
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 4

Airworthiness of Aircraft

CHAPTER 2

Initial airworthiness – [F1Non-Part-21] aircraft

Issue and renewal of national certificates of airworthiness

38.—(1) Subject to [F1paragraph (3)], the CAA must issue for any [F2non-Part-21] aircraft registered in the United Kingdom a national certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to—

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

(2) A national certificate of airworthiness issued by the CAA must be a non-expiring national certificate of airworthiness.

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

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

(5) A Special Category certificate must be issued subject to the condition that the aircraft may be flown only for the purposes indicated in Part 2 of Schedule 3 in relation to that category.

(6) The CAA may issue a national certificate of airworthiness subject to such other conditions it deems appropriate relating to the airworthiness of the aircraft.

(7) Nothing in this Order obliges the CAA to accept an application for the issue of a national certificate of airworthiness or for the variation or renewal of any such certificate if the application is not supported by such reports from such persons approved under article 268 as the CAA may specify, either generally or in a particular case or class of cases.

Textual Amendments

- F1** Words in art. 38(1) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 12

Changes to legislation: There are currently no known outstanding effects for the
The Air Navigation Order 2016, Section 38. (See end of Document for details)

F2 Word in art. 38(1) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 13** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 38.