
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 4

Airworthiness of Aircraft

CHAPTER 1

Airworthiness – general

Certificate of airworthiness to be in force

33.—(1) Subject to paragraphs (2) and (3), an aircraft must not fly unless there is in force for the aircraft a certificate of airworthiness—

- (a) issued in accordance with the relevant minimum standards established under the Chicago Convention;
- (b) issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; and
- (c) in respect of which any conditions subject to which the certificate was issued or rendered valid are complied with.

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

- (a) a [^{F1}non-Part-21] glider unless flying on a public transport or commercial air transport flight;
- (b) a [^{F1}non-Part-21] balloon flying on a non-commercial flight;
- (c) a [^{F1}non-Part-21] kite;
- (d) a [^{F1}non-Part-21] aircraft flying in accordance with the A Conditions, the B Conditions, the E Conditions or under a special category national certificate of airworthiness;
- (e) an aircraft flying in accordance with a national permit to fly;
- [^{F2}(f) a single-seat deregulated aeroplane which is flying on a non-commercial flight;]
- (g) an aircraft flying in accordance with the terms of any permission given by the CAA ^{F3}...

(3) The prohibition in paragraph (1) does not apply to flights by an aircraft flying in accordance with [^{F4}a Part-21] permit to fly.

(4) In the case of a [^{F5}non-Part-21] aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is, subject to article 37, a national certificate of airworthiness.

(5) In the case of [^{F6}a Part-21] aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is [^{F6}a Part-21] certificate of airworthiness issued by the CAA.

Status: Point in time view as at 13/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2016, PART 4. (See end of Document for details)

(6) For the purposes of paragraph (1), a certificate of airworthiness includes [F7a Part-21] restricted certificate of airworthiness.

(7) An aircraft registered in the United Kingdom with [F8a Part-21] certificate of airworthiness must not fly otherwise than in accordance with any conditions or limitations contained in its flight manual.

Textual Amendments

- F1** Word in art. 33(2) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 33(2)(f) substituted (19.8.2021) by The Air Navigation (Amendment) Order 2021 (S.I. 2021/879), arts. 1(1), **4**
- F3** Words in art. 33(2)(g) omitted (14.12.2017) by virtue of The Air Navigation (Amendment) Order 2017 (S.I. 2017/1112), arts. 1, **10**
- F4** Words in art. 33(3) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in art. 33(4) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(c)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 33(5) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in art. 33(6) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in art. 33(7) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 8(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Issue of airworthiness directives for [F9Part-21] aircraft

34.—(1) Subject to and in accordance with [F10article 70(1)] of the Basic F11... Regulation, the CAA may direct that [F12a Part-21] aircraft must not fly until one of the following has been completed to the satisfaction of the CAA—

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

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

- (a) it is withdrawn by the CAA; F13...

F14(b)

F15(3)

Textual Amendments

- F9** Word in art. 34 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in art. 34(1) substituted (13.4.2022) by [The Air Navigation \(Amendment\) Order 2022 \(S.I. 2022/321\)](#), arts. 1(1), 3
- F11** Word in art. 34(1) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in art. 34(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Word in art. 34(2) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Art. 34(2)(b) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(c)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 34(3) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 9(d)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Requirement for a certificate of release to service for ^{F16}Part-21 aircraft

35. ^{F17}A Part-21 aircraft must not fly when a certificate of release to service is required by or under Part M or Part 145 unless such a certificate has been issued in accordance with Part M or Part 145 and is in force.

Textual Amendments

- F16** Word in art. 35 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 10(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in art. 35 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 10(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Licensing of maintenance engineers

36.—(1) The CAA must grant an aircraft maintenance engineer's licence, subject to such conditions it deems appropriate, if it is satisfied that the applicant is—

