) For paragraph 10(1)(b) (forms of certificate of revalidation) of Section 2 of Part C of Schedule 7 substitute—

“(b) that the person signing the certificate is satisfied that on a date specified in the certificate, the holder of the licence of which the certificate forms a part met the appropriate requirements for revalidation specified for the rating, in the case of an aircraft rating in paragraph 9, in the case of an instrument rating in paragraph 9A and in the case of any other rating in the Table in paragraph 9B, to exercise the privileges of the licence or rating to which the certificate relates;”.

(2) Omit sub-paragraph (2) of paragraph 10 and the Table immediately following it.

52. In Section 3 (requirement for a certificate of revalidation to maintain the validity of a rating specified in Section 2 of Part B) of Part C of Schedule 7—

(a) in the heading, for “*Section 2*”, substitute “*Sections 2 or 3*”;

(b) for paragraph 11(3), substitute—

“(3) The new certificate is valid for 24 months in addition to the remainder of the month in which the date of issue falls.”;

(c) in Table 2 (experience requirements for issue of certificate of revalidation in accordance with paragraph 2(b) of Table 1), in the column headed “Experience requirements”, in paragraph 2(a)(iii), for “which are held” substitute “which are to be revalidated”; and

(d) omit Table 3 (period of validity of certificate of revalidation for an aeroplane class rating included in Section 2 of Part B).

53. After Table 4 in Section 3 of Part C of Schedule 7 add—

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(1) A certificate of revalidation required by article 69(1) for a helicopter type rating must be signed by a person authorised by the CAA to sign certificates of this kind and certify—

- (a) the rating to which the certificate relates;
- (b) that on a specified date the holder has satisfied the requirements of FCL.740 and FCL.740.H of Part-FCL;
- (c) the specified date; and
- (d) the date on which the period of validity of the certificate expires in accordance with paragraph (2).

(2) The new certificate is valid for 12 months in addition to the remainder of the month in which the date of issue falls.”.

54.—(1) After Section 3 of Part A (provisions referred to in article 241(5)) of Schedule 13 (penalties), add—

“SECTION 4

<i>Provision of Part-FCL</i>	<i>Subject Matter</i>
ORA.GEN.130	Changes to organisations
ORA.ATO.120	Record keeping”.

(2) In the Table in Section 1 of Part C (provisions referred to in article 241(7)) of Schedule 13 for the row relating to article 50(1) substitute the following two rows—

“50	Requirement for appropriate licence to act as member of flight crew of EASA aircraft registered in the United Kingdom
50A	Requirement for appropriate licence to act as member of flight crew of non-EASA aircraft registered in the United Kingdom”.

PART 2

Non-expiring national certificate of airworthiness and airworthiness review

55. In article 18 (issue and renewal of national certificates of airworthiness)—

- (a) in paragraph (1), after “non-EASA aircraft” insert “ registered in the United Kingdom ”; and
- (b) after paragraph (1) insert—
 - (a) “(1A) A national certificate of airworthiness issued by the CAA on or after 10th August 2012 must be a non-expiring national certificate of airworthiness.
 - (b) A national certificate of airworthiness issued by the CAA before that date will expire on the date specified in the certificate.”.

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56. In article 25 (requirement for an approved maintenance schedule and a certificate of maintenance review for non-EASA aircraft)—

- (a) in paragraphs (1) and (2) for “A non-EASA aircraft” substitute “ Subject to paragraph (7), a non-EASA aircraft ”; and
- (b) after paragraph (6) add—
 - “(7) Paragraphs (1) and (2) do not apply to an aircraft with a non-expiring national certificate of airworthiness.”.

57. After Part 3 insert—

“PART 3A

Continuing airworthiness of aircraft with a non-expiring national certificate of airworthiness

Requirement for and validity of a national airworthiness review certificate

36A.—(1) An aircraft with a non-expiring national certificate of airworthiness must not fly unless it has a valid national airworthiness review certificate.

(2) Subject to articles 19, 36B, 36H, 36I, 36J and 228, a national airworthiness review certificate is valid for one year.

Validity of the national airworthiness review certificate

36B. A national airworthiness review certificate becomes invalid if—

- (a) suspended or revoked;
- (b) the certificate of airworthiness is suspended or revoked; or
- (c) the aircraft ceases to be registered in the United Kingdom.

