
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 4

Airworthiness of Aircraft

CHAPTER 3

Continuing airworthiness for [^{F1}Non-Part-21] aircraft

Requirement for a certificate of release to service for [^{F1}non-Part-21] aircraft

44.—(1) This article applies to each [^{F2}non-Part-21] aircraft registered in the United Kingdom which has a certificate of airworthiness, except any such aircraft which is required to be maintained in accordance with Part 145.

(2) Subject to paragraph (3) and article 45, if an aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 39(1)(b) or (d), that aircraft must not fly unless there is in force for the aircraft a certificate of release to service issued under and in accordance with this Order.

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

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

it may fly to a place which satisfies each of the criteria in paragraph (4).

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

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

(5) Equipment provided in compliance with Schedule 5 or Schedule 6 must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected unless there is in force for the equipment, at the time when it is installed or placed on board, a certificate of release to service issued under this Order.

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

Changes to legislation: There are currently no known outstanding effects for the
The Air Navigation Order 2016, Section 44. (See end of Document for details)

Textual Amendments

- F1** Word in art. 44 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 18** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in art. 44 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 18** (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 44.