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

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

- (3) An aircraft maintenance engineer's licence authorises the holder—

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- (a) to issue certificates of release to service under this Order for such overhauls, repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be specified;
 - (b) to issue certificates of fitness for flight issued under paragraph 5 of the A Conditions for such aircraft as may be specified; or
 - (c) to extend the validity period of the national airworthiness review certificate.
- (4) Subject to article 253, an aircraft maintenance engineer's licence remains in force for the period specified in the licence, which must not exceed five years.
- (5) An aircraft maintenance engineer's licence may be renewed by the CAA if it is satisfied that the applicant is a fit person and is qualified in accordance with paragraph (1).
- (6) The CAA may issue a certificate rendering valid for the purposes of this Order any aircraft maintenance engineer's licence granted under the law of any country other than the United Kingdom.
- (7) An aircraft maintenance engineer's licence granted under this article is not valid unless it has been signed by the holder in ink or indelible pencil but if the licence is annexed to an aircraft maintenance licence issued under Part 66 it is sufficient if that Part 66 licence has such a signature.
- (8) The holder of an aircraft maintenance engineer's licence granted under paragraph (1) or of an aircraft maintenance licence granted under Part 66 must not exercise the privileges of such a licence if the holder knows or suspects that their physical or mental condition renders them unfit to exercise such privileges.

CHAPTER 2

Initial airworthiness – [F18]Non-Part-21] aircraft

Textual Amendments

- F18** Word in Pt. 4 Ch. 2 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\), reg. 1, Sch. 1 para. 11](#) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Certificate of airworthiness for State aircraft registered in the United Kingdom

37.—(1) This article applies to a [F19]non-Part-21] aircraft registered in the United Kingdom which is a State aircraft but which is not a military aircraft.

(2) There must be in force for the aircraft either a national certificate of airworthiness or [F20]a Part-21] certificate of airworthiness issued by the CAA.

(3) If there is in force [F21]a Part-21] certificate of airworthiness issued by the CAA the aircraft must—

- (a) comply with the Basic ^{F22}... Regulation and any implementing rules made under that Regulation which would apply if it were [F23]a Part-21] aircraft;
- (b) comply with any United Kingdom national requirements made in accordance with [F24]article 70(1)] of the Basic ^{F25}... Regulation and in CAP 747 which would apply if it were [F26]a Part-21] aircraft;
- (c) comply with any United Kingdom national requirements for State aircraft in CAP 747; and
- (d) not fly within the airspace of another State without the permission of the competent authority of that State.

(4) In this article, “CAP 747” means CAA publication CAP 747 entitled “Mandatory Requirements for Airworthiness”^{F27} ... ^{M1}.

Textual Amendments

- F19** Word in art. 37(1) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in art. 37(2) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(b)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in art. 37(3) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in art. 37(3)(a) omitted (31.12.2020) by virtue of The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(ii)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in art. 37(3)(a) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(ii)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in art. 37(3)(b) substituted (13.4.2022) by The Air Navigation (Amendment) Order 2022 (S.I. 2022/321), arts. 1(1), 4
- F25** Word in art. 37(3)(b) omitted (31.12.2020) by virtue of The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(iii)(aa)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in art. 37(3)(b) substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), reg. 1, **Sch. 1 para. 12(c)(iii)(bb)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in art. 37(4) omitted (14.12.2017) by virtue of The Air Navigation (Amendment) Order 2017 (S.I. 2017/1112), arts. 1, 11

Marginal Citations

- M1** Issue 3, incorporating amendments to 2014/02 and dated 25th November 2014, was published by The Stationery Office on behalf of the CAA, under ISBN 9780117928824. It is also available online for download at <http://www.caa.co.uk/CAP747>

Issue and renewal of national certificates of airworthiness

38.—(1) Subject to [^{F28}paragraph (3)], the CAA must issue for any [^{F29}non-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

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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

F28 Words in art. 38(1) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 12

F29 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)

National certificate of airworthiness ceasing to be in force and issue of airworthiness directives for [^{F30}non-Part-21] aircraft

39.—(1) Subject to paragraph (3), a national certificate of airworthiness issued for a [^{F31}non-Part-21] aircraft registered in the United Kingdom ceases to be in force if—

- (a) the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified or maintained;
- (b) maintenance or an inspection of the aircraft or of any equipment necessary for the airworthiness of the aircraft is required by a maintenance programme established under article 54;
- (c) maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft has been made mandatory by a directive issued by the CAA;
- (d) an inspection for the purpose of ascertaining whether the aircraft remains airworthy has been made mandatory by a directive issued by the CAA; or
- (e) any modification of the aircraft or of any equipment which is necessary for the airworthiness of the aircraft, has been made mandatory by a directive issued by the CAA for the purpose of ensuring that the aircraft remains airworthy.