Other circumstances in which an aircraft must not fly

36C. An aircraft with a non-expiring national certificate of airworthiness must not fly if—

- (a) the continuing airworthiness of the aircraft or any component fitted to the aircraft does not meet the requirements of this Part;
- (b) the aircraft does not remain in conformity with the type design approved by the CAA;
- (c) the aircraft has been operated beyond the limitations of the approved flight manual or the airworthiness certificate, without subsequent appropriate action to restore airworthiness being taken;
- (d) the aircraft has been involved in an accident or incident that affects the airworthiness of the aircraft, without subsequent appropriate action to restore airworthiness being taken; or
- (e) the aircraft has a modification or repair for which a certificate or release to service has not been issued in accordance with this Order.

Initial issue of national airworthiness review certificate

36D.—(1) This article applies to an aircraft with a non-expiring national certificate of airworthiness which has not previously had a national airworthiness review certificate.

(2) A national airworthiness review certificate is issued for an aircraft to which this article applies in accordance with paragraph (3) or (4).

(3) A national airworthiness review certificate may be issued by the CAA following the satisfactory completion of an airworthiness review by the CAA.

(4) A national airworthiness review certificate may be issued by the CAA on receipt of a recommendation from—

- (a) a continuing airworthiness management organisation approved in accordance with article 36M; or
- (b) in the case of an aeroplane or a helicopter with a maximum total weight authorised of 2730kg or less, an aeroplane and rotorcraft maintenance organisation approved in accordance with article 36N.

(5) A recommendation under paragraph (4) may only be made when the organisation is satisfied that it may properly do so after carrying out an airworthiness review.

Subsequent issue of national airworthiness review certificate

36E.—(1) This article applies to an aircraft with a non-expiring national certificate of airworthiness which has previously had a national airworthiness review certificate.

(2) A national airworthiness review certificate may be issued for an aircraft to which this article applies in accordance with paragraph (3) or (4).

(3) A national airworthiness review certificate may be issued by the CAA—

- (a) following the completion of an airworthiness review by the CAA; or
- (b) in the case of an aircraft which has a maximum total weight authorised of 2730kg or less and is neither a commercial air transport aeroplane nor a non-military State aircraft, on receipt of a recommendation for its issue from an aeroplane and rotorcraft maintenance organisation approved in accordance with article 36N.

(4) A national airworthiness review certificate may be issued by a continuing airworthiness management organisation approved under article 36M.

(5) A national airworthiness review certificate may be issued under paragraph (3)(a) or paragraph (4) only when the CAA or the issuing continuing airworthiness management organisation is satisfied that it may properly do so after carrying out an airworthiness review.

(6) A recommendation to issue a national airworthiness review certificate under paragraph (3)(b) may be made only when the organisation making the recommendation is satisfied that it may properly do so after carrying out an airworthiness review.

Aircraft maintenance programme

36F.—(1) An aircraft with a non-expiring national certificate of airworthiness must be maintained in accordance with an aircraft maintenance programme approved in accordance with this article.

(2) The aircraft maintenance programme and any amendments must be approved—

- (a) by the CAA; or
- (b) in accordance with paragraphs (3) and (4).

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(3) When the continuing airworthiness of the aircraft is managed by a continuing airworthiness management organisation approved in accordance with article 36M, the aircraft maintenance programme and its amendments may be approved by that organisation.

(4) In that case, the approval procedure must be included by the continuing airworthiness management organisation in its continuing airworthiness management exposition required by article 36M(2)(b).

Commercial air transport aeroplanes, public transport aircraft and non-military State aircraft

36G.—(1) Aircraft with a non-expiring national certificate of airworthiness which are commercial air transport aeroplanes, public transport aircraft or non-military State aircraft must either—

- (a) be kept in a controlled environment; or
- (b) (i) be managed by a continuing airworthiness management organisation approved in accordance with article 36M; and
- (ii) have any maintenance carried out in accordance with paragraph (2).

(2) Maintenance is carried out in accordance with this paragraph if—

- (a) it is carried out by a maintenance organisation which is approved under article 31(1)(b); or
- (b) it is maintenance for which a certificate of release to service may be issued by the holder of a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order or a Part-FCL Airline Transport Pilot Licence (Aeroplane) and it is carried out by the holder of such a licence.

Extension of a national airworthiness review certificate of an aircraft in a controlled environment

36H.—(1) The validity of a national airworthiness review certificate of an aircraft in a controlled environment may be extended by the continuing airworthiness management organisation which is managing the airworthiness of the aircraft.

