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STATUTORY INSTRUMENTS

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**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 [<sup>F1</sup>non-Part-21] glider unless flying on a public transport or commercial air transport flight;
- (b) a [<sup>F1</sup>non-Part-21] balloon flying on a non-commercial flight;
- (c) a [<sup>F1</sup>non-Part-21] kite;
- (d) a [<sup>F1</sup>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;
- [<sup>F2</sup>(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 <sup>F3</sup>...

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

(4) In the case of a [<sup>F5</sup>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 [<sup>F6</sup>a Part-21] aircraft registered in the United Kingdom, the certificate of airworthiness referred to in paragraph (1) is [<sup>F6</sup>a Part-21] certificate of airworthiness issued by the CAA.

(6) For the purposes of paragraph (1), a certificate of airworthiness includes [<sup>F7</sup>a Part-21] restricted certificate of airworthiness.

(7) An aircraft registered in the United Kingdom with [<sup>F8</sup>a 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 [<sup>F9</sup>Part-21] aircraft**

34.—(1) Subject to and in accordance with [<sup>F10</sup>article 70(1)] of the Basic <sup>F11</sup>... Regulation, the CAA may direct that [<sup>F12</sup>a 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; <sup>F13</sup>...
- <sup>F14</sup>(b) .....
- <sup>F15</sup>(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 <sup>F16</sup>Part-21 aircraft

**35.** <sup>F17</sup>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—

- (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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016,  
CHAPTER 1.