(2) A certificate of airworthiness which has ceased to be in force under paragraph (1) becomes valid again on the issue of a certificate of release to service under this Order or in accordance with paragraph 21A.163(d) of Part 21 relating to the overhaul, repair, replacement, modification, maintenance or inspection.

(3) A certificate of airworthiness which would not be in force by reason of paragraph (1) remains in force if the aircraft is flying in the circumstances specified in article 44(3).

Textual Amendments

- F30** Word in art. 39 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 14** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Word in art. 39 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 14** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

Issue of national permits to fly

40.—(1) Subject to paragraph (2), the CAA or a person approved by the CAA for that purpose must issue for any [^{F32}non-Part-21] aircraft registered in the United Kingdom a national permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The CAA or a person approved by the CAA for that purpose must refuse to issue a national permit to fly for a [^{F33}non-Part-21] aircraft registered in the United Kingdom if it appears to the CAA that the aircraft is eligible for, and ought to fly under and in accordance with, a national certificate of airworthiness.

(3) The CAA or a person approved by the CAA for that purpose may issue a national permit to fly subject to such conditions it deems appropriate relating to the airworthiness, operation or maintenance of the aircraft.

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

Textual Amendments

- F32** Word in art. 40(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 15** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Word in art. 40(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 15** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

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

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

- (a) the CAA has issued a directive that requires—
- (i) an inspection to be carried out for the purpose of ascertaining whether the aircraft remains airworthy; or
 - (ii) modification or maintenance of the aircraft or any of its equipment necessary for the airworthiness of the aircraft for the purpose of ensuring that the aircraft remains airworthy; or
- (b) completion of an inspection, modification or maintenance of the aircraft is required as a condition of the permit to fly.

Status: Point in time view as at 13/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2016, PART 4. (See end of Document for details)

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

- (a) any such inspection, modification or maintenance has been satisfactorily completed; and
- (b) in the case of an inspection, any consequential repair, replacement or modification has been satisfactorily carried out.

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

- (a) if any condition (other than a condition of the permit requiring an inspection, modification or maintenance) is not complied with;
- (b) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired, unless the repair or modification has been approved by the CAA or by a person approved by the CAA for that purpose.

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

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

Limitations of national permits to fly

42.—(1) An aircraft flying in accordance with a national permit to fly—

- (a) must not fly for the purpose of public transport or commercial air transport; and
- (b) must not fly without the permission of the CAA—

[^{F34}(i) for commercial operation other than commercial operation which consists of an aircraft flying for the purpose of a flying display, associated practice for a flying display, test and positioning flights or the exhibition or demonstration of the aircraft;]

(ii) at night or in accordance with Instrument Flight Rules; or

(iii) for hire.

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

Occupant Warning

This aircraft has not been certificated to an International Requirement

Textual Amendments

F34 Art. 42(1)(b)(i) substituted (14.12.2017) by [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, 13

Aircraft weight schedule

43.—(1) This article applies to any flying machine or glider which—

- (a) is not subject to Annexes III to VIII of the ^{F35}... Air Operations Regulations; and
- (b) has a certificate of airworthiness issued by the CAA or a national permit to fly.

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

(3) The operator of an aircraft must—

- (a) when the aircraft is weighed, prepare a weight schedule showing—
 - (i) the mass, or such other weight as may be approved by the CAA ^{F36}... for that aircraft; and
 - (ii) the position of the centre of gravity at its mass or such other position of the centre of gravity as may be approved by the CAA ^{F36}... for that aircraft.
 - (b) account for and properly document the accumulated effects of modifications and repairs on the mass and balance of the aircraft;
 - (c) make available such information to the pilot in command; and
 - (d) reweigh the aircraft if the effect of modifications on the mass and balance is not accurately known.
- (4) Subject to article 238, the weight schedule must be preserved by the operator of the aircraft for at least six months after the next occasion on which the aircraft is weighed for the purposes of this article.
- (5) In this article, “mass” means the empty mass of the aircraft established in accordance with the certification basis of the aircraft.