(2) The continuing airworthiness management organisation may extend its validity on a maximum of two occasions, for a period of 12 months on each occasion.

(3) A national airworthiness review certificate may be extended only when the continuing airworthiness management organisation which is to extend it is satisfied that it is proper to do so.

Extension of a national airworthiness review certificate of an aircraft which is not in a controlled environment which has a maximum total weight authorised of 2730kg or less

36I.—(1) Subject to paragraph (2), this article applies to any aircraft which is not in a controlled environment and which has a maximum total weight authorised of 2730kg or less.

(2) This article does not apply to any commercial air transport aeroplane, public transport aircraft or non-military State aircraft.

(3) The validity of a national airworthiness review certificate of an aircraft to which this article applies may be extended in accordance with paragraphs (4) and (5), on a maximum of two occasions, for a period of 12 months on each occasion.

- (4) The national airworthiness review certificate may be extended by—
- (a) an appropriately licensed engineer;
 - (b) a continuing airworthiness management organisation approved in accordance with article 36M; or
 - (c) an aeroplane and rotorcraft maintenance organisation approved in accordance with article 36N.
- (5) A national airworthiness review certificate may be extended only when the person who is to extend it is satisfied that it is proper to do so after carrying out an annual review.

Extension of a national airworthiness review certificate of other aircraft which are not in a controlled environment

36J.—(1) This article applies to any aircraft with a non-expiring national certificate of airworthiness which is not in a controlled environment and—

- (a) has a maximum total weight authorised of more than 2730kg; or
- (b) is a commercial air transport aeroplane, a public transport aircraft or a non-military State aircraft.

(2) The validity of a national airworthiness review certificate of an aircraft to which this article applies may be extended, in accordance with paragraphs (3) and (4), on a maximum of two occasions, for a period of 12 months on each occasion.

(3) The national airworthiness review certificate may be extended by a continuing airworthiness management organisation approved in accordance with article 36M.

(4) A national airworthiness review certificate may be extended only when the organisation which is to extend it is satisfied that it is proper to do so after carrying out an annual review.

Conduct of an airworthiness review

36K.—(1) An airworthiness review referred to in articles 36D and 36E must be conducted in accordance with this article.

(2) A full documented review of the aircraft records must be carried out to confirm that all scheduled maintenance, overhaul, modification, repair, replacement, defect rectification and compliance with any airworthiness directive issued under article 19, has been completed so as to ensure the continued airworthiness of the aircraft.

(3) A physical survey of the aircraft must be carried out.

(4) For the physical survey, airworthiness review staff who do not hold an appropriate maintenance engineer licence under Part 66 or article 33 must be assisted by such qualified personnel.

(5) Through the physical survey of the aircraft, the staff carrying it out must determine whether—

- (a) all required markings and placards are properly installed;
- (b) the aircraft complies with its approved flight manual;
- (c) the aircraft configuration complies with the approved documentation;
- (d) any evident defect can be found that has not been addressed;
- (e) the aircraft has completed a satisfactory check flight; and
- (f) any inconsistencies can be found between the aircraft and the documented review of records under paragraph (2).

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(6) An airworthiness review may be anticipated by a maximum period of 90 days without loss of continuity of the airworthiness review pattern, to allow the physical review to take place during a maintenance check.

(7) Airworthiness review tasks must not be sub-contracted.

Conduct of an annual review

36L. An annual review referred to in articles 36I(5) and 36J(4) means a check to establish that the following has been accomplished—

- (a) all maintenance specified in the approved maintenance programme has been carried out in accordance with the programme;
- (b) all modifications and inspections deemed mandatory by the CAA have been carried out as required by the CAA;
- (c) all defects entered in the aircraft records have been rectified or deferred in accordance with CAA approved procedures; and
- (d) all required certificates of release to service have been issued.

Approval of continuing airworthiness management organisation

36M.—(1) Any person may apply to the CAA for approval as a continuing airworthiness management organisation.

(2) The CAA must approve a person as a continuing airworthiness management organisation for the purposes of this Part if it is satisfied that—

- (a) the applicant is competent to exercise the privileges of such an organisation in this Part; and
- (b) the applicant has submitted a continuing airworthiness management exposition that satisfies the requirement specified in paragraph (3).

(3) The requirement referred to in paragraph (2)(b) is that the continuing airworthiness management exposition satisfies the requirements in paragraph 4.1 of Chapter A8-25 of CAP 553 entitled British Civil Airworthiness Requirements Section A - Airworthiness Procedures where the CAA has Primary Responsibility for Type Approval of the Product^{M8}.

(4) The continuing airworthiness management exposition and any amendments to it must be approved by the CAA.

Approval of aeroplane and rotorcraft maintenance organisation

36N.—(1) Any person may apply to the CAA for approval as an aeroplane and rotorcraft maintenance organisation.

(2) The CAA must approve a person as an aeroplane and rotorcraft maintenance organisation for the purposes of this Part if it is satisfied that the applicant is competent to exercise the privileges of such an organisation in this Part.

General provisions concerning airworthiness reviews

36O.—(1) A copy of any national airworthiness review certificate issued or extended for an aircraft must be sent to the CAA within 10 days of the date of its issue or extension.

(2) Should the outcome of the airworthiness review be inconclusive, the person who has carried out the review must inform the CAA and must not issue or extend the certificate without the approval of the CAA.

- (3) In this Part, an aircraft in a controlled environment is an aircraft—
- (a) which, during the previous 12 months has been continuously managed by a continuing airworthiness management organisation approved in accordance with article 36M; and
 - (b) in respect of which during the previous 12 months any maintenance has been carried out in accordance with paragraph (4).
- (4) Maintenance is carried out in accordance with this paragraph if—
- (a) it is carried out by a maintenance organisation which is approved under article 31(1)(b); or
 - (b) it is maintenance for which a certificate of release to service may be issued by the holder of a United Kingdom Airline Transport Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence granted or rendered valid under this Order or a Part-FCL Airline Transport Pilot Licence (Aeroplane) and it is carried out by the holder of such a licence.
- (5) Whenever circumstances reveal the existence of a potential safety threat, the CAA must carry out the airworthiness review and issue the national airworthiness review certificate itself.
- (6) When the CAA carries out the airworthiness review or issues the national airworthiness review certificate itself, the owner or operator must provide the CAA with—
- (a) the documentation required by the CAA;
 - (b) suitable accommodation at the appropriate location for its personnel; and
 - (c) when necessary, the support of personnel appropriately qualified in accordance with Part 66 or article 33.”.

Marginal Citations

M8 CAP 553 (Issue 7) is published by The Stationery Office on behalf of the CAA dated 5th October 2011, ISBN 978 0 11792 581 6.

- 58.** In article 255(1) (interpretation)—
- (a) after the definition of “EU-OPS operator” insert—
“‘Expiring national certificate of airworthiness’ means a national certificate of airworthiness with an expiry date;”;
 - (b) after the definition of “National air operator's certificate” insert—
“‘National airworthiness review certificate’ means a certificate issued in accordance with article 36D or 36E;”;
 - (c) for the definition of “National certificate of airworthiness” substitute—
“‘National certificate of airworthiness’ means either an expiring or a non-expiring certificate of airworthiness issued under article 18;”;
 - (d) after the definition of “Non-EASA aircraft” insert—
“‘Non-expiring national certificate of airworthiness’ means a national certificate of airworthiness that, subject to articles 19 and 228, remains valid for an unlimited duration provided the aircraft remains registered in the United Kingdom;”.

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59. In the Table in Section 1 of Part B (provisions referred to in article 241(6)) of Schedule 13, beneath the row relating to article “35(4)” insert the following two rows—

“36A	Aircraft not to fly without valid national airworthiness review certificate
36C	Aircraft not to fly in specified circumstances”.

PART 3

Changes arising from Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10th March 2004 on the provision of air navigation services in the single European sky^{M9};

Marginal Citations

M9 OJ No L 96, 31.03.2004, p.10, Council Regulation No.550/2004 was amended by Regulation (EC) No 1070/2009 of the European Parliament and the Council of 21st October 2009, OJ No L 300, 14.11.2009, p.34.

60.—(1) In article 169(1) (requirement for an air traffic control approval), for “A person in charge” substitute “ Subject to paragraph (3), a person in charge ”.

(2) After article 169(2) add—

“(3) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.”.

(a) (3) (a) Article 171 (manual of air traffic services) is renumbered as paragraph (1) of that article.

(b) In article 171(1) as so renumbered, for “A person”, substitute “ Subject to paragraph (2), a person ”.

(c) After article 171(1) as so renumbered, insert—

“(2) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.”.

(a) (4) (a) Article 204 (flight information service manual) is renumbered as paragraph (1) of that article.