Textual Amendments

- F35** Word in art. 43(1)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 16(a)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in art. 43(3)(a) omitted (31.12.2020) by virtue of [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 16(b)** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER 3

Continuing airworthiness for ^{F37}Non-Part-21] aircraft

Textual Amendments

- F37** Word in Pt. 4 Ch. 3 heading substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), reg. 1, **Sch. 1 para. 17** (with Sch. 3) (as amended by [S.I. 2019/1098](#), regs. 1(3), 12); 2020 c. 1, **Sch. 5 para. 1(1)**

Requirement for a certificate of release to service for ^{F38}non-Part-21] aircraft

44.—(1) This article applies to each ^{F39}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—

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- (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.

Textual Amendments

- F38** 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\(1\)](#)
- F39** 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\(1\)](#)

Circumstances where a certificate of release to service is not required

45. An aircraft to which article 44 applies does not require to have in force a certificate of release to service issued under this Order if it has in force a certificate of release to service issued in accordance with paragraph 21A.163(d) of Part 21.

Certificate of release to service issued by pilot owner

- 46.** In accordance with any guidance issued by the CAA a pilot owner of a private aircraft which has a maximum total mass authorised of not more than 2,730kg to which article 44 applies—
- (a) may carry out simple visual inspections or operations to check for general condition and obvious damage and normal operation of the airframe, engines, systems and components of the aircraft;
 - (b) rectify any defects identified under paragraph (a); and
 - (c) issue a certificate of release to service at the completion of any maintenance when satisfied that all maintenance required has been properly carried out.

Contents of a certificate of release to service

- 47.—(1)** A certificate of release to service must contain as a minimum—
- (a) details of the maintenance carried out;
 - (b) the date such maintenance was completed;

- (c) the identity of the organisation and person issuing the release to service, including—
 - (i) the approval reference of the maintenance organisation approved in accordance with article 48 and the certifying staff issuing such a certificate;
 - (ii) the identity and, if applicable, licence number of the certifying staff issuing such a certificate; or
 - (iii) in the case of a certificate issued under article 46, the identity, signature and pilot licence number of the pilot owner issuing the certificate;
 - (d) the limitations to airworthiness or operations, if any.
- (2) When any maintenance prescribed for the aircraft cannot be completed, a certificate of release to service may be issued within the approved aircraft limitations provided that—
- (a) the inability to complete the maintenance; and
 - (b) any resulting limitations to airworthiness or operations,
- are noted in the certificate.
- (3) A certificate of release to service must not be issued in the case of any known non-compliance which endangers flight safety.

Who may issue a certificate of release to service

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

- (a) the holder of an aircraft maintenance engineer's licence—
 - (i) granted under this Order, being a licence which entitles the holder to issue that certificate; or
 - (ii) granted under the law of a country other than the United Kingdom and rendered valid under this Order, in accordance with the privileges endorsed on the licence;
 - (b) a person approved by the CAA as being competent to issue such certification, and in accordance with that approval;
 - (c) a person authorised by the CAA to issue the certificate in a particular case, and in accordance with that authorisation;
 - (d) a person approved in accordance with Part 145, and in accordance with that approval;
 - (e) the holder of an aircraft maintenance licence granted by the CAA under Part 66, in accordance with the privileges endorsed on the licence; or
 - (f) a pilot owner in accordance with article 46.
- (2) The holder of an aircraft maintenance engineer's licence or authorisation as an aircraft maintenance engineer granted or issued by or under the law of any Contracting State other than the United Kingdom may issue a certificate of release to service for an aircraft registered in the United Kingdom if—
- (a) it is issued in accordance with the privileges endorsed on the licence or authorisation;
 - (b) the overhaul, repair, replacement, modification, maintenance or inspection has been carried out in the Contracting State under the law of which the licence or authorisation has been granted or issued;
 - (c) there is a certificate of airworthiness for the aircraft; and
 - (d) the aircraft has a maximum take-off mass of not more than 2,730kg.
- (3) In this article, in relation to a compass, the expression “repair” includes its adjustment and compensation.

Status: Point in time view as at 13/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2016, PART 4. (See end of Document for details)

Requirement for and validity of a national airworthiness review certificate

49.—(1) An aircraft with a national certificate of airworthiness must not fly unless it has a valid national airworthiness review certificate.