(b) In article 204(1) as so renumbered, for “A person”, substitute “ Subject to paragraph (2), a person ”.

(c) After article 204(1) as so renumbered, add—

“(2) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation.”.

(5) In article 255(1) (interpretation), after the definition of “Self-sustaining glider” insert—

“‘Service Provision Regulation’ means Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10th March 2004 on the provision of air navigation services in the single European sky;”.

PART 4

Changes arising from the EASA Air Traffic Controller Licensing Regulation

61.—(1) For article 177 (prohibition of unlicensed air traffic controllers) substitute—

“Prohibition of unlicensed student air traffic controllers and air traffic controllers

177.—(1) A person must not provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(2) A person must not provide air traffic control services in the North Atlantic Shanwick Oceanic Control Area unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4) which contains—

- (a) an Area Control Surveillance Rating and an Oceanic Control endorsement; or
- (b) an Area Control Procedural Rating and an Oceanic Control endorsement.

(3) A person must not hold himself or herself out, whether by use of a radio call sign or in any other way, as a person who may provide air traffic control services unless authorised to do so in accordance with either a student air traffic controller licence or an air traffic controller licence specified in paragraph (4).

(4) A student air traffic controller licence or air traffic controller licence referred to in paragraphs (1), (2) and (3) is a licence issued under the EASA Air Traffic Controller Licensing Regulation by a competent authority of the United Kingdom or a licence issued under the EASA Air Traffic Controller Licensing Regulation by a Member State other than the United Kingdom.”.

(2) Omit articles 178 to 184.

(3) For article 185 (particulars of licence) substitute—

“Period for which a student air traffic controller licence remains in force

185. Unless suspended or revoked under Article 6 of the EASA Air Traffic Controller Licensing Regulation, a student air traffic controller licence remains in force for the period specified in the licence which shall not exceed two years.

Inclusion of national endorsements

185A.—(1) The CAA may include in an Approach Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

- (a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;
- (b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.

(2) The CAA may include in an Area Control Surveillance Rating contained in an air traffic controller licence, in addition to any rating endorsement specified in article 11 of the EASA Air Traffic Controller Licensing Regulation, any of the following rating endorsements—

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- (a) an Offshore Rating Endorsement, which entitles the holder of a Radar Endorsement to provide an offshore service;
- (b) a Special Tasks Rating Endorsement, which entitles the holder of a Radar Endorsement or an Automatic Dependent Surveillance Endorsement to provide a special tasks service.

(3) The CAA may include in an Area Control Procedural Rating contained in an air traffic controller licence an Oceanic Control Endorsement which entitles the holder to provide air traffic control services to aircraft operating in an Oceanic Control Area.”.

(4) Omit articles 186 to 192.

(5) In article 193 (fatigue of air traffic controllers), for “act as an air traffic controller or a student air traffic controller” substitute “ exercise the privileges of a student air traffic controller licence or an air traffic controller licence ”.

(6) For article 194 (acting under the influence of drink or a drug) substitute—

“Acting under the influence of psychoactive substances or medicines

194. A person must not exercise the privileges of a student air traffic controller licence or an air traffic controller licence whilst under the influence of any psychoactive substance or medicines which might render them unable to exercise the privileges of their licence safely and properly.”.

(7) For article 196 (use of simulators) substitute—

“Use and approval of simulators

196.—(1) No part of any examination, assessment or test undertaken for the purposes of the EASA Air Traffic Controller Licensing Regulation may be undertaken in a simulator unless that simulator has been approved for the purpose by the CAA.

(2) The CAA must approve a simulator for the purposes of paragraph (1) if it is satisfied that it is fit for its intended purpose.”.

(8) For article 198 (certification of training providers and mutual recognition of training certificates) substitute—

“Certification of training organisations

198. A person must not provide training necessary to obtain from the CAA student air traffic controller licences or air traffic controller licences or any associated rating or endorsement or to maintain any of them unless—

- (a) that person holds training organisation certification issued or recognised by the CAA in accordance with the EASA Air Traffic Controller Licensing Regulation; and
- (b) the training has been approved by the CAA in accordance with Article 22(2)(d) of the EASA Air Traffic Controller Licensing Regulation.”.

(9) In article 199 (certified training providers: production of records)—

- (a) in the heading, for “providers” substitute “ organisations ”;
- (b) for “provider” on each occasion it occurs substitute “ organisation ”; and
- (c) for “the requirements set out in paragraph 1 of Annex IV of the air traffic controllers' directive” substitute “ the requirements set out in Chapter IV of the EASA Air Traffic Controller Licensing Regulation as amended from time to time ”.

(10) Omit article 200 (mutual recognition of air traffic controller's licences).

(11) For article 201 (definitions relevant to this Part and Schedule 10) substitute—

“Meaning of terms used in this Part

201. Terms used in this Part have the same meaning as equivalent terms used in the EASA Air Traffic Controller Licensing Regulation as amended from time to time.”.

(12) Omit article 238(1)(e).

(13) In article 255(1) (interpretation)—

(a) omit the definition of “Air traffic controller's directive”;

(b) after the definition of “EASA” insert—

“EASA Air Traffic Controller Licensing Regulation’ means Commission Regulation (EU) No. 805/2011 of 10th August 2011^{M10} laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No. 216/2008^{M11} of the European Parliament and of the Council;”;

(c) after the definition of “North Atlantic Minimum Navigation Performance Specification Airspace” insert—

“North Atlantic Shanwick Oceanic Control Area’ means the airspace notified as such;”;

and

(d) for the definition of “Sector” substitute—

“Sector’ means a part of a control area or part of a flight information region or upper region;”.

(14) Omit Schedule 10 (air traffic controllers – licences, ratings, endorsements and maintenance of licence privileges).

(15) In Section 1 of Part A (provisions referred to in article 241(5)) of Schedule 13 (Penalties)—

(a) in the column headed “Article of Order” omit “189(1)”, “189(2) and (3)”, “190” and “192” together with the entries adjacent to each in the column headed “Subject Matter”;

(b) in the entry in the column headed “Subject Matter” adjacent to “198” for “providers” substitute “organisations ”; and

(c) in the entry in the column headed “Subject Matter” adjacent to “199” for “provider” substitute “organisation ”.

(16) In Section 1 of Part C (provisions referred to in article 241(7)) of Schedule 13—

(a) for the entry in the column headed “Subject Matter” adjacent to “177(1)” substitute “Requirement to hold student air traffic controller licence or air traffic controller licence ”;

(b) in the column headed “Article of Order” omit “178” together with the adjacent entry in the column headed “Subject Matter”;

(c) for the entry in the column headed “Subject Matter” adjacent to “193” substitute “Obligation not to exercise the privileges of a student air traffic controller licence or an air traffic controller licence if fatigued ”; and

(d) for the entry in the column headed “Subject Matter” adjacent to “194” substitute “Obligation not to exercise the privileges of a student air traffic controller licence or an air traffic controller licence if under the influence of a psychoactive substance or medicines ”.

(17) At the end of Part C add—

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“SECTION 4

<i>Provision of EASA Air Traffic Controller Licensing Regulation</i>	<i>Subject Matter</i>
Article 17(1)	Reduced medical fitness”.

Marginal Citations

- M10** OJ No L 206, 11.8.2011, p.21.
M11 OJ No L 79, 19.3.2008, p.1.

PART 5

Certificate of competence to operate aeronautical radio station

62.—(1) After Part 25 insert—

“**PART 25A**

Certificate of competence to operate aeronautical radio station

Prohibition of unauthorised operation of an aeronautical radio station

204A.—(1) Subject to paragraph (3), a person must not operate an aeronautical radio station for a purpose specified in paragraph (4), or hold himself or herself out, whether by use of a radio call sign or in any other way, as one who may do so unless that person—

- (a) held on 9th August 2012 an Air Ground Communication Service Radio Operator's Certificate of Competence or an Offshore Communication Service Radio Operator's Certificate of Competence issued by the CAA; or
- (b) holds and complies with the terms of an aeronautical radio station operator certificate of competence granted under article 204B authorising the holder to provide such a service.

(2) In this article ‘operate an aeronautical radio station’ means activate or alter any of the external controls of any of the apparatus comprised in the station or transmit or receive messages.

(3) Nothing in this article prevents a person operating an aeronautical radio station for the purpose of avoiding immediate danger.

(4) The purposes specified for the purpose of paragraph (1) are to provide—

- (a) an air/ground communications service;
- (b) a service to give information to pilots of aircraft flying to or from offshore installations and to other aircraft operating in the vicinity of these aircraft; or
- (c) a service to give information to pilots of aircraft flying for the purpose of the dropping of persons by parachute and to persons who have been dropped by parachute.