(2) Subject to articles ^{F40}... 50, 56, 57, 58 and 253, a national airworthiness review certificate is valid for one year.

Textual Amendments

F40 Word in [art. 49\(2\)](#) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **14**

Validity of the national airworthiness review certificate

50. 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

51. An aircraft with a 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

52.—(1) This article applies to an aircraft with a 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 61; or
- (b) in the case of an aircraft with a maximum total weight authorised of 2,730kg or less, an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(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

53.—(1) This article applies to an aircraft with a 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 2,730kg or less and is not a commercial air transport aircraft, public transport aircraft or non-military State aircraft, on receipt of a recommendation for its issue from an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(4) A national airworthiness review certificate may be issued by a continuing airworthiness management organisation approved under article 61.

(5) A national airworthiness review certificate may be issued under paragraph (3)(a) or paragraph (4) only when the CAA or the issuing 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

54.—(1) An aircraft with a national certificate of airworthiness must be maintained in accordance with—

(a) in the case of an aircraft which has a maximum total weight authorised of 2,730kg or less and is not a commercial air transport aircraft, public transport aircraft or non-military State aircraft, a maintenance programme declared by the owner of the aircraft in accordance with guidance issued by the CAA; or

(b) an aircraft maintenance programme approved in accordance with this article.

(2) The aircraft maintenance programme in paragraph (1)(b), and any amendments, must be approved—

(a) by the CAA; or

(b) in accordance with paragraphs (3) and (4).

(3) When the continuing airworthiness of the aircraft is managed by a continuing airworthiness management organisation approved in accordance with article 61, 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 61(2)(b).

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

55. Aircraft with a national certificate of airworthiness which are commercial air transport aircraft, public transport aircraft or non-military State aircraft must—

Status: Point in time view as at 13/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2016, PART 4. (See end of Document for details)

- (a) be managed by a continuing airworthiness management organisation approved in accordance with article 61; and
- (b) have any maintenance carried out by a maintenance organisation which is approved under article 48(1)(b).

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

56.—(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 the validity of a national airworthiness review certificate 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 certain aircraft which are not in a controlled environment

57.—(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 2,730kg or less.

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

(3) The validity period 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 validity period of a national airworthiness review certificate may be extended by—

- (a) an appropriately licensed engineer;
- (b) a continuing airworthiness management organisation approved in accordance with article 61; or
- (c) an aeroplane and rotorcraft maintenance organisation approved in accordance with article 62.

(5) The validity period of 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

58.—(1) This article applies to any aircraft with a national airworthiness review certificate which is not in a controlled environment and—

- (a) has a maximum total weight authorised of more than 2,730kg; or
- (b) is a commercial air transport aircraft, a public transport aircraft or a non-military State aircraft.

(2) The validity period 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 validity period of a national airworthiness review certificate may be extended by a continuing airworthiness management organisation approved in accordance with article 61.

(4) The validity period of 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

59.—(1) An airworthiness review referred to in articles 52 and 53 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 38, 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 36 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) when, in their reasonable opinion, a check flight is necessary, 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).

(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

60. An annual review referred to in articles 57(5) and 58(4) means a check to establish that the following has been accomplished—

- (a) all maintenance has been carried out in accordance with a programme mentioned in article 54(1);
- (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

61.—(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—

Status: Point in time view as at 13/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Air Navigation Order 2016, PART 4. (See end of Document for details)

- (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 CAA publication CAP 553 entitled “British Civil Airworthiness Requirements Section A - Airworthiness Procedures where the CAA has Primary Responsibility for Type Approval of the Product”^{F41} ... ^{M2}.
- (4) The continuing airworthiness management exposition and any amendments to it must be approved by the CAA.

Textual Amendments

F41 Words in art. 61(3) omitted (14.12.2017) by virtue of [The Air Navigation \(Amendment\) Order 2017 \(S.I. 2017/1112\)](#), arts. 1, **15**

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Approval of aeroplane and rotorcraft maintenance organisation

62.—(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

63.—(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 61; 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 it is carried out by a maintenance organisation which is approved under article 48(1)(b).

(5) Whenever circumstances reveal the existence of a potential safety threat, the CAA may 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 36.

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Point in time view as at 13/04/2022.

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