Aeronautical radio station operator certificate of competence

204B.—(1) The CAA must grant an aeronautical radio station certificate of competence if it is satisfied that the applicant—

- (a) is at least 18 years of age; and
- (b) is qualified by having the knowledge, experience and skill to act in the capacity to which the certificate of competence 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) An aeronautical radio station certificate of competence—

- (a) remains in force, subject to article 228, for the period indicated in the certificate or if no period is indicated, for the lifetime of the holder; and
- (b) may be renewed by the CAA from time to time, if it is satisfied that the applicant is qualified in accordance with paragraph (1).

(4) An aeronautical radio station operator certificate of competence does not authorise the holder to provide a service at an aerodrome unless the certificate has been endorsed by the person in charge of the aeronautical radio station at the aerodrome in accordance with paragraph (5).

(5) An endorsement is in accordance with this paragraph if it certifies that the person in charge of the aeronautical radio station at the aerodrome is satisfied that the holder of the certificate is familiar with the terms and conditions of the wireless telegraphy licence issued under the Wireless Telegraphy Act 2006^{M12} for the aeronautical radio station and has been informed of any relevant operational information concerning the types of equipment and operating procedures for the station.

(6) Every holder of an aeronautical radio station operator certificate of competence must, on such occasions as the CAA may require, submit to such examinations and tests, supply such evidence of the holder's knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.

(7) Nothing in this Order obliges the CAA to accept an application for the issue, variation or renewal of an aeronautical radio station operator certificate of competence 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.

Approval of courses, persons, examinations and simulators

204C. 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) a person to conduct such examinations, assessments or tests as it may specify; and
- (c) any examinations, assessments or tests.”

(2) In Section 1 of Part A of Schedule 13 (Penalties), in the column headed “Article of Order” after “199” insert “ 204A ” and adjacent to that entry, in the column headed “ Subject Matter ” insert “ Unauthorised operation of aeronautical radio station ”.

Marginal Citations

M12 2006 c.36.

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PART 6

Other changes

63.—(1) In article 55(2) (flight crew licence requirement – exception for balloons), for subparagraphs (b) and (c) substitute the following—

“(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 (“the instructor”);

(c) no person is carried other than the instructor unless the instructor is carried and is the holder of an appropriate licence granted or rendered valid under this Order entitling the instructor to act as pilot in command for the flight; and”.

(2) In article 56(1) (flight crew licence requirement – Exception for pilot undergoing training or tests), for “if the conditions in paragraphs (2), (3) and (4) are satisfied” substitute “ if the conditions in paragraph (2) and either paragraph (3) or (4) are satisfied ”.

(3) In article 106(3) after “In this article” insert “ ‘permitted passenger’,” and for “ article 105(8) (b) and (c) ” substitute “article 105(8)(a), (b) and (c)”.

(4) In article 264(1), for “For the purposes of article 260(1)(a)” substitute “ For the purposes of article 260(2)(b)(i) ”.

Richard Tilbrook
Clerk of the Privy Council

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further changes to the Air Navigation Order 2009 (the “ANO 2009”).

Article 3 requires the Secretary of State to review the operation and effect of specified Parts of the ANO 2009 as amended by this Order and to publish a report by 10th August 2017 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the ANO 2009 should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke that Order or to amend it.

Part 1 makes changes to the ANO 2009 to reflect the coming into force of Commission Regulation (EU) No. 1178/2011 of 3rd November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew (OJ L 311, 25.11.2011, p.1) (“the EASA Aircrew Regulation”). The EASA Aircrew Regulation was made pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council (OJ L 79, 19.03.2008, p.1).

Article 8 amends the ANO 2009 to provide that subject to certain exceptions, a person must not act as the pilot of an EASA aircraft (this term is defined in article 255(1) of the ANO 2009) unless that person holds an appropriate licence granted, converted or rendered valid under the EASA Aircrew Regulation (“a Part-FCL licence”).

Article 9(c) causes the minimum age for solo flying training in a balloon or glider to be lowered from 16 to 14 years of age.

Article 16 amends the ANO 2009 to provide that a Part-FCL licence is rendered valid for non-EASA aircraft unless the CAA gives a direction to the contrary.

Article 23 inserts a provision in the ANO 2009 with an effect such that the holder of a United Kingdom Private Pilot Licence (Aeroplanes) with a microlight aeroplane class rating may only exercise the privileges of that rating if the rating was granted before 1st February 2008.

Article 25 amends the ANO 2009 to provide that the holder of a Part-FCL licence requires a valid medical certificate issued under the EASA Aircrew Regulation in order to exercise the privileges of the licence.

Article 31 amends the ANO 2009 so that the minimum age at which a person may act as the pilot in command of a non-EASA glider is lowered from 16 to 14 years of age.

Article 33 amends the ANO 2009 so that any Basic Commercial Pilot's Licence (Aeroplanes) is deemed to be a United Kingdom Commercial Pilot's Licence (Aeroplanes) or a United Kingdom Private Pilot's Licence (Aeroplanes).

Articles 41, 42, 43 and 44 contain provision with the effect that licences granted under the ANO 2009 are, subject to revocation or suspension, valid indefinitely.

Article 42(d) introduces new United Kingdom flight crew licences, namely the Commercial Pilot Licence (Helicopters) and the Airline Transport Pilot Licence (Aeroplanes).

Article 46(c) introduces the National Private Pilot Licence (Helicopters).

Part 2 introduces into the ANO 2009 provision for the issuing of non-expiring national certificates of airworthiness and associated and renewable national airworthiness review certificates.

Article 55 amends the ANO 2009 to provide that the CAA may issue non-expiring national certificates of airworthiness as opposed to the time-limited certificates of airworthiness issued prior to the coming into force of this Order.

Article 57 inserts Part 3A into the ANO 2009. New article 36A in Part 3A provides that an aircraft with a non-expiring national certificate of airworthiness must not fly unless it has a national airworthiness review certificate. A national airworthiness review certificate may be issued by the CAA or by an organisation approved by the CAA (new articles 36D and 36E). An aircraft with a non-expiring national certificate of airworthiness must be maintained in accordance with an approved maintenance programme (new article 36F). The validity of a national airworthiness

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review certificate may be extended by an approved organisation or a licensed engineer (new articles 36H, 36I and 36J). The CAA may approve an organisation to issue, extend or recommend the issue of a national airworthiness review certificate (new articles 36M and 36N).

Part 3 amends the ANO 2009 so as to reflect the requirement of Article 7 of Regulation (EC) No. 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (OJ No L 96, 31.03.2004, p.10, which was amended by Regulation (EC) No 1070/2009 of the European Parliament and the Council of 21st October 2009, OJ No L 300, 14.11.2009, p.34) (known as “the Service Provision Regulation”). Article 7 of the Service Provision Regulation provides for an air navigation service provider to be certificated under that Regulation.

Article 60 amends the ANO 2009 with the effect that a person required to be certified under Article 7 of the Service Provision Regulation is not required to hold an Air Traffic Control approval under article 169 of the ANO 2009, nor to have a manual of Air Traffic Services under article 171 of the ANO 2009 and is not required to have a Flight Information Service Manual under article 204 of the ANO 2009.

Part 4 amends the ANO 2009 so as to reflect Commission Regulation (EU) No 805/2011 of 10th August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ No L 206, 11.8.2011, p.21) (known as “the EASA Air Traffic Controller Licensing Regulation”).

Article 61 amends the ANO 2009 to introduce provision such that a person must not act as an air traffic controller or a student air traffic controller unless they hold a licence which has been issued or recognised by the CAA under the EASA Air Traffic Controller Licensing Regulation. National endorsements for offshore and special tasks services may be included in an air traffic controller licence (new article 185A). Organisations providing air traffic control training must be certificated as such by the CAA (article 198 of the ANO 2009 as substituted).

Part 5 amends the ANO 2009 so as to introduce a requirement that the operator of an aeronautical radio station holds a relevant certificate of competence.

Article 62 inserts new Part 25A into the ANO 2009. Part 25A provides that a person must not operate an aeronautical radio station to provide an air ground communication service, a service to pilots flying to or from offshore installations, or a service to pilots flying for the purpose of dropping persons by parachute, unless that person holds an aeronautical radio station operator certificate of competence granted by the CAA. This requirement does not apply if that person holds an Air Ground Communications Service Radio Operator's Certificate of Competence or an Offshore Communication Service Radio Operator's Certificate of Competence issued by the CAA prior to the date on which this Order comes into force.

Part 6 of the Order contains minor amendments to the ANO 2009.

An Impact Assessment has been produced in respect of Parts 1, 2 and 5 and a copy placed in the Library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR. Alternatively, a copy is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Impact assessments have not been produced in respect of Parts 3, 4, or 6 as no impact on the private or voluntary sectors is foreseen.

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